

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: Convert games room/store to residential dwelling including raise and alter roof height and install balcony to east elevation (Protected Building) (Revised Scheme).

LOCATION: No 58A & 58, Hauteville, St. Peter Port.

APPLICANT: Mr & Mrs N Piper

I refer to the application referred to below received as valid on 17/03/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 07/06/2023

Drawing Nos: Paul Vaudin & Associates - 20-020-02E & 03E.

Application Ref: FULL/2023/0565

Property Ref: A407200000

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 siting and layout of the balcony, together with the height of the balcony and its balustrades would have a slight detrimental effect on the amenities of the occupiers of flat 2 by virtue of its overbearing and overshadowing effect. In addition, the windows and balcony in the east elevation serving the principal living accommodation face towards and are situated in close proximity to existing flats and would have a significant detrimental effect on the privacy of the existing flats. As a result, it is concluded that the proposal does not achieve a good standard of design and it would have a significant adverse effect on the amenities of neighbouring residents. The proposal as such is contrary to Policies GP8 and GP9 of the Island Development Plan.

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/2023/0565
Property Ref: A407200000
Valid date: 17/03/2023
Location: No 58A & 58 Hauteville St. Peter Port Guernsey GY1 1DQ
Proposal: Convert games room/store to residential dwelling including raise and alter roof height and install balcony to east elevation (Protected Building) (Revised Scheme).
Applicant: Mr & Mrs N Piper

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The siting and layout of the balcony, together with the height of the balcony and its balustrades would have a slight detrimental effect on the amenities of the occupiers of flat 2 by virtue of its overbearing and overshadowing effect. In addition, the windows and balcony in the east elevation serving the principal living accommodation face towards and are situated in close proximity to existing flats and would have a significant detrimental effect on the privacy of the existing flats. As a result, it is concluded that the proposal does not achieve a good standard of design and it would have a significant adverse effect on the amenities of neighbouring residents. The proposal as such is contrary to Policies GP8 and GP9 of the Island Development Plan.

OFFICER'S REPORT

Site Description:

58 Hauteville is a 2½ storey building built up to the back edge of the footway to Hauteville. It is divided into five flats. The rear of the building has been the subject of significant alteration and extension. There is a rear garden/patio which has been subdivided to provide individual outdoor space for 3 of the flats. To the rear (south-east) of this the land slopes steeply away and there is a separate detached dwelling. There is a pedestrian access at the south-west end of the frontage onto Hauteville providing access to the rear and to the separate dwelling. There are existing walls along each side boundary. There is a two storey outbuilding on the western side of the garden (the subject of this application) and a separate conservatory on the eastern side.

58 Hauteville is a protected building as are both adjoining buildings and a number of others in the area. The application site is within the St Peter Port Main Centre Inner Boundary and Conservation Area.

Relevant History:

29/06/2022 – FULL/2021/1356 – Application refused to convert outbuilding/store to residential dwelling including raise and alter roof height and install balcony to east elevation (Protected Building) (revised).

02/12/2015 – FULL/2015/2545 – Permission granted to erect dwelling at rear of existing property and carry out alterations to form new pedestrian access.

24/01/1994 – Permission granted to extend and alter dwelling to create five flats.

Existing Use(s):

Residential use class 2: flats

Brief Description of Development:

Planning permission is requested to extend and convert a games room/store to create a two storey one bedroom dwelling. The proposal includes raising and altering the roof height to create a pitched roof and installing a balcony to the east elevation.

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

Policy MC2: Housing in Main Centres and Main Centre Outer Areas

Policy GP4: Conservation Areas

Policy GP5: Protected Buildings

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport infrastructure and support facilities

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

One letter of representation was received from the neighbouring property to the south-west, main points as follows:

- No objection in principle to the conversion of the outbuilding into a unit of accommodation.
- Increasing roof height will interfere with venting of neighbour's flue serving a fireplace, creating a health hazard.
- The proposed roof would drain onto the neighbour's roof, no permission to do this has been granted by the neighbour.
- Increasing roof height will result in loss of light for neighbouring property.
- Proposed balcony will result in loss of privacy to garden of neighbouring property.
- Concerned about disruption during construction, particularly due to parking of construction vehicles along the highway.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Whether the principle of new housing is acceptable.
2. The impact on the special interest of the protected building.
3. Design and impact of the development on the character and appearance of the Conservation Area.
4. Whether the development would result in a satisfactory living environment for the occupiers of the new dwelling.
5. The impact of the development on the amenity of people living in 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).**

Whether the principle of the housing conversion is acceptable

As set out in Policy MC2, the majority of the Island's housing supply is to be provided within and around the Main Centres. The site is located in the St Peter Port Main Centre and does not form Important Open Land. As such Policy MC2 supports the development of the site for housing where it accords with all other relevant policies of the Island Development Plan. In this case, the proposal is for a single bedroom unit of accommodation. The number of bedrooms is dictated by the limited floor space of the building. As a result the proposal provides an appropriate mix and type of dwelling whilst making an effective and efficient use of land.

The impact on the special interest of the protected building

The main building fronting onto Hauteville is a protected building. The outbuilding the subject of this application does not form part of the protected building but it is located within its setting. The proposed alterations would be sympathetic to the character and appearance of the building and would have no adverse effects on the overall special interest of the setting of 58 Hauteville.

Design and impact of the development on the character and appearance of the Conservation Area

Situated to the rear of the main building fronting onto Hauteville, the outbuilding the subject of this application is not visible from the public highway Hauteville. The proposed alterations would be sympathetic to the character and appearance of the building and would have a neutral effect on the character and appearance of the Conservation Area. The application therefore complies with Policy GP4.

