

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 garage to west elevation (Revised Scheme).

LOCATION: 1 York House, South Esplanade, St. Peter Port.

APPLICANT: Mr R Martel

I refer to the application referred to below received as valid on 21/12/2022 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: A7 Design: 21-2153 PD/02

Application Ref: FULL/2023/0053

Property Ref: A40175A001

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 spaces between buildings, and how those spaces and buildings relate to one another, including through enabling public views beyond development to the open sea, harbour, islands and Castle Cornet, are a special feature of the St Peter Port Conservation Area. The construction of a garage as proposed would obstruct these public views and would thus fail to respect and conserve the special character, architectural or historic interest and appearance of the Conservation Area. The proposal would not conserve or enhance the character and appearance of the Conservation Area, contrary to Policy GP4.

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/2023/0053
Property Ref: A40175A001
Valid date: 21/12/2022
Location: 1 York House South Esplanade St. Peter Port Guernsey GY1 1AN
Proposal: Erect garage to west elevation (Revised Scheme).
Applicant: Mr R Martel

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The spaces between buildings, and how those spaces and buildings relate to one another, including through enabling public views beyond development to the open sea, harbour, islands and Castle Cornet, are a special feature of the St Peter Port Conservation Area. The construction of a garage as proposed would obstruct these public views and would thus fail to respect and conserve the special character, architectural or historic interest and appearance of the Conservation Area. The proposal would not conserve or enhance the character and appearance of the Conservation Area, contrary to Policy GP4.

OFFICER'S REPORT

Site Description:

The application property occupies an elevated position facing the Harbour to the east. Vehicular access is gained from the rear (west) via Cliff Street. It is adjoined on each side by higher traditional buildings.

The application site is located within the St Peter Port Conservation Area, Harbour Action Area and Main Centre Inner Boundary. The adjacent buildings to the north, south and west are protected buildings.

Relevant History:

12/07/2021 – FULL/2021/0607 – Application refused to erect garage (west elevation).

19/06/2014 – FULL/2014/1144 – Application refused to erect a garage (revised).

09/09/2013 – FULL/2013/2010 – Application refused to erect a garage.

01/10/2021 - PAP/022/2012 – Appeal regarding application FULL/2021/0046 dismissed.

30/03/2012 – FULL/2012/0046 - Application refused to erect a garage.

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to erect a single storey double garage with a flat roof and incorporating parapets to the front (west) and side (south) elevations. The garage would be constructed on the existing open parking area and would include raising a section of the existing west granite boundary wall by 1.1 metres. The garage would be finished with a timber door and a zinc standing seam roof.

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

Policy MC10: Harbour Action Areas
Policy GP4: Conservation Areas
Policy GP5: Protected Buildings
Policy GP8: Design
Policy GP9: Sustainable Development
Policy GP13: Householder Development
Policy IP7: Private and Communal Car Parking
Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

None

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. The design and impact of the development on the character and appearance of the Conservation Area.
2. The design and impact of the development on the setting of adjacent protected buildings.

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).**

Planning permission was refused for a similar application to erect a garage in July 2021 (FULL/2021/0607) on the grounds of its effect on the character and appearance of the Conservation Area. This current application has been revised with a flat roof replacing the previously refused pitched roof. In support of the application the agent provides an assessment of the relevant Island Development Plan policies. The agent states that the revised scheme (with a flat roof instead of a pitched roof) significantly reduces the impact of the development on the Conservation Area and for the majority of the view corridor along Cliff Street public viewpoints will be unaffected and there will only be a marginal impact in the immediate vicinity of the site.

For the purposes of Policy MC10, the development is of a minor nature, situated within the curtilage of a domestic property, and it would not prejudice the outcome or inhibit the implementation of the Local Planning Brief process for the St Peter Port Harbour Action Area.

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 the site is within a Conservation Area and the setting of adjacent protected buildings and Policies GP4, GP5, GP8 and GP9 are also relevant. In addition, the preceding text to this policy 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.

As the site is within a Conservation Area, it is a requirement under the Land Planning and Development (Guernsey) Law, 2005, to secure the preservation of, so far as possible the special historic, architectural, traditional or other special characteristics. This is reflected in Policy GP4 which supports development that conserves, and where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.

Policy GP8 sets out that some parts of the Island are more sensitive to building design than others, such as within Conservation Areas or where development relates to the setting of protected buildings. In these cases development is expected to achieve a

particularly high standard of design which should respect the character of the particular environment concerned.

The site itself is not a protected building but the proposed garage would abut a protected building to the north. It is within the St Peter Port Conservation Area. Views along streets and between buildings of the sea, harbour, Castle Cornet and islands provide some visual relief from relatively dense development of this particular Conservation Area. Local stone is prominent in buildings, walls and surfacing. These views and materials are key characteristics of the Old Town and contribute to the special architectural and historic interest, appearance and character. Since the refusal of the previous application, the Authority has published a partial Conservation Area Appraisal for St Peter Port, which includes a study of the Hillside Town. The study of the Hillside Town identifies a number of View Corridors, which include Cliff Street (No.10) and this reinforces the above description of the character of the area.

There is a history of refusal of applications for the erection of a garage in this position including the dismissal of an appeal. Except for the most recent decision in 2021, all other decisions pre-date the current Island Development Plan. The applications were all refused on the basis of the effect on public views of the harbour, sea, Castle and islands.

The characteristics of this part of the Conservation Area are set out above. The spaces between buildings, and how those spaces and buildings relate to one another, including through enabling public views beyond development to the open sea, harbour, islands and Castle Cornet, are a special feature of the St Peter Port Conservation Area. Taking this into consideration, views as relate particularly to this application are currently obtained from Cliff Street, which slopes steeply downwards to the east, and from the upper parts of Castle Vaudin. Travelling down the slope of Cliff Street, buildings cease and views open up before they become obscured again by further buildings as one descends into the lower parts of Castle Vaudin. Views from the lower section of Cliff Street and Castle Vaudin would be most affected by the proposed development. The overall position and scale of the proposed garage is similar to the previously refused schemes and the alteration to the design of the roof does not overcome concerns previously raised. It remains the case that the construction of a garage as proposed would obstruct public views and would thus fail to respect and conserve the special character, architectural or historic interest and appearance of the Conservation Area. The proposal would not conserve or enhance the character and appearance of the Conservation Area, contrary to Policy GP4.

The application introduces new evidence of anti-social behaviour that was not available when considering the previously refused application. However, the issues raised do not outweigh the adverse effect on the character and appearance of the Conservation Area. In addition, it is noted that the anti-social behaviour issues raised could be addressed by other means less harmful to the Conservation Area, such as the use of anti-climb paint or the use of some form of landscaped barrier.

In views from the east the structure would be viewed against existing buildings climbing the hillside and from the south the angle of view is narrow, such that from both

directions it would conserve the special character, architectural or historic interest and appearance of the Conservation Area.

Although no objections are raised with regard to the effect on the special interest of the setting of the adjacent protected buildings, further details of the means by which the structure would be attached to the adjacent protected building would be required should a favourable scheme be secured.

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.

As the proposal does not comply with Policy GP4, it is recommended that the application is refused.

Date: 14/04/2023