

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 chimney and alter roof form to create accommodation at second floor level, erect single storey extension with raised terrace area and external staircase at first floor level to east (front) elevation and alterations to fenestration.

LOCATION: 39a Seabreeze, Gategny Esplanade, St. Peter Port.

APPLICANT: Mr & Mrs Conlon

I refer to the application referred to below received as valid on 24/01/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 05/06/2023

Drawing Nos: DRP Architecture: 3138-DR-001F, 002E, 101E, 201F & 301.

Application Ref: FULL/2023/0060

Property Ref: A108890000+A108880000

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 roof terrace, by virtue of its proximity to and relationship with the adjoining dwellinghouse, 37 Gategny Esplanade, would result in an unacceptable degree of overlooking of this existing building and its respective area of private amenity space to the detriment of the amenities enjoyed by the occupiers of this property. The scheme is therefore contrary to Island Development Plan Policy GP8 a. (design), d. (health and well-being of neighbours of a development) and Policy GP9 b. (amenities of neighbouring properties).

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/2023/0060
Property Ref: A108890000+A108880000
Valid date: 24/01/2023
Location: 39a Seabreeze Gategny Esplanade St. Peter Port Guernsey GY1 2BP
Proposal: Demolish chimney and alter roof form to create accommodation at second floor level, erect single storey extension with raised terrace area and external staircase at first floor level to east (front) elevation and alterations to fenestration.
Applicant: Mr & Mrs Conlon

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed roof terrace, by virtue of its proximity to and relationship with the adjoining dwellinghouse, 37 Gategny Esplanade, would result in an unacceptable degree of overlooking of this existing building and its respective area of private amenity space to the detriment of the amenities enjoyed by the occupiers of this property. The scheme is therefore contrary to Island Development Plan Policy GP8 a. (design), d. (health and well-being of neighbours of a development) and Policy GP9 b. (amenities of neighbouring properties).

OFFICER'S REPORT

Site Description:

39a Gategny Esplanade is a detached, two-storey dwelling with render exterior and pantile roof situated to the rear of 39 Gategny Esplanade. Land to the west of the building is formed by a quarry face with a residential development beyond at Salter Street. 39 Gategny Esplanade is a mid-terrace property. There are ground and first floor window openings to the front and rear (east and west) of the building. To the west facing the car park and residential development at La Salerie Inn and to the east, facing the rear windows and gardens of properties fronting Gategny Esplanade. Gable windows exist to the north and south of the building resulting in views of the patio/glasshouse area within the garden area of the adjoining property to the south and La Salerie Inn development to the north.

Buildings lining Gategny Esplanade are chiefly two and a half or three and a half storeys in height with pitched roofs aligned parallel to the road. Many of the buildings have dormer windows (captains, flat roof or catslide) and there is one building with a mansard roof. There is also a mix of roofing material found in the vicinity of the site.

The site is located in the Main Centre, St Peter Port Conservation Area and Archaeological Area as designated in the Island Development Plan. The properties fronting this part of Gategny Esplanade are protected buildings. 39a is not a protected building.

Relevant History:

FULL/2022/0752 - Dwelling 39a Seabreeze to be used as ancillary domestic accommodation associated with 40 Gategny Esplanade and no longer as a self-contained dwelling – granted

Existing Use(s):

01 dwellinghouse – the covering letter that accompanies this submission indicated that the 2022 permission would be superseded by this application.

Brief Description of Development:

Planning permission has previously been granted for the change of use of the dwelling to ancillary living accommodation associated with no. 39. The application sets out that this proposal would supersede that scheme.

The application relates to the demolition of a chimney stack and alterations to the roof form to install dormers and create second floor living accommodation. A single-storey extension is also proposed along with a raised terrace over and external spiral staircase as a secondary access (to meet current Building Regulations) to the terrace area. Alterations are also proposed to first floor southeast facing fenestration.

The extensions and alterations to the building would provide a kitchen/diner, WC and living room on the ground floor, a bedroom and shower room on the first floor with access to the balcony and a further bedroom and bathroom in the roofspace.

The application was deferred to seek amendments/further information regarding the proposed roof terrace in order to seek to direct views away from adjoining gardens. Revised plans were submitted indicating high screens to either side of the terrace and with a set back from the edge of the extension. A section drawing was also provided to show the relationship between the terrace and frontage property.

