

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 outbuilding/industrial unit and erect dwelling.

LOCATION: 12 Paris Street, St. Peter Port.

APPLICANT: Mr N Gale

I refer to the application referred to below received as valid on 01/11/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 08/11/2023

Drawing Nos: A7 Design Ltd - 22-1414 PD/01A, PD/02A, PD/03A, PD/04A, PD/05 & PD/06.

Application Ref: FULL/2022/2150

Property Ref: A108620000

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. Due to the proposed irregular building form, the front façade of the proposed dwelling would introduce a discordant element into the street scene and would unduly detract from the traditional rhythm and form of building facades along Paris Street. The overall composition of the front façade would also accentuate the irregular building form and therefore would increase the building's prominence and conspicuousness in the street scene. Consequently, the proposed façade would not conserve or enhance the character or appearance of the Conservation Area (Policy GP4), and does not represent a high standard of design for the purposes of Policy GP8. The proposal would therefore be contrary to the aforementioned Island Development Plan Policies.

2. The proposal is considered to have a significant detrimental effect on the amenities of neighbouring residents, by virtue of the extent of overshadowing and overbearing effect as a result of the second-floor roof extension and its proximity to the north-east boundary. Consequently, the development would be contrary to Island Development Plan Policies GP8, GP9 and MC2.

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/2022/2150
Property Ref: A108620000
Valid date: 01/11/2022
Location: 12 Paris Street St. Peter Port Guernsey GY1 2BN
Proposal: Demolish outbuilding/industrial unit and erect dwelling.
Applicant: Mr N Gale

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

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OFFICER'S REPORT

Site Description:

No.12 Paris Street comprises a mid-20th century, single storey flat roof industrial building, set back a short distance from the roadside. The building incorporates a garage-style door to the front and is flanked by 2-3 storey residential properties on either side. Paris Street is a narrow, one-way road which directs traffic in a west-east direction onto St. George's Esplanade and Salter Street.

The site is located in St. Peter Port Conservation Area and Main Centre Inner Area as defined on the Island Development Plan (IDP) Proposals Map.

The building line of properties along the southern side of Paris Street is generally consistent, and those properties reflect classical proportions and compositions with

traditional design features such as sliding sash windows. The configuration of those windows reflects the Georgian influence on this part of Town.

Most buildings have pitched roofs, either slate or pan-tile, with dormer windows and brick chimney stacks with clay pots. Some are fronted with stone, but many are finished in render. Most of the buildings have narrow front gardens behind low walls, which in turn restricts on-site parking in this area of Town.

Relevant History:

No.12 Paris Street PREA/2022/1002	Change of use of property to a dwelling.	Pre-application enquiry.
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Existing Use(s):

Light industrial unit – use class 24.

Brief Description of Development:

Planning permission is sought to demolish an outbuilding/industrial unit and erect a 3-storey dwelling. The ground floor comprises an integral garage hallway, WC, utility and a kitchen/ diner to the rear, with a garden beyond. The first floor comprises a bedroom, bathroom and a lounge, leading onto a terrace to the rear. The third floor consists of two bedrooms with an en-suite. The master bedroom is served by a Juliet balcony to the rear. A Site Waste Management Plan has been submitted as part of the application.

The application was deferred as concerns were raised over the mass and bulk of the proposed development and the effect on the amenities of neighbouring residents, particularly to the north of the application site (No.14 Paris Street) with regards to overshadowing and overbearing impact.

Concerns were also raised over the cohesion of the fenestration to the front of the site and its general relationship to the surrounding properties along Paris Street, and the degree of overlooking towards neighbouring properties on the opposite side of the road by virtue of the size of the windows when compared to more traditional style windows. The bulk of the dormer at second floor level in long distance views in and around the harbour also raised some potential concerns as it would project above the ridge height of the neighbour's property (No.14).

In response, the agent has altered the roof profile from a double-pitch style roof (with a flat roof dormer extension at second floor level), to a traditional pitch roof with a flat roof dormer extension at second floor level.

The proposal has also been scaled-back by reducing the projection of the first and second floor extensions, to seek to overcome the concerns raised about the loss of light to the neighbour's bedroom window (as set out in the agent's letter of 8th September 2023). The agent has also provided further information regarding the proposed

fenestration to the front of the property. As set out in the agent's letter of 8th September, the revised scheme incorporates a canted feature within the front facing façade to reflect the vertical emphasis found along Paris Street. It is also noted by the agent that the proportions of the fenestration will achieve cohesion and deflect any direct line of sight towards neighbouring residents.

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

MC2 Housing in Main Centres and Main Centre Outer Areas
MC5(C): Industry, Storage and Distribution Uses in Main Centres and Main Centre Outer Areas – Change of Use.
GP8 Design
GP9 Sustainable Development
IP7 Private and communal parking
IP9 Highway Safety, Accessibility and Capacity

Representations:

No representation was received in respect of the original scheme.

A letter of representation was received in respect of the revised scheme following re-advertisement of the application. Grounds for objection principally relate to the following issues:-

- Footprint of the proposed property.
- Shadow Analysis.
- Scale of the Property/Build Size.

Consultations:

None

Summary of Issues:

- Whether the loss of industry is acceptable
- Whether the creation of a new dwelling in this location is acceptable
- The design and impact of the development on the character and appearance of the Conservation Area
- The impact of the development on neighbour amenity
- Access 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).**

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

Whether the loss of industry is acceptable:

Policy MC5(C) allows for a change of use from industry, or storage and distribution, to other uses, subject to certain criteria being met. In this case, the proposed residential use would positively contribute to the vitality and viability of the Main Centre in terms of the creation of habitable accommodation which would add to the Main Centre's mix and type of housing stock.