Whether the development would result in a satisfactory living environment for the occupiers of the new dwelling

The health and well-being of the occupiers of the development requires consideration as set out in part (d) of Policy GP8 and explained in more detail in Annex I (Amenities). The objective to build at high densities is to be balanced with, but not override, the need to create acceptable living environments. Although there are no rigid standards for amenity provision, the factors to be considered include internal space provision, privacy, aspect/outlook, access to external open space and daylight/sunlight.

The proposed dwelling exceeds the Guernsey Technical Standards minimum internal space standards and would exceed the best practice guidance for a one person dwelling but would be below the best practice guidance for a two person dwelling over 2 floors (proposed 50sqm, best practice guidance 58sqm). The dwelling includes glazing in the south, east and north elevations and the first floor living area would also benefit from a rooflight. The size and positioning of the fenestration is likely to provide adequate daylight and sunlight, particularly to the living area. The ground floor bedroom has the potential to have some privacy concerns although the footpath outside of the bedroom would only serve two other dwellings which would limit the potential privacy issues. The privacy of the first floor kitchen and living area would be affected by a window in the south-west elevation of flat 3 and it is recommended that the window in flat 3 is blocked up to address these concerns. The first floor living area would benefit from an attractive outlook towards the coast to the south-east. The size of the outdoor space, comprising of a detached courtyard and a balcony, would be appropriate for a dwelling of this size in this central town location although the quality of the outdoor spaces would be limited by the high boundary treatments which enclose these spaces and the layout and relationship of the courtyard which is detached from the dwelling.

As a whole, although there are some deficiencies, given this central town location, the proposed dwelling could achieve a low but satisfactory quality residential environment for future occupiers, in accordance with Policy GP8, however, this would be dependent upon resolving the intervisibility issues with flat 3, for example by blocking up the window serving the lounge in the south-west elevation of flat 3.

The impact of the development on the amenity of people living in the area

General material consideration (i) requires the Authority to consider the likely effect of the development on the reasonable enjoyment of neighbouring properties. In addition, Policy GP8 requires consideration to be given to the health and well-being of both the occupiers and neighbours of the development and Policy GP9 requires new development to demonstrate that it would not have an unacceptable impact on the amenities of neighbouring properties.

The proposed balcony would almost extend out to the south-west boundary fence along the amenity area of flat 2. The siting and layout of the balcony, together with the height of the balcony and its balustrades would have a slight detrimental effect on the amenities of the occupiers of flat 2 by virtue of its overbearing and overshadowing effect. In addition, the proposal includes windows and a balcony in the east elevation at first floor level serving the principal living accommodation which faces towards and are situated in close proximity to existing flats. The lower panes of the windows are

indicated to be opaque but the low height of the opaque glazing would not prevent overlooking of the existing flats. The use of the first floor as the principal living accommodation for the proposed flat and its relationship with neighbouring properties would have a significant detrimental effect on the privacy of the existing flats. Although the design of these windows and the balcony could be amended to include fixed and obscured glazing up to 1.7 metres above first floor level to address these privacy issues, this would not resolve the detrimental effect of the balcony on the amenities of the occupiers of flat 2 by virtue of its overbearing and overshadowing effect and it would have a significant detrimental effect on the outlook and overall quality of the living environment of the proposed dwelling. As a result, it is concluded that the proposal does not achieve a good standard of design and it would have a significant adverse effect on the amenities of neighbouring residents. The proposal as such is contrary to Policies GP8 and GP9 of the Island Development Plan.

A representation raises concerns about the loss of light and privacy for the neighbouring property to the south-west due to the increase in the height of the roof and the siting and design of the balcony. The building the subject of this application abuts an extension on the neighbouring property and by virtue of its orientation and position relative to the neighbouring property and the modest increase in the ridge height, the proposal would result in no significant loss of light for the neighbouring property. The balcony has the potential to cause some overlooking of the neighbouring property. However, due to a combination of the alignment of the balcony with the south elevation of the building, the layout of the neighbouring property, the modest size of the balcony, and the acute angle of view towards the most sensitive areas of the neighbouring property, the loss of privacy caused by the balcony is unlikely to have a material adverse effect on the amenities of the neighbouring property to the south-west.

Timber fencing would be erected around the outdoor amenity area of the proposed flat. Whilst the submitted drawings do not clearly indicate the height of such fencing, during a site visit it was demonstrated that fencing of approximately 1.8 metres in height could be erected which would be sufficient to safeguard the privacy of the existing dwelling known as Craighaven.

Other Matters

No on-site car parking is available but considering its central town location and the nature of the development, on-site car parking would not be necessary in this instance. However, as set out in the Parking Standards Supplementary Planning Guidance, secure covered bicycle storage is required for the proposed dwelling. Further information would be required to demonstrate how this would be provided but as the proposal is not otherwise acceptable this has not been reviewed further at this stage.

The comments in the letter of representation regarding potential issues with venting of the neighbour's flue and the drainage of the roof onto the neighbour's property are not material planning considerations in this case. All decisions made by the Authority are without prejudice to third party rights, and the Authority is not able to address civil matters such as boundary, third party disputes or other related matters of ownership. Where necessary such cases should be resolved by seeking legal advice.

Due to the modest scale of the development and the classification of the highway as a neighbourhood road, concerns raised about disruption during the construction phase are unlikely to cause significant impacts on the amenities of neighbouring residents or on road safety and traffic management and no additional planning controls would be required to manage the construction phase of a development of this nature in this location.

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 taken into account in the assessment of this application.

It is recommended that the application is refused.

Date: 07/06/2023