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

Island Development Plan policies:

GP4: Conservation Area

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

The Study of the Hillside Town

Representations:

Five letters of representation have been submitted commenting on the application as originally submitted and raising the following points:

Protected Buildings

- 39a is not listed but sits within the curtilage of no. 39 which is protected (see Listing Notice) – the application should be considered in light of this and six other protected buildings in the vicinity which date from before the 18th Century
- 39a can be seen from the road
- Interior changes to no 39 to allow access to 39a would not be feasible due to the protected status of the building and the application does not address the protection and special status of the area
- The mansard roof will result in the loss of historic fabric and detract from the original late 18th and early 19th Century design
- No reference is made to the extensive demolition work to the interior of the building without reference to the existing plan form

Design

- The scheme does not represent a modest alteration but rather a substantial construction to the building The extension is disproportionate to the size of surrounding cottages
- The development takes up what little garden there is between 39 and 39a
- How can the development be granted when the occupants of the building have no access – how will emergency services reach the building
- The extension raises issues of excessive scale in the design when related to the existing building to which it is attached

Residential amenity

- Privacy and reasonable enjoyment of existing property will be severely affected – this is a row of terrace cottages with limited privacy due to the close proximity of neighbours
- The proposed balcony would overlook the neighbouring garden and house (including glass roof and windows)
- The mansard roof would be overbearing on the external terrace of the neighbouring property
- The proposed obscure glazed privacy screen is insufficient to protect residential amenity and reasonable enjoyment of the adjoining property
- The mansard roof, second floor south facing windows (bedroom 2) will overlook the decked area and the second floor east facing windows would overlook the adjoining garden, rear garden and mezzanine
- Outlook from. No. 37 will be adversely affected by the extension

Visual Amenity

- An important aspect of the landscape is the escarpment on which the seven protected buildings stand and the site is within a Conservation Area

- The proposals do not define or relate to this essential characteristic of the location
- The mansard roof with dormers above a balustrade extension, with associated changes to fenestration, will materially change the traditional vista when viewed from the east of Gategny Esplanade
- The mansard roof will have an adverse impact on public views and is not a typical feature of the area as asserted by the submission (only one in eight properties in this section of the seafront terrace has a mansard roof)
- The 32sqm balcony is a feature at odds with surrounding buildings where no balconies exist, nor of such magnitude
- The size and form of the development is contrary to policy
- If the topography of the land were correctly shown then the visibility of the extension would be increased. The development would be clearly visible from Gategny Esplanade, the harbour and Salerie Corner
- The development would not make an equal or enhanced contribution to the character of the Conservation Area

Other matters

- A site visit is essential in this instance
- There are errors in the submission
 - Depiction of the building including the form of the chimney and breasting to the south elevation and conflicting detail as to the two windows on the south elevation
 - The absence of dimensions means it is unclear as to whether it is proposed to raise the roof ridge level
 - The south elevation shows the ground as level whereas there is actually a substantial slope
- The National Trust owned no. 39a and 39 for decades and were unable to develop the properties due to the inherent problem of access to 39a
- None has resided at 39a for decades and demolition was applied for, which is the only real answer to dealing with this house. When was the last time the house was occupied?
- The house sits on the edge of a quarry and there is no rear access, the only front access is through a small listed terraced cottage and up a steep narrow alleyway
 - The limitations of pedestrian access will need to be fully defined to comply with necessary criteria – the front door is 780mm and there is a dogleg in the hall which will not conform to current standards as a means of escape
 - The access has not been used for 50 years in connection with the occupation of Sea Breeze
- Given the exposed rock escarpments irregularities created by the natural outcrop on which these building stand, survey evidence is necessary to justify any form of extension

Two letters were received following receipt of revised plans indicating that the revisions do not address earlier concerns regarding overlooking from the roof terrace to the adjoining garden and rear windows and dining area served by a large area of glazing.

The revisions address the impact of the development on the occupiers of no. 39 but not 37.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the design and appearance of the extensions and alterations, their impact on the character and appearance of the Conservation Area, the setting of adjoining Protected Buildings and the effect on residential amenity with regard to overlooking 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.

