

**THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005**

**AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007**

**NOTIFICATION OF REFUSAL OF PLANNING PERMISSION**

**PROPOSALS:** Demolish existing dwellings and outbuildings, erect 4 dwellings with associated landscaping and parking.

**LOCATION:** Oakdean & Highgrove House, Rue Poudreuse, St. Martin.

**APPLICANT:** Oakdean Properties Ltd

I refer to the application referred to below received as valid on 03/10/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

**Date of refusal of permission:** 11/11/2022

**Drawing Nos:** PF+A Ltd: 7520-02 B1A, B2, B3, B4 & B5

**Application Ref:** FULL/2022/1948

**Property Ref:** J004230000+J00423A000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. By virtue of the floorspace of the development proposed the scheme would not represent a development that is of broadly the same floorspace as the approved subdivision scheme and is therefore contrary to Policy OC1 ii. of the Island Development Plan.

2. The proposed development, if permitted, would result in an undesirable spread of backland development which would not respect the local built environment and would represent a contrived development by virtue of the layout and orientation of units 2 and 3, with principal bedroom windows facing north and the use of high level rooflights only in the southern roofslope. The scheme does not represent a good standard of design nor, in relation to units 2 and 3, represent a development that has particular regard to location and orientation when taking into account the use of energy and resources. The scheme is therefore contrary to Policies GP8 a. and c., GP9 a. and OC1 v. of the Island Development Plan.

3. Proposed unit 3, by virtue of its proximity to and relationship with the dwellinghouse to the north of the application site would be likely to result in an unacceptable degree of overlooking and subsequent loss of privacy to that property, detrimental to the amenities enjoyed by the occupiers thereof. The scheme is therefore contrary to Policies GP8 d., GP9 b. and OC1 vi. of the Island Development Plan.

#### **OTHER REMARKS:-**

##### **Right of appeal against planning decisions**

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision.

##### **Copy of representations made**

In reaching this decision the Development & Planning Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

**A J ROWLES**

Director of Planning  
Planning Service



**PLANNING APPLICATION REPORT**

**Application No:** FULL/2022/1948  
**Property Ref:** J004230000+J00423A000  
**Valid date:** 03/10/2022  
**Location:** Oakdean & Highgrove House Rue Poudreuse St. Martin  
Guernsey GY4 6NN  
**Proposal:** Demolish existing dwellings and outbuildings, erect 4 dwellings  
with associated landscaping and parking.  
**Applicant:** Oakdean Properties Ltd

**RECOMMENDATION - Refusal with Reasons:**

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**REASONS FOR REFUSAL**

1. By virtue of the floorspace of the development proposed the scheme would not represent a development that is of broadly the same floorspace as the approved subdivision scheme and is therefore contrary to Policy OC1 ii. of the Island Development Plan.
  2. The proposed development, if permitted, would result in an undesirable spread of backland development which would not respect the local built environment and would represent a contrived development by virtue of the layout and orientation of units 2 and 3, with principal bedroom windows facing north and the use of high level rooflights only in the southern roofslope. The scheme does not represent a good standard of design nor, in relation to units 2 and 3, represent a development that has particular regard to location and orientation when taking into account the use of energy and resources. The scheme is therefore contrary to Policies GP8 a. and c., GP9 a. and OC1 v. of the Island Development Plan.
  3. Proposed unit 3, by virtue of its proximity to and relationship with the dwellinghouse to the north of the application site would be likely to result in an unacceptable degree of overlooking and subsequent loss of privacy to that property, detrimental to the amenities enjoyed by the occupiers thereof. The scheme is therefore contrary to Policies GP8 d., GP9 b. and OC1 vi. of the Island Development Plan.
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**OFFICER'S REPORT**

**Site Description:**

Oakdean and Highgrove are part of a terrace of properties situated to the east of Rue Poudreuse. To the rear of Oakdean is a two-storey pitched and single-storey mono-pitched roof extension and to the rear of Highgrove House is a catslide dormer, two-storey hipped roof extension and two and single-storey flat roof extensions. The

properties are two-storeys with sliding sash windows (timber and PVCu). A carriage arch exists at Oakdean providing vehicular access to the rear of the site. Both properties benefit from a vehicular access onto Rue Poudreuse however there is no division of the frontage area within the site. The roadside boundary is marked by a granite wall. A detached pitched roof outbuilding exists to the rear of Highgrove House, adjacent to the south site boundary.