The site is not located on the inter-harbour route, and therefore criterion b) of Policy MC5(C) is not applicable.

Whether the creation of a new dwelling is acceptable in this location:

The principle of new housing in this location is acceptable under Policy MC2 provided that: the development accords with all relevant planning policies, the proposal accommodates a variety and appropriate mix and type of dwellings, and that new housing is achieved only through the subdivision of existing dwellings or the conversion of existing buildings if the site is identified as Important Open Land.

In this case, the proposal seeks to create a single 3 storey, 3 bed mid-terrace dwelling-house which is an acceptable type of housing provision. The site is not designated as Important Open Land, and all other relevant policies are set out below for further consideration.

The design and impact of the development on the character and appearance of the Conservation Area:

As set out in Policy GP8, building design within sensitive surroundings can adopt a traditional or contemporary design but, *'whatever the chosen approach, new development in such circumstances should consider, without necessarily replicating, the scale, mass, detail and special interest of the surrounding built form to complement the local character.'*

Incorporating an irregular building form to the front façade of the proposed dwelling, the most sensitive elevation of the property, would introduce a discordant element into the street scene. This aspect of the proposal would detract from the traditional rhythm and form of building facades along Paris Street, and would be unduly prominent when 'read' against traditional building compositions. This visual distinction of this aspect of the dwelling would be accentuated by the large art-deco inspired windows and high eaves which would unduly draw the eye when 'read' in the street-scene.

The overall composition of the front façade would accentuate the irregular building form, and would increase the building's prominence and conspicuousness in the street scene.

Whilst a degree of flexibility could be afforded to allowing a contemporary element into the design of a new housing scheme, the approach adopted is seeking to substantially

alter the most sensitive elevation of the building. It is not reflective of the traditional style of architecture found along Paris Street, and would be highly conspicuous when travelling down Paris Street due to the 'blank' projecting façade, thus causing harm to the character and appearance of this part of the Conservation Area. This discordant feature is also likely to be visible in longer distance views from the top of Les Cotils, causing unacceptable harm in the immediate vicinity of the site and in the wider area.

The general mass and bulk of the ground, first and second floor extensions is large and disproportionate to the size of dwellings located to the south of Paris Street. The mass and bulk of the property does not relate well to the built form of the surrounding area. It is also likely that the mass and bulk of the new dwelling, particularly the second-floor dormer window/roof extension, would be visible in longer distance views from the top of Les Cotils and in the wider area from in and around the harbours, including the East Breakwater, North Beach car park, and La Salerie car park.

It is acknowledged that development in Conservation Areas need not replicate the surrounding built form (as set out in paragraph 19.9.4 of Policy GP8) but the submitted design does not fully consider nor respect the scale, mass, form, detailing and special interest of the surrounding built form which complements the local character. The design approach adopted fails to conserve nor enhance the character and appearance of the Conservation Area and therefore cannot be supported. The application does not achieve a 'high' standard of design as required by Policy GP8.

The impact of the development on neighbour amenity:

Despite the changes made to the scheme following deferral, which has resulted in setting the first and second floors further away from the north-east boundary, and scaling-back both first and second floor extensions, and the submission of a shadow analysis, the proposal does not respect the amenities of neighbouring residents to the east when taking into account the scale, mass, bulk and projection of both extensions, relative to the neighbouring house (No. 14 Paris Street).

In particular, the second-floor dormer window/roof extension would be approximately 3.5m above the eaves height of the neighbouring property (No. 14 Paris Street), and 4m from the neighbour's bedroom window (as shown on the south-east elevation). The second-floor dormer window/roof extension projects off the original part of the neighbour's rear elevation by approximately 4m (as shown on the north-east elevation).

The first-floor flat roof extension would be approximately 1m above the eaves height of No.14, and would project circa. 4.7m from the original part of the neighbour's rear elevation (as shown on the north-east elevation).

The second-floor dormer window/roof extension would be approximately 2.7m from the neighbour's bedroom window (when measured horizontally as shown on the south-east elevation). Similarly, the first-floor extension would be 2.2m away, measured to the same point.

In light of the above, significant concerns remain over the degree of overshadowing and overbearing effect, particularly from the proposed second floor dormer window/roof

extension and the impact on the neighbour's bedroom window. The extent of the mass and bulk of the proposed second floor extension would also, to a degree, impact on the neighbour's ground floor room (currently served by a roof lantern). This is reinforced by the Shadow Analysis which shows shadowing on the neighbour's property during the 'shoulder periods' of the year (March and September). On this basis, the proposal does not respect the amenities of neighbouring residents.

The proposal is not considered to result in any significant overlooking issues. In addition, the majority of the bulk and mass at ground and first floor levels, would not unduly affect neighbouring residents when taking into account existing boundary treatments together with the design of the scheme.

Access and parking:

With regard to parking provision, the proposed space to the front of the property would be approx. 4.5-5m length x 4m in width, which would allow provision for a small car. There is no turning point on site, and sightlines would be restricted by the position of the building to the south-west. No significant road safety concerns are raised due to the nature of the one-way street, together with generally low traffic speeds and volumes, and that a similar relationship and highway safety issues existed as part of the use of the former industrial unit.

Conclusions:

Overall, the proposal is considered to have a significant detrimental effect on the character and appearance of the Conservation Area by virtue of the design of the front façade of the proposed dwelling. The development would also result in a significant adverse effect on the amenities of neighbouring residents which would conflict with the relevant Island Development Plan Policies.

For the reasons set out above, it is recommended that planning permission is refused.

Date: 07/11/2023