

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: Variation to plans previously approved for Change of Use from House of Multiple Occupancy (Use Class 6) to 3 Residential Dwellings (Use Class 1). Erect extension to south-east (rear) elevation, rebuild dormer windows to south-east (rear) elevation, raise ridge height of extension to north-west (front) elevation, extend to south-east elevation (1.5 storey) and internal works (Protected Building) - extend at first and second floor levels to rear of unit 1.

LOCATION: Chateau De La Montagne, La Charroterie, St. Peter Port.

APPLICANT: Mr Gilliland & Mr Smith

I refer to the application referred to below received as valid on 04/05/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 05/07/2023

Drawing Nos: DRP Architecture: 3126/SK-01(4), -02(4)A, -03(4)A & -04(4)A.

Application Ref: FULL/2023/0699

Property Ref: A405890000

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 height, depth, bulk and appearance of the proposed extensions will result in a three storey flat roof extension which is of a poor design and does not respect the historic form and proportions of the protected building. The proposed increase in the height of the rear extension will have a form and appearance which is harmful to the special interest of the protected building. That harm would not be outweighed by the benefits of the development and/or the reasonable aspirations of the property owner and so the proposal is considered to be contrary to Policies GP8 and GP5.

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/2023/0699
Property Ref: A405890000
Valid date: 04/05/2023
Location: Chateau De La Montagne La Charroterie St. Peter Port
Guernsey GY1 1EJ
Proposal: Variation to plans previously approved for Change of Use from House of Multiple Occupancy (Use Class 6) to 3 Residential Dwellings (Use Class 1). Erect extension to south-east (rear) elevation, rebuild dormer windows to south-east (rear) elevation, raise ridge height of extension to north-west (front) elevation, extend to south-east elevation (1.5 storey) and internal works (Protected Building) - extend at first and second floor levels to rear of unit 1.
Applicant: Mr Gilliland & Mr Smith

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The height, depth, bulk and appearance of the proposed extensions will result in a three storey flat roof extension which is of a poor design and does not respect the historic form and proportions of the protected building. The proposed increase in the height of the rear extension will have a form and appearance which is harmful to the special interest of the protected building. That harm would not be outweighed by the benefits of the development and/or the reasonable aspirations of the property owner and so the proposal is considered to be contrary to Policies GP8 and GP5.

OFFICER'S REPORT

Site Description:

The site comprises of a double width 3 storey building with a two-storey extension to the southwest. The building has limited parking to the southwest and garden area to the southeast. The rear of the site faces onto the cliff face. The property had been previously subdivided into 6 bedsits.

The application site is within the Main Centre and within a Conservation Area. The building is also Protected. The cliff to the rear is designated as Important Open Land and Area of Biodiversity Importance within the Island Development Plan.

Relevant History:

FULL/2022/0946 Change of use from HMO (Use Class 6) to 3 Residential Dwellings (Use Class 1), erect extension to south-east (rear) elevation, rebuild dormer windows to south-east (rear) elevation, raise ridge height of extension to north-west (front) elevation, extend to south-east elevation (1.5 storey) and internal works (Protected Building).
Approved 04/10/2022

FULL/2022/1769 Variation to previously approved plans for Change of Use from HMO (Use Class 6) to 3 residential dwellings (use class 1), erect extension to south-east (rear) elevation, rebuild dormer windows to south-east (rear) elevation, raise ridge height of extension to north-west (front) elevation, extend to south-east elevation (1.5 storey) and internal works (Protected Building)- Erect single storey extension to rear of Unit 2.
Approved 1/10/2022

FULL/2023/0704 Variation to previously approved plans for Change of Use from HMO (Use Class 6) to 3 residential dwellings (use class 1), erect extension to south-east (rear) elevation, rebuild dormer windows to south-east (rear) elevation, raise ridge height of extension to north-west (front) elevation, extend to south-east elevation (1.5 storey) and internal works (Protected Building)- Excavate, create raised terrace, alter steps and erect retaining walls (Protected Trees).
Under consideration

Existing Use(s):

06 Residential – House of Multiple Occupancy

Brief Description of Development:

The application proposes a variation to the previous approval FULL/2022/0946 which approved the change of use of the building from HMO to 3 x dwelling houses, along with other extensions and alterations to the property.

The variation now proposed involves an extension to an existing first floor extension and a flat roof second storey extension over this, to the rear of Unit 1.

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

GP4: Conservation Areas
GP5: Protected Buildings
GP8: Design
GP9: Sustainable Development

Representations:

None

Consultations:

N/A

Summary of Issues:

- Impact on neighbour amenity
- Impact on the Protected Building

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).**

The proposal is considered acceptable in relation to the impact on neighbours, due to the location of the extensions to the rear elevation, with southeast (rear) facing windows only. The new windows are not expected to result in unacceptable overlooking due to the tight grain of development within this urban setting.

In consideration of the impact on the Conservation Area and Protected Building, no statement of significance has been submitted in support of the application.

The proposed variation introduces extensions to the existing which will result in a 4.5m deep flat roof three storey extension to the rear of the dwelling. Although located to the rear of the building meaning it is not prominent in public views or within the Conservation Area, it's size, bulk and appearance is not an example of good design and does not respect the historic form and proportions of the protected building. As the whole building is protected, Policy GP5 requires such extensions to Protected Buildings to respect the special interest of the building and the proposed increase in the height of the rear extension will have a form and appearance which is harmful to the special interest of the protected building. That harm would not be outweighed by the benefits of the development and/or the reasonable aspirations of the property owner.

The proposed scheme is not acceptable in terms of the proposed design or its impact on the protected building, and is therefore contrary to the requirements of Policy GP5 and GP8.

All material considerations and additional 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.

Date: 04/07/2023

