

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 single storey outbuilding/dower unit to south boundary.

LOCATION: Faisca, Mont Morin, St. Sampson.

APPLICANT: Mr R D D S Gouveia & Mrs I Faisca

I refer to the application referred to below received as valid on 20/04/2023 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: A7 Design Limited: 20-1199-P3/PD/01.

Application Ref: FULL/2023/0795

Property Ref: B005410000

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. By virtue of the size and scale of the proposed annexe/dower unit in relation to the main dwelling and existing character of development, the proposed outbuilding is not considered to represent demonstrably ancillary accommodation as required by Policy GP13 of the Island Development Plan. The outbuilding is positioned very close to both side boundaries and removes a large section of garden amenity area which is indicative of an over scaled and cramped development which will be harmful to the character of the area and is contrary to Policy GP8.

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/2023/0795
Property Ref: B005410000
Valid date: 20/04/2023
Location: Faisca Mont Morin St. Sampson Guernsey GY2 4JB
Proposal: Erect single storey outbuilding/dower unit to south boundary.
Applicant: Mr R D D S Gouveia & Mrs I Faisca

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. By virtue of the size and scale of the proposed annexe/dower unit in relation to the main dwelling and existing character of development, the proposed outbuilding is not considered to represent demonstrably ancillary accommodation as required by Policy GP13 of the Island Development Plan. The outbuilding is positioned very close to both side boundaries and removes a large section of garden amenity area which is indicative of an over scaled and cramped development which will be harmful to the character of the area and is contrary to Policy GP8.

OFFICER'S REPORT

Site Description:

The property known as 'Faisca' is a late 19th century semi-detached one and a half storey dwelling which faces north onto Mont Morin. The adjacent house is to the east and another pair of semis to the west. Beyond the garden to the south is Delancey Park and there are neighbouring properties to the north across the road. The property is located within a Main Centre and a Conservation Area as defined in the Island Development Plan.

Land levels along Mont Morin rise from east to west and also north to south, meaning the land to the rear of the site, part of Delancey Park, rises approx. 2m above the application site.

Relevant History:

FULL/2020/2141 – Install 1st floor Juliet balcony & install rooflight on north (front) elevation

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

The proposal is for the demolition of the existing outbuilding and erection of a single storey outbuilding/dower unit located in the rear garden, set against the western boundary and the raised planters of the southern boundary. The outbuilding is approx. 4.8m by 9m and is 2.7m high, with 2.9m high parapet wall to the south and west elevations, and a flat roof with overhang of 0.45m to the east elevation and 0.8m to the north elevation creating a covered terrace.

The outbuilding proposes a bedroom, ensuite, cupboard and large sitting room with kitchen facilities, and is set on an area of raised decking. The outbuilding is to be occupied by a family member, who will share main meals and laundry facilities within the main dwelling.

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

GP4 – Conservation Areas
GP8 – Design
GP9 – Sustainable Development
GP13 – Householder Development

Representations:

None

Consultations:

N/A

Summary of Issues:

- Principle of development
- Design and impact on the character of the area
- Impact on neighbouring amenity
- Impact on the Conservation 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).

- 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 set out in 2 below.

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

Whether the principle of development is acceptable

Island Development Plan (IDP) Policy GP13 considers proposals for alterations and/or extensions to residential dwellings and is flexible in terms of allowing for the reasonable aspirations of the property owner to extend and improve their home. GP13 supports proposals for dower units provided that the additional accommodation is demonstrably ancillary and well-related to the existing dwelling, and there are no significant adverse effects on neighbouring amenity.

The principle of the development is therefore acceptable, subject to other considerations.

The proposed design and impact on the character of the area

The southern side of Mont Morin is characterised by pairs of 1.5-storey villas which are spaced closely together and set close to the road with relatively narrow rear gardens bounded by Delancey Park to the rear (south). There is some variety but the dwellings have all been extended to some extent to the rear, and there are several examples of outbuildings within the rear gardens. These are generally located against the southern boundary.