The site is located Outside of the Centres as designated in the Island Development Plan.

#### **Relevant History:**

FULL/2020/0005 – subdivide two dwellings into four units of residential accommodation. Erect single-storey extension to east (rear) elevation, install rooflights to west (front) elevation and alterations to fenestration. Erect extension to east elevation of outbuilding adjacent to south boundary - granted

Pre-application advice was sought in this case expressing concerns that backland development would not be in keeping with the character of the locality and would not represent a good standard of design under Policy GP8.

FULL/2022/0104 - Demolish 2 existing dwellings and erect 4 dwellings (a semi to the road frontage and a further pair of properties behind) with associated parking and landscaping – granted

#### **Existing Use(s):**

01 dwellinghouse

#### **Brief Description of Development:**

The application relates to the demolition of the two dwellings, Oakdean and Highgrove House, and associated outbuildings and the construction of four dwellings on the site. A single dwelling is proposed fronting Rue Poudreuse designed to reflect the appearance of Highgrove House and others in the terrace. Three detached two-storey dwellings are proposed to the rear of the site, units 2 and 3 being identical in their external appearance and a 4<sup>th</sup> unit of a similar, more contemporary appearance. These units are shown to have a render and timber clad exterior along with dormers breaking through the eaves of a slate roof. It is noted that the application drawings describe units 2 and 3 as being 1 ½ storey and unit 4 as being 1 ¾ storeys.

The two vehicular access points are shown to be retained to provide an in and out access arrangement to the site and the access driveway to serve the rear of the site would be situated adjacent to the north site boundary. All off-road parking provision is shown to be situated to the rear of the site, with motorcycle parking to the front. The application form specifies that 8 off-road parking spaces will be provided. Each property is to be served by a shed and a refuse collection point is to be provided to the front of the site.

The application has been accompanied by a Design Statement, Site Waste Management Plan and GP9 Statement.

The Sustainability Report that accompanies this submission sets out that the proposal has been positioned and orientated to maximise natural light and to maximise solar gain. The proposed development has been developed to avoid overshadowing of the neighbouring properties and with large roof areas that could be used for PV cells. Confirmation is provided that the parking areas will include electric vehicle charging points with permeable paving for the access road and parking areas. It is also stated that the renovation of old buildings may have compromised thermal efficiency but that new buildings will minimise heat loss and energy usage.

**Relevant Policies of any Plan, Subject Plan or Local Planning Brief:**

Island Development Plan:

OC1: Housing Outside of the Centres

GP8: Design

GP9: Sustainable Development

IP6: Transport Infrastructure and support facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

**Representations:**

None.

**Consultations:**

Traffic and Highway Services commented on the 2020 application and concluded by stating that there were no traffic management grounds to oppose the application. From a road safety perspective, the sightline of oncoming traffic meets the recommended standards and THS raised no objections to the application.

**Summary of Issues:**

The key issues in this case relate to the principle of the proposed development, the impact of the development on the amenities (overlooking/sunlight/daylight) of surrounding residential properties, the future living environment of occupiers of the development and the acceptability of the access arrangements and parking provision.

**Assessment against:**

**1 - Purposes of the law.**

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

## **2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**

### Principle of development

Policy OC1 provides a policy gateway for the demolition and redevelopment of a building that has previously been granted permission to be subdivided. In this case, Planning permission has been granted under planning reference FULL/2020/0005 for the subdivision of the two dwellings into four therefore OC1 i. has been satisfied. The principle of development in depth on this site has also been established through the grant of permission under FULL/2022/0104.

### Floorspace and Volume

The Area Analysis specifies in the accompanying text that the floor area of the proposed scheme would be 443 sqm however the blue unit plans shown have a combined floor area of 465 sqm. Based on the 465 sqm figure the floor area would increase by 23% over the approved conversion scheme. The volume would increase by 20.7%. Overall, this does not represent a scheme of broadly the same floorspace and volume contrary to OC1 ii.

