

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: Erect detached 1.5 storey garage/games room to north-east boundary.

LOCATION: Land Opposite, Ocean Echoes, Rue De La Rocquette, Castel.

APPLICANT: Mr S Holland

I refer to the application referred to below received as valid on 05/10/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 18/04/2023

Drawing Nos: Turnstone Architecture - 314-25 Rev P3, 314-26 Rev P3.

Application Ref: FULL/2022/1970

Property Ref: D005530000

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. Situated on the opposite side of the access road Rue De La Rocquette, the proposed garage/games room is not well related to the existing dwelling. The distance to the dwelling and the layout of the site, including existing boundary treatments along Rue De La Rocquette, provides further separation. Notwithstanding the details submitted regarding the proposed use of the garage/games room, when combined with the floor area of the previously approved garage/home office which is currently under construction, the combination of the siting, size and nature of the proposed garage/games room gives the impression that the proposal would form a separate planning unit and would not be ancillary to the existing dwelling. It has not been demonstrated that the proposal constitutes householder development ancillary to an existing dwelling and therefore the proposal does not accord with Policy GP13.

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/2022/1970
Property Ref: D005530000
Valid date: 05/10/2022
Location: Land Opposite Ocean Echoes Rue De La Rocquette Castel
Guernsey
Proposal: Erect detached 1.5 storey garage/games room to north-east
boundary.
Applicant: Mr S Holland

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. Situated on the opposite side of the access road Rue De La Rocquette, the proposed garage/games room is not well related to the existing dwelling. The distance to the dwelling and the layout of the site, including existing boundary treatments along Rue De La Rocquette, provides further separation. Notwithstanding the details submitted regarding the proposed use of the garage/games room, when combined with the floor area of the previously approved garage/home office which is currently under construction, the combination of the siting, size and nature of the proposed garage/games room gives the impression that the proposal would form a separate planning unit and would not be ancillary to the existing dwelling. It has not been demonstrated that the proposal constitutes householder development ancillary to an existing dwelling and therefore the proposal does not accord with Policy GP13.

OFFICER'S REPORT

Site Description:

The site comprises of a detached dwelling with a detached garage and associated domestic land situated to the north-west of Rue De La Rocquette and an area of domestic land situated to the south-east of Rue De La Rocquette which is physically separated from the dwelling by the access road Rue De La Rocquette. A detached 1½ storey garage/home office is currently under construction on the land to the south-east of Rue De La Rocquette.

The land to the south-east of Rue De La Rocquette is bounded on 3 sides by neighbouring residential properties, the fourth side is bounded by the access road, Rue De La Rocquette. The site is Outside of the Centres.

Relevant History:

08/09/2022 – PREA/2022/1445 – Pre-application advice regarding erect a garage block.

22/11/2021 – FULL/2021/2107 – Permission granted to erect 1½ storey garage/home office to south-west boundary.

29/07/2021 – FULL/2021/0585 – Permission refused to erect detached 1½ storey garage/workshop and home office, alter vehicular access and erect gate and earthbank.

30/07/2020 – FULL/2020/0238 – Permission granted for the change of use of agricultural land to domestic garden.

06/08/2019 – FULL/2019/1259 – Permission granted for the temporary change of use of agricultural land to storage and parking (retrospective).

D550

23/08/2019 – FULL/2019/1372 – Permission granted to erect garage, home office/studio and outdoor kitchen to west of dwelling.

23/11/2018 – FULL/2018/2578 – Permission granted for the change of use of agricultural land to domestic garden.

10/01/2017 – FULL/2016/2890 – Permission granted for variations to plans previously approved to extend domestic curtilage and erect rear extension - Revised extension.

06/10/2016 – FULL/2016/0922 – Permission granted to extend domestic curtilage and erect rear extension.

16/05/2016 – FULL/2016/0628 – Application refused to extend domestic curtilage and erect rear extension.

25/04/2014 – FULL/2014/0864 – Permission granted to erect an oak framed car port to front of property.

26/09/2013 – FULL/2013/2316 – Permission granted to extend domestic curtilage and erect earth banks and gate to front of property and remove existing greenhouse wall to rear of property (retrospective).