Residential Amenity

Although the scheme will introduce more first and second floor window/door openings than currently exist, the rooms served are bedrooms and bathrooms rather than primary living accommodation. The east facing bathroom windows can be conditioned to be obscure glazed in order to reduce the perception of overlooking to adjoining residential occupiers. It is not considered necessary to require the landing/secondary en-suite window to be obscure glazed as these windows face the applicant's own amenity space. The secondary bedroom windows to the south elevation serving bedroom two can also be conditioned in the same way in the interests of providing privacy to the neighbouring occupiers. Subject to such conditions the impact of these changes on the privacy of adjoining occupiers will remain within acceptable limits particularly given the tight knit arrangement of these historic properties and the interrelationship between them, including the application property which remains as a recognised unit of residential accommodation that could be renovated and brought back into use at any time.

No.39 and 40 are also in the same ownership as the application property which enables the existing domestic gardens to be divided to offer each with an area of external amenity space.

The extension on which the proposed terrace will be situated is to be stepped down in the site to help reduce its impact on the amenities enjoyed by the occupiers of adjoining dwellings. The proposed roof terrace is shown to incorporate an obscure glazed screen

to both sides in order to direct views more towards the east and across the amenity space of the application site to the roofs of buildings fronting Gategny Esplanade and where fenestration is somewhat limited. Whilst this approach, in combination with the proposed alterations to the boundary wall to no. 40 and new rendered wall/planting at Seabreeze will ensure that loss of privacy remains within acceptable limits for 39 and 40 this approach does not satisfactorily manage the potential for overlooking and loss of privacy to the rear of no. 37. The screen would prevent views directly south into the upper part of the terraced garden at no.37 however, the open front (enclosed by a 1.1m high screen) to the terrace would afford views towards the patio area and highly glazed extension to the immediate rear of no. 37 which is generally acknowledged and accepted as being the most private part of a garden. Although a degree of overlooking and loss of privacy occurs between fenestration at no. 39 to no. 37 the roof terrace is an area of external open space to be utilised as such for the enjoyment of occupiers of the dwelling which would result in a greater degree of activity in this part of the site, rather than occasional/glimpsed views from first floor bedroom windows, resulting in harm to the amenities of the occupiers of this neighbouring dwelling and contrary to Policies GP8 and GP9 of the IDP.

The introduction of an external spiral staircase to the roof terrace would be situated in the side garden of the property. The staircase itself will serve as an access only and in itself will not result in undue harm to the privacy and amenities of surrounding residential occupiers.

Impact on Conservation Area

The scheme relates to the formation of a mansard roof to the building with associated dormers to the front and rear and a single-storey flat roof extension with roof terrace and external staircase. The importance of careful consideration of new development on or near the existing skyline and the role played in such scenarios of extensions to existing buildings is highlighted in The Study of the Hillside Town. In this case, it is only the changes to the roof form that would be publicly visible and the other alterations are not considered to result in harm to the character and appearance of the Conservation Area. When considering the Hillside Town the building is only prominent in views from the south and westernmost parts of Salerie Car Park.

The alterations proposed to the roof would not increase the ridge or eaves height of the building but would introduce mansard angles and dormers. These are considered to reflect the proportions of those of neighbouring buildings and the change in appearance would not be obtrusive given the differing roof forms and finishes found in the vicinity of the application site, the very many differing orientations of buildings and the presence of dormer windows which alter and break up the appearance of these simple pitched roofs. The works to the roof therefore would conserve the special character and appearance of the Conservation Area and respect the character of the local built environment in line with Policies GP4, GP8 and GP9 of the IDP.

The design and appearance of the extensions and alterations represents a high standard of design that respects the local built environment. The extensions will not result in overshadowing or loss of light to the occupiers of surrounding dwellings in accordance

with Policy GP8 and GP9 and it is noted that the extension will step down into the site as a result of excavation works in order to further limit its impact outside the site.

Accessibility, flexibility and amenity of occupiers

The accommodation as extended will offer accessible and adaptable accommodation that is able to respond to the needs of occupiers over time. It will provide accommodation that is served by adequate sunlight and daylight. The roof terrace will also offer enhanced external amenity space for occupiers.

As an existing dwelling with stepped, and unusual arrangement through no. 39, it does not offer access that will be accessible to all however the internal steps on the ground floor of the dwelling will offer access for ambulant disabled.

Protected Buildings

The building forms a backdrop on higher ground above a number of Protected Buildings on Gategny Esplanade and the position of the dwelling is such that the alterations proposed would have no adverse effect on the overall special interest of the setting of these buildings.

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, buildings or sites.

Date: 5 June 2023