### Design

The existing buildings occupy a corner plot, but Highgrove House in particular is in poor condition. As part of a terrace of properties the dwellings do not make a particular positive contribution to the character of the area (OC1 iii). The principle of their demolition has been established through the grant of permission earlier in 2022.

The frontage property has been designed to be of a similar design and scale to other properties in the area and is traditional in design and appearance and would make an equal or enhanced contribution to the character of the area. Those to the rear introduce a more contemporary design approach and represent a good standard of design that respects the local built environment.

Unit 1 would be situated on the part of the site where Highgrove House is currently positioned which represents a continuation of the staggered frontage ribbon development that exists to the east of this part of Rue Poudreuse and reflects the character of the area (OC1 v. and GP8 c.). The one and a half storey properties to the rear have been designed with a render and timber clad exterior (materials approved as part of the earlier redevelopment scheme). The scheme, in this regard, represents a good standard of architectural design (GP8 a. and c. and OC1 v.).

Although the scheme would introduce development in depth, where none currently exists, the site is capable of accommodating further development. Nonetheless, whereas the earlier scheme saw a pair of semi-detached properties to the rear of the site the current scheme sees development spread across the entire rear part of the site which would not respect the local built environment and does not represent a good standard of design. Furthermore, units 2 and 3 represent a contrived form of

development through the internal layout (north facing bedroom windows and high level south facing rooflights) which does not represent a good form of sustainable development in order to mitigate the potential for overlooking and loss of privacy to the occupiers of dwellings to the south of the site. In this respect therefore, the scheme is contrary to Policies GP8 a., c. and OC1 v.

The proposals relate to multi-storey development which represents efficient and effective use of land (GP8 b.) As submitted, the drawings do not show ramped accesses in order to achieve level thresholds to each dwellings (GP8 f.) however, the development will require a level threshold to each unit in order to comply with current Building Regulations and therefore the scheme can achieve the aims of this aspect of the Plan. Furthermore, all ground floor accommodation is on a single level thereby offering accessibility within the building for people of all ages and abilities. The scheme also incorporates ground floor bedrooms to offer more accessible accommodation (GP8 g.).

The scheme has not been accompanied by a comprehensive landscaping scheme but does show notional landscaping on the proposed block plan. Soft landscaping proposals would enhance the development and its contribution to the character of the area. Hard (permeable paving) and soft landscaping and boundary treatments can be controlled by planning condition.

#### Mix and type of accommodation

A Plan objective of the IDP is to achieve and promote a broad range of housing development to ensure an appropriate amount, mix and type of housing. Analysis of the Guernsey housing market has been carried out and identifies additional requirement for one, two and three bedroom units. Unit 4 as proposed would introduce a four bedroom unit of accommodation on the site contrary to Plan Objective 5 of the IDP.

#### Residential Amenity

Given the position of Highgrove House and Oakdean, to the north of other properties in the terrace, the replacement dwellings will not result in unacceptable overshadowing or loss of light to the occupiers of adjoining dwellings to the south. The high north boundary wall and siting of the dwelling to the northeast of the development ensures that the scheme will not result in unacceptable overshadowing or loss of light to the adjoining dwellings.

There is ample distance between unit 1 and dwellings across the road so as not to result in unacceptable mutual overlooking or loss of privacy. The siting of unit 1 is such that the building affords privacy to the immediate rear of the dwellings to the south. Although some views across the rear garden will be gained from the first and second floor windows of unit 1 this will not substantially alter from the existing situation on site and would not warrant the refusal of planning permission.

