

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 dwelling and outbuilding, erect 3 dwellings with associated landscaping and parking and widen vehicle access to west boundary.

LOCATION: La Rochelle Villa, Vale Road, St. Sampson.

APPLICANT: Mr J Winch

I refer to the application referred to below received as valid on 16/11/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 27/01/2023

Drawing Nos: ArcTech Freelance Architecture: JW-22-1096-02 & -03.

Application Ref: FULL/2022/2114

Property Ref: B006350000

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 proposal introduces a tandem dwelling within the backland area between the properties of Vale Road to the west and those of Clos Des Petites Maisons to the east, which, with the exception of ancillary domestic outbuildings with low/flat roof design, is currently free from built form. This would be in marked contrast with the existing pattern of development. The proposed bungalow to the rear represents an undesirable form of development which intrudes into the residential garden area and undermines the existing pattern and grain of development.

The poor relationship of just 9m between the dwellings, and unacceptable level of overlooking of the private garden area for the bungalow as a result, is symptomatic of an undesirable and cramped form of development which is harmful to the character of the area and amenity of future occupants, and fails to accord with Policy GP8 and Annexe 1 (Amenities) of the Island Development Plan.

2. The proposed removal of the entirety of the front roadside boundary wall and consequent loss of enclosure to the street scene would detract from the character and appearance of the locality and conflicts with Policy GP8: Design 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/2022/2114
Property Ref: B006350000
Valid date: 16/11/2022
Location: La Rochelle Villa Vale Road St. Sampson Guernsey GY2 4DN
Proposal: Demolish existing dwelling and outbuilding, erect 3 dwellings with associated landscaping and parking and widen vehicle access to west boundary.
Applicant: Mr J Winch

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposal introduces a tandem dwelling within the backland area between the properties of Vale Road to the west and those of Clos Des Petites Maisons to the east, which, with the exception of ancillary domestic outbuildings with low/flat roof design, is currently free from built form. This would be in marked contrast with the existing pattern of development. The proposed bungalow to the rear represents an undesirable form of development which intrudes into the residential garden area and undermines the existing pattern and grain of development.

The poor relationship of just 9m between the dwellings, and unacceptable level of overlooking of the private garden area for the bungalow as a result, is symptomatic of an undesirable and cramped form of development which is harmful to the character of the area and amenity of future occupants, and fails to accord with Policy GP8 and Annexe 1 (Amenities) of the Island Development Plan.

2. The proposed removal of the entirety of the front roadside boundary wall and consequent loss of enclosure to the street scene would detract from the character and appearance of the locality and conflicts with Policy GP8: Design of the Island Development Plan.

OFFICER'S REPORT**Site Description:**

The property "La Rochelle Villa" is a pre-1900 two and a half storey villa which faces west onto Vale Road. The dwelling is attached to its neighbours on either side and has three dormers to the front elevation.

The site is located within the St Sampson Main Centre Outer Area as defined in the Island Development Plan (IDP).

Relevant History:

None

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Demolish existing dwelling and outbuilding and erect 2 x 2.5 storey, three bedroom dwellings and a detached two bedroom bungalow within the rear garden with associated landscaping, parking and widen vehicle access to the western boundary.

The 2.5 storey dwellings are proposed to take the form of two semi-detached dwellings of a traditional design which as a pair replicates the proportion of the original dwelling and each have a central catslide dormer to the front elevation and a large single box dormer to the rear. The dwellings are proposed to be finished with smooth rendered walls with natural slate roof.

The proposed bungalow is located to the rear of the site and will be accessed from Clos de Petites Maison, the bungalow is of a simple design and is approx. 9.6m by 6m with a low-pitched roof up to 4m high.

The garden is to be divided into three by a timber fence, with the existing boundary wall retained at the rear boundary. The front garden is to be used for car parking, with the removal of the existing low front boundary wall.

The application is accompanied by a Sustainability and Waste Management Strategy dated 21/10/2022.

