

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: Install/alter fenestration to north and west elevations and internal alterations. (Protected Building).

LOCATION: Les Abreuveurs, Les Abreuveurs Road, St. Sampson.

APPLICANT: Mr & Mrs S Harty

I refer to the application referred to below received as valid on 10/11/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 22/03/2023

Drawing Nos: Jason Hobbs Architectural Services Ltd: 6251/B/5 & /6.

Application Ref: FULL/2022/2076

Property Ref: B014220000

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 application submission does not provide sufficient detail relating to the installation of the proposed attic floor insulation nor does it clearly specify whether any works are proposed or necessary to the west, attic staircase. As submitted therefore the Authority cannot be confident and satisfied that the proposed development would not result in the loss of important features from the Protected Building, Les Abreuveurs which is of architectural and historic interest. The scheme does not therefore, comply with the aims and requirements of Policy GP5: Protected Buildings 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/2022/2076
Property Ref: B014220000
Valid date: 10/11/2022
Location: Les Abreuveurs Les Abreuveurs Road St. Sampson Guernsey
GY2 4XB
Proposal: Install/alter fenestration to north and west elevations and
internal alterations. (Protected Building).
Applicant: Mr & Mrs S Harty

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The application submission does not provide sufficient detail relating to the installation of the proposed attic floor insulation nor does it clearly specify whether any works are proposed or necessary to the west, attic staircase. As submitted therefore the Authority cannot be confident and satisfied that the proposed development would not result in the loss of important features from the Protected Building, Les Abreuveurs which is of architectural and historic interest. The scheme does not therefore, comply with the aims and requirements of Policy GP5: Protected Buildings of the Island Development Plan.

OFFICER'S REPORT

Site Description:

Les Abreuveurs is a detached two and a half storey dwelling with 1/1 sliding sash windows, three dormer windows and a two-storey flat roof bay to the front. A decorative canopy exists above the front door along with quoin details to the corners of the building. A two-storey flat roof extension has been erected across the entire rear of the building which has PVCu windows installed. A pitched and flat roof single-storey side extension with large areas of glazing is situated to the west of the main house and was constructed between 1962 and 1974.

A detached, pitched roof garage building exists to the rear/north of the dwelling and is situated close to the rear of the main house.

The site is located Outside of the Centres as designated in the Island Development Plan and the property is a Protected Building.

Relevant History:

None.

Existing Use(s):

01 dwelling house

Although reference has been made to the use of the building as a House in Multiple Occupation there is no record of planning permission having been sought or granted for change of use and the recognised planning use of the building remains as a single dwelling house.

Brief Description of Development:

The application relates to alterations to the large areas of glazing currently serving the single-storey extension to the west of the property with the partial infilling of windows/doors and the provision of cladding (shown on elevations) or render (shown on typical wall detail) below casement windows (timber or PVCu not explicit but description of double-glazed units implies PVCu).

The scheme also proposes internal alterations to the Protected Building which include the erection of a partition wall to form a plant/boiler room within the utility room, and a new mechanical vent from the ground floor kitchen to the rear of the property. At first floor level a new studwork wall is proposed to subdivide a bedroom from the hallway accessing the second-floor accommodation. At second floor level studwork walls are proposed to separate a proposed bedroom from the existing staircase along with a second wall proposed in connection with the formation of a bathroom in the centre of the roofspace which also requires a section of existing wall to be demolished to provide access from part of the existing loft space. A mechanical vent is proposed through the front roofslope serving the proposed bathroom.

The scheme also proposes to upgrade the existing roof by introducing insulation between the rafters and to insulate between and over floor joists.

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

Island Development Plan policies:

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the impact of the works on the fabric and special interest of the Protected Building and on the character of the locality.

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 34 of the Law explains the general functions of authorities in respect of protected buildings. This states that:

It is the duty of any department of the States when exercising its functions under this Law –

(a) to secure so far as possible that the special historic, architectural, traditional or other special characteristics of buildings listed on the protected buildings list ("protected buildings") are preserved, and

(b) in particular, in exercising its functions with respect to a protected building or any other building or land in the vicinity of a protected building, to pay special attention to the desirability of preserving the protected building's special characteristics **and setting** [emphasis added].

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,

Section 15 clarifies that the considerations referred to in paragraphs (b) and (c) of section 14 also apply to protected buildings.

The submission does not address the special interest of the protected building other than a description of the proposed alterations and explanation that these have been designed to respect the building and avoid any structural changes.

Installing insulation to the attic roofs would have a minor impact with neutral/slight effect on overall special interest and is a reasonable aspiration of the property owner having regard to Policy GP5. However, the proposals also include insulation to the attic floor but how this is to be achieved is not clearly set out in the original submission. As this can have a significant impact on the fabric of the protected building, the application was deferred in order for this matter to be addressed. At the time of determination however, no further information or clarification had been provided. As a result, it is not possible to establish whether historic floorboards would be removed and the harm this may cause to the special interest of the Protected Building therefore the scheme as submitted does not satisfactorily address the requirements of Policy GP5.

The drawings also note that the attic staircase is not compliant with current Building Regulations but does not specify whether any alterations are proposed to the staircase. Given the fact that this is noted on the drawings and no explanation as to how this will be overcome to meet building control requirements to enable habitable accommodation within the roof space as proposed has been forthcoming, it is not possible to ensure that there would be no harm to the special interest of this part of the Protected Building contrary to Policy GP5 of the IDP.

The proposed insulating works, partition walls on the first and second floor level and breakthrough to a new bathroom are proposed in connection with the existing attic/storage space to be brought into active and habitable use. Consideration should be given therefore to the living environment/health and well-being of occupiers of the space. The works to the interior of the building will enable better use of the space available offering more flexible accommodation that can respond to the needs of occupiers over time. However, given the above it is not clear that access to this space could be satisfactorily obtained without damaging the fabric of the protected building. Whilst therefore the habitable accommodation shown to be accommodated within the roof space would be considered acceptable, meeting the requirements of Policy GP8 and Annex I of the IDP, the ability to deliver suitable access to this accommodation raises significant concern in relation to policy GP5. Whilst it is acknowledged that no additional floor space is being proposed as the attic floor is currently in existence and accessible by the existing staircase, this is for the purposes of storage and as such access

requirements in terms of building control requirements are different in relation to these different uses. Without detailing in relation to the actual works necessary to the protected building to accommodate this additional habitable accommodation, it is not possible to support these elements of works.

The single-storey extension to the west of the building was in situ by 1974 and is of low interest. The alterations proposed would have a moderate impact with resultant effect on overall special interest being slight (assessed against BS 7913:2013). The works to the extension represent a good standard of design that will not result in harm to the character and appearance of the locality or residential amenity in line with Policies GP8 and GP13 of the IDP.

The insertion of a partition at first floor level and the landing partitions at second floor level and the installation of a second-floor bathroom will have a minor impact on the value of these parts of the interior of the Protected Building. The resultant effect on special interest would be neutral/slight. These works represent the reasonable aspirations of the property owner which outweigh the harm to overall special interest in accordance with Policy GP5.

In conclusion, despite requesting additional information during the course of the application, the lack of information/clarity regarding the floor insulation and west staircase is such that the scheme cannot be fully assessed against Policy GP5 and the scheme may result in harm to the special interest of the Protected Building contrary to the aims of that policy.

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: 20 March 2023