The principle of development in depth has been established which would introduce overlooking where none currently exists. It is noted that boundary landscaping is to be

retained/enhanced. The previously approved scheme saw the dwellings orientated with fenestration to the east and west however, the current proposal would introduce principal fenestration to the north of units 2 – 4. To the north and south, ground floor windows/doors can be managed by existing or exempt boundary treatments or landscaping which can be controlled by condition. The south elevation of units 2 and 3 would be served by high level rooflights to manage the potential for overlooking and loss of privacy whilst unit 4 is orientated so that no first floor fenestration is proposed to the south elevation. A landing and windows serving two bedrooms would be introduced in the north elevation of units 2 and 3 facing the access driveway. The dwellings are situated approximately 6m from the north site boundary and unit 3 would be approximately 24m from the rear of the adjoining property to the north but which would face across the most private part of the site given the fact the road wraps around the front of the site.

The spread of development across the site with multiple first floor windows now facing north, particularly unit 3, would increase the potential for overlooking and perceived overlooking to the private garden and conservatory associated with this adjoining dwelling contrary to Policies GP8 d., GP9 b. and OC1 vi. of the Island Development Plan.

The principle of a driveway and off-road parking to the rear of the site has been established. Although each property would benefit from its own area of off-road parking it is all set away from the south boundary in order to limit the impact of vehicles accessing the parking spaces on the amenities of the occupiers of the adjoining dwelling. A notional landscaping strip is proposed along the north boundary, widening towards the eastern end of the drive. The existing high wall and further landscaping will ensure that the driveway, serving a limited number of units, will not have an unacceptable impact on the amenities of the occupiers of the dwelling to the north.

#### Health and well-being of future occupiers

The relationship between the proposed dwellings is such that they will not result in overshadowing or loss of light. The separation between properties and their proposed internal layouts also ensures that the potential for mutual overlooking and loss of privacy is kept within acceptable limits. The provision of appropriate boundary treatments between the dwellings, as indicated, will ensure that an area of private space is provided for each of the proposed dwellings. Given the number of dwellings proposed, the vehicle movements will be low and will not result in unacceptable noise and nuisance that would undermine the enjoyment of the amenity space to the rear of units 1 and 2 (GP8 d.).

The dwellings have been designed to provide adequate sunlight and daylight to the accommodation proposed although, as outlined elsewhere in this report units 2 and 3 do not satisfactorily address sustainability matters due to the orientation of the buildings with principal windows facing north. All units have been provided with a satisfactory area of external amenity space that would not be unduly affected by vehicles accessing the site (GP8 d.)

### Sustainable Development

The scheme refers to ways in which the development would maximise natural light and solar gain however, bedrooms to units 2 and 3 would have the principal window facing north and only secondary, high level rooflights in the south elevation, due to issues relating to potential overlooking. As a result this aspect of the development does not represent a development that has particular regard to location and orientation taking into account the use of energy and resources and a sustainable form of development contrary to Policy GP9 a.

The design and layout of units 1 and 4 and other aspects of the Sustainability Report such as the use of PV cells, not shown on the application drawings but which could be controlled by condition, and the provision of electrical charging points and permeable paving would all contribute towards sustainable design in accordance with Policy GP9.

The proposal has been accompanied by a Site Waste Management Plan which satisfactorily addresses the disposal of waste from the site. Further details regarding site waste can therefore be managed by planning condition.

### Parking and highway safety

The provision of two off-road parking spaces per unit along with two motorcycle parking spaces to serve the development would be satisfactory. The scheme shows the provision of a shed to serve each dwelling and this makes provision for secure and sheltered cycle parking as required by Policy IP6 and to encourage the use of alternative modes of transport to the private car. It would be reasonable to impose a condition relating to the appearance of the proposed outbuildings and their provision to ensure that there is the availability for cycle parking (IP7).

The increased use of the access was assessed as part of the earlier schemes. The use of the accesses associated with this development would not intensify to such a degree nor increase traffic generation on the local road network to such an extent that it would warrant the refusal of planning permission. Furthermore, the scheme retains the previously approved in and out access arrangement which represents an improvement over the existing arrangement where the access adjacent to the north site boundary has extremely poor visibility onto Rue Poudreuse (IP7), and this can be required by way of a planning condition.

### **3 - General material considerations set out in the General Provisions Ordinance.**

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

**4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The proposal would have no adverse impact on protected trees, buildings or sites.

**Date:** 10 November 2022