

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: Raise roof ridge height and alter roof form to create first floor accommodation with balcony at west elevation (Option 2).

LOCATION: Jokulsarlon, 2 Merryvale Chalets, La Route De L'Islet, St. Sampson.

APPLICANT: Mrs R Ellis

I refer to the application referred to below received as valid on 23/06/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 28/07/2023

Drawing Nos: Chescoe Chartered Surveyors: 2164-07, 08, 09 & 10

Application Ref: FULL/2023/0931

Property Ref: B017170002

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 submitted scheme would have a significant adverse effect on both of the neighbouring properties due to the amount of direct overlooking from the balcony into the first floor apartment windows and rear of the ground floor conservatory respectively. As such the application would not comply with Island Development Plan Policy GP13.
2. The form, bulk and massing of the proposed roof line is not considered to be good design in relation to the increased prominence of the building within its setting and the relationship to the existing built form within the area. The proposal as such does not comply with Island Development Plan 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/2023/0931
Property Ref: B017170002
Valid date: 23/06/2023
Location: Jokulsarlon 2 Merryvale Chalets La Route De L'Islet St.
Sampson Guernsey GY2 4EQ
Proposal: Raise roof ridge height and alter roof form to create first floor
accommodation with balcony at west elevation (Option 2).
Applicant: Mrs R Ellis

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The submitted scheme would have a significant adverse effect on both of the neighbouring properties due to the amount of direct overlooking from the balcony into the first floor apartment windows and rear of the ground floor conservatory respectively. As such the application would not comply with Island Development Plan Policy GP13.
 2. The form, bulk and massing of the proposed roof line is not considered to be good design in relation to the increased prominence of the building within its setting and the relationship to the existing built form within the area. The proposal as such does not comply with Island Development Plan Policy GP8.
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OFFICER'S REPORT

Site Description:

The property known as 'Jokulsarlon' is an attached single storey 1970's bungalow, which faces southeast directly onto an access road. The other attached bungalows are to the northeast and southwest with a two-storey apartment building attached to the west. There are other residential properties to the east, south and west. The group of buildings are located just to the south of Le Route de L'Islet at a lower level and between the road and the access road there is land classed as a Site of Special Significance. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2023/0951 - Raise roof ridge height to form pitched roof creating accommodation at first floor level (Option 1) – Pending.

PREA/2022/2070 - Extend dwelling at first floor level – Closed November 2022.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application has been submitted, along with another, separate, application for a similar scheme to raise the roof height to create first floor accommodation. This application is to raise the ridge height and alter the roof form with an inset balcony and double doors at first floor level.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder 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.

Pre-application advice was sought in respect to this scheme. Concerns regarding overlooking from the double doors and balcony at first floor level in respect to the adjacent dwelling to the west were noted.

There is approximately 4m distance between the balcony and the first-floor apartment windows, which is considered to have a significant impact on this occupier through

overlooking and loss of privacy. The balcony in addition would also overlook the small amount of amenity space and the rear windows of the conservatory belonging to the neighbour to the north. The impact of this is significant particularly in light of the tight interface between the adjoining neighbours and the relationship between buildings.

The design of the scheme is also not appropriate in this location. The alteration of the roof form, to run north/south, along with the increase in height, would make the property more prominent and would be overly evident within its setting. The proposed roof line would be uncharacteristic in this location adding bulk and mass to the group of buildings as well as drawing the eye due to the unusual roof form within this area, which is considered to have a significant impact on visual amenity.

Therefore, for the reason of unacceptable overlooking from the balcony and inappropriate roof form due to massing, the recommendation for this application is one of 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.

Date: 26/07/2023