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

Policy MC2: Housing in Main Centres and Main Centre Outer Areas

Policy GP1: Landscape Character

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

2 letters of representation were received, main points as follows:

- Loss of privacy due to the larger rear dormers proposed.
- Increased noise from additional dwellings and also construction noise.
- Damage to neighbouring property's structure, foundations and shared chimney during construction
- Road safety concerns regarding additional parking and traffic on busy road.

- Access only for property owner to use clos for parking, not for contractor access or parking.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Whether the principle of new housing is acceptable.
2. Design and impact of the development on the character of the area.
3. The impact of the development on the amenity of people living in the area.
4. Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.
5. Road safety, traffic management and parking.

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).**

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues set out in 2 below.

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

Whether the principle of new housing is acceptable

The site is located in a Main Centre Outer Area and does not form Important Open Land. As set out in Policy MC2, the majority of the Island's housing supply is to be provided within and around the Main Centres. The site is located in the St Sampson Main Centre where Policy MC2 supports the development of the site for housing where it accords with all other relevant policies of the Island Development Plan and where able to the site provides an appropriate mix and type of dwellings.

Current evidence regarding private market housing suggests a need for homes of 1-3 bedrooms, with an emphasis on 2 and 3 bedrooms. The proposal is for 2x 3 bedroom and 1x2 bedrooms which reflects current housing need, and the proposal is considered to provide an appropriate mix and type of dwellings whilst making an effective and efficient use of land.

Impact on the Character of the Area

The immediate area is characterised by 2-2.5 storey villas which are set back from the road, with relatively long rear gardens bounded by Clos des Petites Maisons. Most front boundary walls are present to some extent, some dwellings have reasonable sized rear outbuildings, and parking to the rear. Clos Des Petites Maisons is characterised by the regular spacing, design and plot sizes of the bungalows along the eastern side of the road, each stepped back from the road with open plan gravelled gardens. The western side is composed of the rear garden boundaries, mainly walls and some hedging. Although the wider vicinity has more variety in plot depths and sizes, the immediate surrounding is the context in which the proposed development will be most often read.

The proposal is to demolish the main dwelling and erect a pair of dwellings, with the further subdivision of the plot to erect a bungalow within the rear garden.

The proposal would therefore introduce a tandem dwelling within the backland area between the properties of Vale Road to the west and those of Clos Des Petities Maisons to the east, which, with the exception of ancillary domestic outbuildings with low/flat roof design, is currently free from built form. This would be in marked contrast with the existing pattern of development.

Policy GP8 of the Island Development Plan, requires new development to make an effective use of land whilst respecting the character of the local built environment. The proposed bungalow to the rear represents an undesirable form of development which intrudes into the residential garden area and undermines the existing pattern and grain of development.

In addition, the proposed loss of the front boundary wall is regrettable, as this contributes to the enclosed character of many frontages in the area. The Agent has suggested the introduction of a small section of wall- approx. 0.3m at each end, this is an improvement which would be welcomed in a revised scheme and would assist with compliance with Policy GP1.

Design and impact of the development on the amenity of the area

The IDP Policy GP8 considers that development should be of a good standard and give consideration to the amenities of occupiers and surrounding neighbours.

The proposed scale and proportions of the 2.5 storey dwellings replicate the existing building and are not considered out of character or overly dominant. The overall design, scale, layout, and form of the 2.5 storey development including the use of cat slide dormers to the front elevation and palette of materials reflects the existing local built environment.

The rear dormers proposed are a box design, which adds bulk, however these are considered an acceptable addition in design terms to the rear elevation and are adjacent to the very large bulky box design of the neighbour to the south. They introduce new overlooking at this level; however third floor level dormer windows are present in both the adjacent neighbouring dwellings and so the introduction of dormers

to the rear is considered acceptable in principle, with regard to the impact on existing neighbouring dwellings and their gardens.

The proposed bungalow is small, with a simple low pitched roof design, and to be clad with composite timber with slate over. The bungalow will be visible above the existing rear boundary wall, although there are some large outbuildings in this area, they are predominantly flat roofed, or with a shallow pitch and so the 4m high bungalow will appear out of character and incongruous in this location. The single storey nature of the proposal means there will be no harmful overlooking, some views into the front gardens of Clos de Petites Maisons may be possible over the boundary wall, however these are front garden areas which are less sensitive in terms of amenity.

