

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 4 dwellings with associated landscaping, parking and bins stores (protected building).

LOCATION: Flemington, Doyle Road, St. Peter Port.

APPLICANT: Mr & Mrs B Conlon

I refer to the application referred to below received as valid on 17/10/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 13/03/2023

Drawing Nos: DLM drawing no's: 1146_4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 & 17.

Application Ref: FULL/2022/2051

Property Ref: A203110000

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. The proposed dwellings, by virtue of their excessive scale, height, bulk, mass and relationship with the adjoining properties would result in an unacceptable degree of overshadowing and corresponding loss of outlook from the adjoining property, La Tourtouvelles, detrimental to the amenities enjoyed by the occupiers thereof.

Furthermore, the mansard style roof design adopted to maximise space, scale and mass of the proposed buildings would not represent a high standard of design that would respect the character and appearance of the Conservation Area contrary to Policies GP4, GP8 and GP9 of the IDP.

The scheme does not therefore represent a high standard of design and is contrary to Policies GP8 a. and d., GP4 and GP9 b. 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/2022/2051
Property Ref: A203110000
Valid date: 17/10/2022
Location: Flemington Doyle Road St. Peter Port Guernsey GY1 1RF
Proposal: Erect 4 dwellings with associated landscaping, parking and bins stores (protected building).
Applicant: Mr & Mrs B Conlon

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

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OFFICER'S REPORT

Site Description:

Flemington is a 19th Century two and a half storey end of terrace dwelling set back from Doyle Road. The property has a mainly stone façade to the front, multi-pane sash windows and a captains dormer set behind a front parapet wall. An early 20th Century two-storey flat roof element with two-storey bay exists to the side/north of the property. The side and rear elevations have a rendered finish and a conservatory has been erected to the rear. A small dormer and rooflight appear in the rear roofslope of the property. Vehicular access is via an entrance adjacent to the south boundary and with an area of parking to the front. Gates are situated to the side of the property allowing vehicular access to the rear.

In the wider context it forms part of a row of houses, all following a consistent front building line, fronting onto Doyle Road. Doyle Road is separated by boundary walls and front gardens approx. 9m deep, which have domestic scale landscape and car parking.

A wall and fence mark the common boundary with Ty-Gwyn to the south, a property with two first floor windows in the side elevation facing the application site and a single ground floor window set behind the common boundary wall. To the south of the site is also La Grange with gardens and a greenhouse situated adjacent to the common boundary and with various buildings situated in the southeast corner of the garden. In the southwest corner of the site is a garden store/shed. The north boundary is marked by a granite wall and this forms the boundary with both the residential property, The Jungle and Doyle Motors. A yard associated with the commercial premises is situated at a lower level and adjacent to the common boundary. It appears to be utilised as a parking area associated with the car workshop that exists on the site. A glasshouse is situated on the west boundary and beyond that a dwelling currently known as La Tourtouvelles.

The site is located in the Main Centre and Conservation Area as designated in the Island Development Plan. Flemington is a Protected Building (whole of the building and roadside wall).

Relevant History:

Pre-application advice was sought in this case.

FULL/2021/0822 - Remove section of hedge, reduce height of east roadside wall and relocate existing pillar (north of driveway). (Protected Building) – granted

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application proposes the erection of two pairs of semi-detached houses with open plan living, kitchen and dining along with a utility and WC on the ground floor, two bedrooms and a bathroom on the first floor and an en-suite bedroom, store and study on the second floor. The buildings have been designed with a mansard-style roof with solar panels and the exterior palette of materials would comprise render and timber clad front, rear and inner gable elevations whilst the outer gable ends would be 'green' walls.

Access would be shared with Flemington, from Doyle Road and an on-site passing place and hammerhead turning area adjacent to the rear garden area of Flemington. The drawings show tandem parking spaces to serve each dwelling and one visitor space. Parking for Flemington would remain to the front of the site. Sheds are indicated to be provided in the garden areas south of each property to offer secure and covered cycle storage. A communal bin store is proposed in the northeast corner of the site.

The application confirms that a sprinkler system would be installed to serve the two rearmost units proposed.

The submission has been accompanied by a Waste Management Plan and a Sustainability Checklist and Statement.