The dwelling itself appears to have been extended to the rear and is understood to be a three-bedroom dwelling. The original dwelling had a relatively small ground floor area of approx. 42m² and the extended ground floor area is approx. 64.5m² (measured externally).

The proposal introduces a large new outbuilding to the rear of the dwelling, located along the southern and western boundaries and extending across the majority of the lawned area of the garden. The proposed accommodation is surrounded by an area of covered decking to the north and east.

Policy GP13 requires dower units to be demonstrably ancillary to the existing dwelling, and it is reasonable to consider that ancillary implies a degree of subordination. It is therefore necessary to consider whether as a matter of fact and degree the scale of the annexe is reasonably related to the main dwelling.

The proposed outbuilding has an external floor area of approx. 53m² (including the covered terrace) which is larger than the footprint of the original dwelling and remains significant in scale in comparison with the floor area of the extended dwelling. The outbuilding is also located close to both the west and eastern side boundaries, and is only 7m from the rear boundary of the main dwelling.

The size, scale and positioning of the outbuilding would be in marked contrast with the existing scale and pattern of residential development, as rather than occupying a small area to the southern boundary the proposed outbuilding extends across a large area of

the relatively small garden. The scale of the proposed outbuilding is also far larger than would generally be expected within a rear garden of this size or to serve a relatively modest dwelling of this size. Despite the functional link to the main dwelling established by the use of the dwelling for shared meals and laundry facilities, the proposal would fail to appear visually ancillary or subordinate to the dwellinghouse due to its size and scale given the relatively small plot size.

Policy GP8 considers that development should be of a good standard of design, demonstrate an effective and efficient use of land, and give consideration to the character of the area along with the amenities of occupiers and surrounding neighbours.

The proposed outbuilding, while resulting in a good standard of design when considered in isolation, does not appear subservient or ancillary to the main dwelling when considered in context of the relatively small dwelling and small garden, and therefore does not respect the character of the immediate surroundings or local environment.

Unlike the existing and neighbouring domestic outbuildings, the proposed overly large scale means that it is set closely to both side boundaries, appearing cramped and takes up a large section of the useable amenity garden area.

The application was deferred in order to allow the Agent the opportunity to amend the plans and reduce the size of the outbuilding proposed. The Agent did not revise the plans, and justified the proposal due to a previous approval of a similar large annexe/dower outbuilding within a residential garden (FULL/2022/1686). This application approved a larger annexe; however the schemes are not considered to be comparable due to the larger scale of the main dwelling, much larger garden area and more spacious character of the area.

Impact on neighbouring amenity

The proposed outbuilding is single storey in design and so no harmful overlooking is expected. The design features a 3m high parapet wall stretching 10m along the western boundary, although this may have some visual impact on the neighbours it is not considered to result in significant harm as the height of 3m is not excessive.

The resultant noise and disturbance from the use of this outbuilding would not be significantly more detrimental than the current use of the land as a domestic garden.

Impact on the Conservation Area

The proposed outbuilding is located within the rear garden of the dwelling which is screened from wider views by boundary vegetation and the topography of the site, which means that it does not have a significant impact on the Conservation Area.

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; the likely effect on roads and other infrastructure, traffic and essential services; any possible fall-back position by way of extant planning permissions or exempt development; and 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).

No protected trees, monuments, buildings or SSS's are affected by the proposal.

In summary, by virtue of the size and scale of the proposed annexe/dower unit in relation to the main dwelling and existing character of development, the proposed outbuilding is not considered to represent demonstrably ancillary accommodation as required by Policy GP13 of the Island Development Plan. The outbuilding is positioned very closely to both side boundaries and removes a large section of garden amenity area which is indicative of an over scaled and cramped development which will be harmful to the character of the area and is contrary to Policy GP8.

It is recommended that the application is refused.

Date: 03/07/2023