There may be a small impact on light levels received to the rear section of the neighbour's garden as a result of the 4m high ridge to the south, however, the bungalow is 2m from the boundary and the roof is pitched away and the impact should therefore be minimal and is not considered to amount to demonstrable harm.

A letter of representation has raised concerns about the potential for noise and disturbance from the use of the communal outdoor space. However, there is no reason to suspect that noise and disturbance from the use of this space would be significantly more detrimental than the current use of the land as a domestic garden.

Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings

The health and well-being of the occupiers of the development requires consideration as set out in part (d) of Policy GP8 and explained in more detail in Annex I (Amenities). The objective to build at high densities is to be balanced, but not override, the need to create acceptable living environments. Although there are no rigid standards for amenity provision, the factors to be considered include internal space provision, privacy, aspect/outlook, access to external open space and daylight/sunlight.

All of the dwellings are dual aspect and would have sufficient daylight, sunlight. The outdoor amenity space for each 2.5 storey dwellings measures roughly 8m by 7m, this is acceptable. The garden for the bungalow is located to the south of the dwelling, and measures approx. 5m by 11m which is sufficient in terms of size. However, the bungalow itself is located only 9m from the rear of the 2.5 storey dwellings which is not considered sufficient to provide a reasonable standard of privacy and amenity.

The position of the bungalow in such close proximity to the 2.5 storey dwellings will result in a harmful level of overlooking of the garden from the first and second storey windows at a distance of only approx. 14.5m away.

The 2.5 storey dwellings exceed the Guernsey Technical Standards minimum internal space standards. However, the proposed two-bedroom bungalow has an internal space of 50.8m², which if occupied by 4 people would fail to provide the minimum internal space as the total required is 53m². If occupied by 3 people, the required minimum falls to 45m² which is met. In addition, the bedroom sizes of 11.8m² and 6.7m² fail to meet

the minimum bedroom sizes of 12m² (and 1.25m storage) for a double and 7m² (and 1m storage) for a single bedroom.

The internal living space proposed for the bungalow does not therefore provide spacious living accommodation which could balance the poor-quality amenity space provision. This, in combination with the poor back-to-back relationship between the dwellings proposed and unacceptable level of overlooking as a result, is evident of an undesirable cramped form of development which is harmful to the character of the area and fails to accord with Policy GP8 and Annexe 1 (Amenities) of the Island Development Plan.

Road safety, traffic management and parking

The wide design of the access would provide adequate sightlines, and together with the relatively modest intensity of use of the access the proposal is unlikely to result in any significant road safety concerns. The proposal accords with Policy IP9.

A total of 5 on-site parking spaces are to be provided, no dedicated bicycle parking is shown on the plans, although there is rear access into the gardens which means these could be used for bike storage in the future. The car parking provision is adequate for this location and accords with Policy IP7 and the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance.

Other Matters

Policy GP9 is wide-ranging and includes requirements for sustainable design and construction with reference to the design, layout and orientation of buildings, flood risk and surface water run-off, renewable energy, the use of materials and the management of waste. The application is supported by a sustainability statement which sets out how the development has been designed to take into account sustainable design principles.

No details of surface water drainage have been provided and this should be included in any revised scheme, or can be dealt with by condition, in order to ensure any surface water runoff will be dealt with on site.

Overall the layout and form of the development and the information submitted is sufficient to demonstrate that the development has been designed to take into account the use of energy and resources, in accordance with Policy GP9.

Neighbour concerns regarding overlooking and increased noise have been dealt with above, concerns have also been raised with regards to the potential for damage to be caused to neighbouring properties during construction, and parking within the private Clos, however these are private civil matters and not material planning considerations which would influence a decision on this planning application.

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; the likely effect on roads and other infrastructure, traffic and essential services; any possible fall-back position by way of extant planning permissions or exempt development; and 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).

No protected trees, monuments, buildings or SSS's are affected by the proposal.

It is recommended that the application is refused.

Date: 25/01/2023