

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: Change of use of opticians (Retail Use Class 10) into existing dwelling (Use Class 1). Demolish extensions, extend and alter at ground floor and 1st floor level, including extending 1st floor terrace to west (front) elevation.

LOCATION: Les Pieux, Cobo Coast Road, Castel.

APPLICANT: Mr & Mrs D Lloyd

I refer to the application referred to below received as valid on 21/04/2023 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: The Drawing Room - 357 C1, C2, C3, C4, C5, C6, C7, C8, C9, C10, C11, C12, C13, C14.

Application Ref: FULL/2023/0796

Property Ref: D01584A000

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 high wall, projecting to the front of the dwelling and adjacent to the south site boundary would, by virtue of its position, height and design form a prominent and obtrusive feature to the detriment of the visual amenities of the locality. The scheme is therefore contrary to Policy GP8 a) and c) 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/2023/0796
Property Ref: D01584A000
Valid date: 21/04/2023
Location: Les Pieux Cobo Coast Road Castel Guernsey GY5 7HB
Proposal: Change of use of opticians (Retail Use Class 10) into existing dwelling (Use Class 1). Demolish extensions, extend and alter at ground floor and 1st floor level, including extending 1st floor terrace to west (front) elevation.
Applicant: Mr & Mrs D Lloyd

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The high wall, projecting to the front of the dwelling and adjacent to the south site boundary would, by virtue of its position, height and design form a prominent and obtrusive feature to the detriment of the visual amenities of the locality. The scheme is therefore contrary to Policy GP8 a) and c) of the Island Development Plan.

OFFICER'S REPORT

Site Description:

Les Pieux is a detached dwelling with Ophthalmic Clinic attached situated to the east of Cobo Coast Road. The building is set back from the road with the roadside boundary marked by a wall and with off-road parking to the front of the site. A mix of residential and commercial properties are found in the vicinity of the application site.

The site is located in a Local Centre and flood risk area as designated in the Island Development Plan.

Relevant History:

FULL/2022/1495 - Rescind condition from application PAPP/1997/1213 to allow the Ophthalmic Clinic to operate independently to the dwelling house - granted

1996 – application to demolish, reconstruct and extend Ophthalmic Clinic (public amenity use class 30 (a) – permission granted on 05/02/1997

1991 – extend and alter Ophthalmic Clinic and first floor living accommodation - rejected

1985 – change of use of part of dwelling to an optician’s dispensary – permission granted

Existing Use(s):

- 01 Dwelling houses
- 10 General retail

Brief Description of Development:

The application relates to the change of use of the opticians (Retail Use Class 10) to part of the existing dwelling (Use Class 1) and for the demolition of elements of the existing dwellinghouse and the erection of a two-storey extension to the north and first floor extension and terrace to the south of the dwelling. The existing balcony/terrace is shown to be enlarged with associated new glass balustrade.

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

Island Development Plan policies:

LC5: Retail in Local Centres
GP8: Design
GP9: Sustainable Development
GP13: Householder Development

Representations:

One letter of representation has been submitted raising the following points:

- The scale and mass of the proposals would be excessive, overpowering and out of proportion with other properties in the vicinity
- The size of the proposed terrace is oversized and overbearing in appearance and doesn’t reflect the constraints added to other similar developments in the area
- The development will result in the loss of the staggered building line and existing symmetry of the building impacting on the street scene and original design and features of the building
- Neighbour amenity will be impacted through outlook, loss of privacy and noise nuisance.
- A compromise would be to retain the existing terrace features, reduce the size of the proposed terrace, maintain its symmetry and follow the shape of the existing building to fit more closely within the existing street scene and proportions

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the design and appearance of the proposed extension and alterations and their impact on the character and appearance of the locality and the effect of the development on the amenities of surrounding residential neighbours.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below

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

Policy LC5 supports the change of use away from comparison retail where the proposed use accords with all other relevant policies in the IDP. There is scope therefore for the change of use of the existing opticians to part of the existing dwelling, Les Pieux.

The scheme proposes the demolition of flat roof extensions etc. to the rear of the dwelling which are of no particular merit to warrant their retention.

Concerns exist regarding the effect of the proposed projecting wall on the character and appearance of the locality and its prominence in the street scene particularly when travelling north along the coast road. This aspect of the development does not represent a good standard of design that respects the local built environment and is therefore contrary to Policy GP8 of the IDP.

The application relates to the erection of a subservient two-storey extension to the north of the dwelling, set back from the front elevation in order to ensure that the gable feature is unaffected by the work. The design and appearance of the extension would respect the local built environment. The extension is to be set off the common boundary and its hipped roof design, the blank gable wall and limited fenestration to the rear/east will ensure that this extension will not result in overshadowing or overlooking to the adjoining dwelling.

The erection of a first-floor hipped roof extension to the south of the dwelling would see the substantial removal of a flat roof side extension, with only a modest section retained to the rear. The extension has been designed with a subservient hipped roof and external materials and detailing to reflect the northern extension. It represents a good standard of design that respects the local built environment. The side elevation is shown to be blank, with a 1.7m high privacy wall to the southern edge of the first-floor roof terrace to the front/ west and as a result the extension will not result in overshadowing or unacceptable overlooking of the frontage parking area to the south.

The alterations to fenestration proposed also accord with the requirements of the IDP.

Concerns have been raised through the public consultation process regarding the proposed balcony and reference is made to other applications (approval/refusal/conditions). It should be noted that no two application sites are the same (e.g. Lion Rock is one of a pair of semi-detached houses which originally had matching balconies whereas Les Pieux is a detached house with different design features to the semi-detached houses referred to). Each application must be considered on its own merits and against the policies in place at that time. Although the existing balcony balustrade would be removed and replaced with glass the IDP offers flexibility and personal choice for homeowners when seeking to undertake alterations to their property subject to appropriate design/detail etc. The enlarged balcony with associated glazed balustrade represents a good standard of design that respects the local built environment and accords with the aims of the IDP, it will offer enhanced external space for the enjoyment of occupiers.

Concerns have been raised regarding the proposed BBQ area and the impact this may have on the amenities of the neighbouring dwelling. Where a householder places a BBQ within their own domestic curtilage is not controlled and there is no evidence to demonstrate that in the location shown this would have any greater impact on amenity than anywhere else in the garden/external space associated with this house.

The scheme shows an 'upside-down' living arrangement with bedrooms on the ground floor and living accommodation (and one bedroom) at first floor level. An element of shading will occur to the ground floor bedroom window below the balcony however, the balcony will also offer an element of shade to the accommodation but overall the development considers the health and well-being of occupiers in terms of access to sunlight/daylight. The building as existing and proposed offers flexible and adaptable accommodation and although as an existing dwelling it does not offer step free access to the building, the ground floor is on a single level with generous proportions. Stepped access to the first floor (new and proposed staircases) would be accessible by ambulant disabled and the ground floor bedroom accommodation also provides consideration for people of all ages and abilities.

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.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

In view of the design of the projecting high wall to the southern edge of the first-floor roof terrace the application is recommended for refusal.

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. These issues where relevant have been considered in the assessment of this application.

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

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 30 June 2023