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

Island Development Plan policies:

MC2: Housing in Main Centres and Main Centre Outer Areas

GP4: Conservation Areas

GP5: Protected Buildings

GP7: Archaeological Remains

GP8: Design

GP9: Sustainable Development

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

Two letters of representation have been submitted and raise the following points:

- The development will generate noise and disturbance during the construction phase and will result in additional noise within the area.
- With other recent developments in the area this will contribute to overdevelopment within this location.
- The design and character of the proposed houses is not in keeping with the period of architecture in the road
- Vehicles accessing the site will generate vehicle fumes and noise nuisance, harmful to adjoining residents
- The three-storey houses will overlook adjoining gardens and windows/doors/conservatory of Launceston House and Ty Gwyn
- Aspects of the scheme will be directly visible from neighbouring properties and vice versa
- There is no guarantee existing landscaping will be retained
- The access to the proposed site is not large and is not suitable for the development to allow two vehicles to pass when exiting/entering the site at the same time nor does it take into account pedestrians accessing the site.
- Doyle Road is very busy particularly during rush hours, traffic from the site will contribute to this
- It would be more appropriate to access the site (traffic and pedestrians) from Brock Road or via the Old Ford Garage site
- There has been existing drainage issues within the area, how will it accommodate four extra properties
- Neighbouring properties have suffered from subsidence
- Impacts on local nature and wildlife.

Consultations:

States Archaeologists - The site to be developed has been relatively undisturbed for over 200 years and may harbour as yet unknown archaeological potential. Due to the scale of the proposed development, I would be grateful if you could place an informative notice on any approval to the effect that the Assistant Archaeologist should be contacted if anything of archaeological interest is uncovered during the groundworks.

Traffic and Highway Services – no comments received at time of determination.

Summary of Issues:

The key issues in this case relate to the design and appearance of the proposed development, its impact on the character and appearance of the Conservation Area and on residential amenity with regard to overshadowing and loss of privacy.

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.

The purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

Section 38 of the Law explains the general functions of authorities in respect of conservation areas. This states that:

In the exercise, with respect to any building or other land in a conservation area, of any powers under this Law or any other enactment, special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that area.

In respect of these statutory duties, the word 'preserve' is taken in its ordinary meaning as set out in Chamber's dictionary, which is 'to keep safe from harm or loss'.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely. Relevant policies will be addressed below in assessing the key issues.

Section 13 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, sets out a number of general material considerations, the following of which are considered to be relevant in this instance:

- (b) the character and quality of the natural and built environment which is likely to be created by the development,
- (c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,
- (d) the likely effect of the development on the character and amenity of the locality in question,

As the site is located in the Main Centre there is provision within the Island Development Plan for new housing and this offers a gateway for the proposed development.

The dwellings would have gardens to the south approximately 6m deep and whilst ground floor windows and doors can be screened by exempt or existing boundary treatments the scheme would introduce first and second floor windows where none currently exist. It is noted that an element of mutual overlooking will currently exist between properties and their rear gardens in this urban location but the scheme would intensify this. Eight first floor and four second floor windows are proposed in the south elevations of the development. The first-floor windows to each property would serve a single bedroom and the second floor window a study. Eight first and eight second floor windows are proposed in the north elevation of the development serving bedrooms and bathrooms. Possible views to the rear garden areas of properties to the north and south of the site fronting Doyle Road would be oblique only and would not result in unacceptable overlooking and loss of privacy given that the views would be of the most remote part of the gardens from the house.

The proposed development would be between 1.1m and 2.4m from the west boundary and as designed would be three-storeys in height (8m). The area between La Tourtouvelles and the application site boundary appears to currently be hardsurfaced with an area of soft landscaping being developed abutting the common boundary. A window is also situated in the east gable of the property facing the proposed site, the gable/roof of which is visible from the application site. A patio/seating area exists to the south of this property. The proposed development would not result in overlooking and loss of privacy to the west given the blank gable end wall serving the development however, it would have a detrimental impact on the amenities of the occupiers of this neighbouring dwelling given its scale and mass which will overshadow and represent a dominant form of development contrary to Policy GP8 a. and d. and GP9 of the IDP.

