

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 detached 1.5 storey outbuilding to north boundary (Revised).

LOCATION: Courtil De L'Auge, Rue Des Eturs, Castel.

APPLICANT: Ms A K Curr

I refer to the application referred to below received as valid on 01/02/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 11/05/2023

Drawing Nos: ArcTech Freelance Architecture: AC-23-1111-01A.

Application Ref: FULL/2023/0262

Property Ref: D007970000

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 outbuilding would be elevated above the highway and it would be situated forward of neighbouring properties. The combined scale and siting of the outbuilding would result in it forming a visually dominant feature when viewed from the highway which would detract from the character and visual amenity of the locality, contrary to Policy GP8.

The harm to the appearance of the surroundings and the character and amenity of the locality that would be caused by the proposed outbuilding is sufficient to rebut the presumption contained in Policy GP13 that proposals for extensions and alterations to existing residential properties will normally be permitted.

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/2023/0262
Property Ref: D007970000
Valid date: 01/02/2023
Location: Courtil De L'Auge Rue Des Eturs Castel Guernsey GY5 7DU
Proposal: Erect detached 1.5 storey outbuilding to north boundary (Revised).
Applicant: Ms A K Curr

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The outbuilding would be elevated above the highway and it would be situated forward of neighbouring properties. The combined scale and siting of the outbuilding would result in it forming a visually dominant feature when viewed from the highway which would detract from the character and visual amenity of the locality, contrary to Policy GP8.

The harm to the appearance of the surroundings and the character and amenity of the locality that would be caused by the proposed outbuilding is sufficient to rebut the presumption contained in Policy GP13 that proposals for extensions and alterations to existing residential properties will normally be permitted.

OFFICER'S REPORT

Site Description:

The site comprises of a detached dwelling and curtilage situated between Rue des Eturs and Rue a Gots. The site is located within an Agriculture Priority Area and Outside of the Centres. A protected monument (a water trough and forecourt, PM144) is located adjacent to the site entrance along Rue des Eturs but no works are proposed within the vicinity of the protected monument.

Relevant History:

21/02/2023 – FULL/2022/1710 – Permission granted to demolish existing dwelling and erect replacement dwelling.

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to erect a detached 1½ storey outbuilding inside the north boundary comprising of garages/car port/stores at ground floor level and a studio flat at first floor level which is proposed to be used as a design studio or as carers accommodation.

The outbuilding is proposed to be finished with oak cladding and a natural slate roof.

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

GP1 - Landscape Character and Open Land

GP8 - Design

GP9 - Sustainable Development

GP13 – Householder Development

Representations:

None

Consultations:

None

Summary of Issues:

The main issue in deciding this application is the scale and design of the development and its impact on the appearance and character of the area.

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).**

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 Policies GP1, 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.

The outbuilding would be elevated above the highway Rue Des Eturs and it would be situated forward of neighbouring properties either side which face towards Rue Des Eturs. When combined with the proposed scale of the outbuilding it would result in the outbuilding forming a prominent feature along the highway. Whilst proposed tree planting along the north roadside boundary would provide a degree of screening of the outbuilding, the combined scale and siting of the outbuilding would result in it forming a visually dominant feature when viewed from the highway which would detract from the character and visual amenity of the locality, contrary to Policy GP8.

The harm to the appearance of the surroundings and the character and amenity of the locality that would be caused by the proposed outbuilding is sufficient to rebut the presumption contained in Policy GP13 that proposals for extensions and alterations to existing residential properties will normally be permitted.

The agent describes the proposed first floor of the outbuilding as a studio flat with a bedroom, shower room, kitchenette and sitting room for the use as a design studio for the client or as living accommodation for carers in the future. The application includes limited information regarding shared services and meals between the potential future carers accommodation and the main dwelling. The outbuilding is situated approximately 30 metres from the main dwelling with no direct all weather pathway between the buildings and when combined with the limited information provided about the proposed use it has not been demonstrated that the proposal is ancillary and well-related to the existing dwelling. Additional information and/or revised details could be provided to address these concerns but as the scheme does not otherwise accord with policy this has not been explored further at this stage.

The outbuilding has been relocated further from the Pine trees in the north-west corner of the site but no details of the root protection areas have been provided and therefore it cannot be concluded that the siting and construction of the outbuilding would have no adverse effects on the health of the trees. Additional information and/or revised details could be provided to address these concerns but as the scheme does not otherwise accord with policy this has not been explored further at this stage.

Due to the distance to neighbouring boundaries the outbuilding is unlikely to have any significant adverse effects on the amenities of neighbouring residents.

It is recommended that the application is refused.

Date: 11/05/2023

