

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: Variations to plans previously approved to demolish dwelling and erect 3 flats - install dormer to increase floor area at second floor level to rear (revised scheme).

LOCATION: Bermergal, Rosaire Avenue, St. Peter Port.

APPLICANT: Quatre Property Holdings

I refer to the application referred to below received as valid on 09/03/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 08/06/2023

Drawing Nos: JG Architecture Ltd: 2039/02.01D, /02.02E & /02.03E.

Application Ref: FULL/2023/0503

Property Ref: A203200000

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 proposals are within a Conservation Area, but they do not conserve or enhance the special character, architectural or historic interest and appearance of the Conservation Area because the extension distorts the traditional Victorian gable shape. Therefore IDP Policy GP4 is not complied with.

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/2023/0503
Property Ref: A203200000
Valid date: 09/03/2023
Location: Bermergal Rosaire Avenue St. Peter Port Guernsey GY1 1XY
Proposal: Variations to plans previously approved to demolish dwelling and erect 3 flats - install dormer to increase floor area at second floor level to rear (revised scheme).
Applicant: Quatre Property Holdings

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposals are within a Conservation Area, but they do not conserve or enhance the special character, architectural or historic interest and appearance of the Conservation Area because the extension distorts the traditional Victorian gable shape. Therefore IDP Policy GP4 is not complied with.

OFFICER'S REPORT

Site Description:

The application site originally comprised of a two and a half storey dwelling with single storey side extension, which has now been demolished. The site is surrounded by residential properties in all directions. Those to the north form part of the new development of Clos L'Ecole, those to the east front on to Brock Road with gardens and parking areas extending towards the site and those to the south face towards the site from the opposite side of Rosaire Avenue. The property to the west is attached to the building at the application site and forms part of the same terrace. The site is located within the St Peter Port Main Centre Outer Area in the Island Development Plan and is within a designated Conservation Area.

Relevant History:

FULL/2021/0691 – Demolish dwelling and erect three flats – Approved July 2021.

FULL/2022/1428 – Variation to previously approved plans to demolish dwelling and erect 3 flats – increase floor area including Juliet balconies at second floor level – Refused November 2022.

Existing Use(s):

Residential use class 2: flats.

Brief Description of Development:

This application is for a variation to the previously approved application, FULL/2021/0691 to demolish the dwelling and erect three flats. This application is to extend flat three on the second floor, by adding a dormer to the north and increasing the floor space by approximately 10sqm.

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

MC2 Housing in Main Centres and Main Centre Outer Areas
GP4 Conservation Areas
GP8 Design
GP9 Sustainable Development

Representations:

None

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:**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 as set out in 2 below.

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

The previous application which included additional floorspace for flat 3 was refused on the grounds of the site being within a Conservation Area, and the works proposed under that application not conserving or enhancing the special character, architectural or historic interest and appearance of the Conservation Area, because the extension would distort the traditional Victorian gable shape. Therefore, not complying with IDP Policy GP4.

The second refusal reason was that the proposals did not consider the neighbour's health or well-being due to the overlooking and overbearing nature of the extension on the neighbour's amenity space. The proposals were considered to have significant adverse effects on the amenity of the northern neighbour. Therefore, the proposals did not comply with IDP Policies GP8(d) or GP13(a).

The scheme was then reduced, and a pre-application enquiry was submitted. The flat was reduced by around 10sqm to approximately 83sqm, and the pre-application advice was more favourable than for the refused application which sought a floor area of approximately 93sqm.

However, once the application was submitted a more detailed assessment of that proposed has concluded that only reducing the width of the second-floor extension to a 'dormer', was not actually addressing the concerns of the impact on the Conservation Area, as the 'dormer' is overly excessive, dominating the rear roof form of the building, resulting in the appearance of a flat roof extension rather than a 'traditional' dormer. Although the extension does step in from the original Victorian style gable more than the previous application, it is still considered to distort the overall effect of this gable, representing poor design and impacting on the Conservation Area and the character of the property. As such, it is not considered that the revised scheme overcomes the first reason for refusal and this application is also recommended for refusal.

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

For the reasons set out within this report, it is recommended that planning permission be refused.

Date: 08/06/2023