The proposed dwellings would not result in unacceptable overlooking, loss of privacy, overshadowing or loss of light to the yard at Doyle Motors to the north or the garden at Grange Lodge Hotel to the south in line with the aims of Policies GP8 and GP9 of the IDP.

The three-storey dwellings proposed would offer multi-storey development to make efficient and effective use of land and being situated to the rear of Flemington and other properties in Doyle Road the development would not be highly publicly visible in the

Conservation Area. The proposed access road will be visible in the Conservation Area however, the existing site access and driveway to side gates are also visible. The alterations and extension of the driveway to serve the development will not negatively affect the character and appearance of the Conservation Area.

The proposed dwellings will be 8m high with a flat roof in order to achieve the level of accommodation proposed without further increasing the overall height of the buildings. The palette of materials would be acceptable in this location and would respect the local built environment however, the mansard style roof design adopted to maximise space, scale and mass of the proposed buildings would not represent a high standard of design that would respect the character and appearance of the Conservation Area contrary to Policies GP4, GP8 and GP9 of the IDP.

The development meets the aims of GP8 and Annex I of the IDP with regard to internal space provision, privacy for occupiers, aspect, outlook and daylight. The south boundary wall is over 3m high in the southwest corner of the site and will result in overshadowing particularly to the gardens of units 1 and 2. To the south of units 3 and 4 the boundary wall reduces in height to no more than 2m and as a result the overshadowing generated would be proportionately less. The scheme would not however, accord with Policy GP8 in this respect. Notwithstanding this, the site is situated in a sustainable location within walking distance of public open space such as Candie Gardens and Cambridge Park thereby offering adequate access to external open space when considering the aims of the IDP and Annex and, on balance, the scheme is considered satisfactory in this respect.

Overall the development provides accessible and adaptable accommodation able to respond to the needs of occupiers over time.

Concerns have been raised regarding additional traffic movements to the site. The provision of a passing place should avoid the need for vehicles to reverse out into the highway, a one way road. The development does not represent an unacceptable intensification of the use of the site access on highway safety grounds and provision, in the form of a traffic light system as used elsewhere, could be utilised to address some concerns raised. The distance of the development from the highway would also exceed the maximum distance for a fire appliance to access the site and it is noted that sprinkler systems are proposed.

The limited number of vehicle and pedestrian movements with good visibility along the length of the driveway is satisfactory. It would be unreasonable to withhold planning permission on these grounds. Should the scheme be otherwise acceptable, it would be reasonable to impose a condition relating to external lighting. Lighting is likely to be necessary to comply with the Building Regulations however the effect of lighting on adjoining residents must also be considered.

The level of off-road parking provision is satisfactory having regard to the Supplementary Planning Guidance and the scheme has been designed to allow vehicles to turn on site and leave in a forward gear in line with Policies IP7 and IP9. Each property is also shown to include a shed in the garden area which will serve as secure

and covered cycle parking in accordance with Policy IP6. The provision of parking and turning and refuse and recycling storage can be managed by condition.

The scheme incorporates solar panels to the flat roof, permeable paving, a living wall and EV charging points which demonstrates consideration has been given to the requirements of Policy GP9. These matters can be required to be provided by way of planning condition to ensure the commitment to sustainable development is provided within the completed development.

The proposed development would be situated approximately 40m from the Protected Building. Aside from the access road the development will not be inter-visible in public views of the protected building, it will however, be inter-visible in non-public views from the existing rear garden and the effect of the development on the setting of the Protected Building is slight. The development will also provide houses which would contribute, marginally, to the identified need for housing and the benefit of which, in this case, outweighs the harm to the setting.

Concerns have been raised through the public consultation process regarding the cumulative impact of development on the local area. Through the Island Development Plan this site falls within an area where additional residential development is acceptable in principle and the development does not represent an unacceptable intensification in the use of the site.

Matters relating to subsidence and drainage would need to be managed through the Building Control process and may ultimately be private matters that cannot prevent the grant of planning permission.

In view of the above it is recommended permission is refused for the proposed development due to issues relating to the design, scale and mass and impact on an adjoining property.

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 or sites.

Date: 10 March 2023