01/05/2012 – FULL/2012/0669 – Permission granted to demolish existing and erect replacement dwelling.

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to erect a detached 1½ storey garage/games room with a total floor area of approximately 150sqm along the north-east boundary of the parcel of domestic land to the south-east of Rue De La Rocquette.

In support of the proposal it is advised that the garage/games room will be used for the storage of private cars by the applicant and their father with the first floor providing a hobby/games room for the applicant's children. The proposed garage/games room is intended to replace a detached garage, home office/studio situated to the south-west of the dwelling and to the north-west of Rue De La Rocquette which was approved in August 2019 (FULL/2019/1372) but which has now expired without works commencing.

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

GP1 - Landscape Character and Open Land

GP8 - Design

GP9 - Sustainable Development

GP13 – Householder Development

Representations:

One letter of representation was received which states that the property should take full account of the Strategy for Nature net gain principal and local experts should be contacted to ensure that any planting is native.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

- Whether the proposal is ancillary to the existing dwelling.
- Design and impact of the development on the character and openness of the area.
- The impact of the development on the amenity of people living in the area.

Assessment against:

- 1 - Purposes of the law.
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.
- 3 - General material considerations set out in the General Provisions Ordinance.
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

Policy GP13 indicates that proposals for extensions and alterations to existing residential properties will be supported subject to certain criteria being met including with regards to the impact on the amenities of neighbouring properties, taking into account the surrounding character and where they accord with all the relevant policies of the Island Development Plan. In this instance Policies GP1, GP8 and GP9 are also relevant. In addition, the preceding text of Policy GP13 refers to the need to consider the material planning considerations as specified in Part IV, Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007. These include the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used, as well as its likely effect on the character and amenity of the locality in question and its likely effect on the reasonable enjoyment of neighbouring properties.

Planning permission was granted to demolish and rebuild the dwelling in 2012. A series of permissions have subsequently been granted and completed to extend the dwelling, to erect outbuildings and to extend the domestic curtilage. Planning permission was granted to change the use of the land to the south-east of Rue De La Rocquette (the land the subject of this application) into domestic land in association with the dwelling La Rocquette in July 2020 (FULL/2020/0238). An application was refused in July 2021 (FULL/2021/0585) to erect a detached 1½ storey garage/workshop and home office on this parcel of land on the basis that the scale and design of the development did not constitute householder development ancillary to the existing dwelling. A subsequent application for a smaller 1½ storey garage/home office was approved on this parcel of land in November 2021 (FULL/2021/2107) and is currently under construction. In addition, planning permission was granted in August 2019 (FULL/2019/1372) to erect a detached garage, home office/studio totalling approximately 140sqm (application form stated 170sqm but measurements of floor plans indicate 140sqm) to the south-west of the dwelling and the north-west of Rue De La Rocquette, however, the planning permission has now expired without works commencing.

The design and materials of the garage/games room is similar to the approved garage/home office which is currently under construction (FULL/2021/2107). The location of the garage/games room adjacent to a neighbour's dwelling would have a minimal impact on the open character of the area. The inclusion of obscure glazed and fixed ground floor windows and high level rooflights in the north-east elevation would prevent overlooking of neighbouring properties. Although situated along the boundary with and to the south-west of a neighbouring property, due to the layout of the neighbouring property, the garage/games room is unlikely to have a significant overshadowing or overbearing effect.

Situated on the opposite side of the access road Rue De La Rocquette, the proposed garage/games room is not well related to the existing dwelling. The distance to the dwelling and the layout of the site, including existing boundary treatments along Rue De La Rocquette, provides further separation.

Notwithstanding the details submitted regarding the proposed use of the garage/games room, when combined with the floor area of the previously approved garage/home

office which is currently under construction (FULL/2021/2107), the combination of the siting, size and nature of the proposed garage/games room would result in the development competing with the existing dwelling and it gives the impression that the proposal would form a separate planning unit and would not be ancillary to the existing dwelling. It has not been demonstrated that the proposal constitutes householder development ancillary to an existing dwelling and therefore the proposal does not accord with Policy GP13.

Notwithstanding the comments in the letter of representation, there are no planning policy requirements for the proposed development to achieve a net biodiversity gain.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

It is recommended that the application is refused.

Date: 14/04/2023