

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: Sub-divide to create 2 dwellings. Demolish extension/outbuilding, extend at ground floor and first floor levels to north-east (side) elevation (Protected Building).

LOCATION: Feldspar, Les Grandes Maisons Road, St. Sampson.

APPLICANT: Mr & Mrs L Doherty

I refer to the application referred to below received as valid on 03/07/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 22/11/2023

Drawing Nos: Tyrrell Dowinton Associates: 2311 03.01A, 03.02A, 03.03B

Application Ref: FULL/2023/1013

Property Ref: B001630000

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. Due to insufficient information being submitted in regards to detailing, fire safety and sound insulation, it has not been demonstrated that the special interest of the Protected Building has been protected. As such, it is not possible to conclude that the application complies with Policy GP5 and it is refused on this basis.

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/2023/1013
Property Ref: B001630000
Valid date: 03/07/2023
Location: Feldspar Les Grandes Maisons Road St. Sampson Guernsey GY2 4JH
Proposal: Sub-divide to create 2 dwellings. Demolish extension/outbuilding, extend at ground floor and first floor levels to north-east (side) elevation (Protected Building).
Applicant: Mr & Mrs L Doherty

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. Due to insufficient information being submitted in regards to detailing, fire safety and sound insulation, it has not been demonstrated that the special interest of the Protected Building has been protected. As such, it is not possible to conclude that the application complies with Policy GP5 and it is refused on this basis.

OFFICER'S REPORT

Site Description:

The property known as 'Feldspar' is a Victorian detached two and a half storey granite faced dwelling which is set back from and faces northwest onto Les Grandes Maisons Road.

There are neighbouring properties to the southwest and southeast and a small terrace of dwellings across the road to the northwest. To the northeast is the St Sampson Church Community Hall. The property is located within the St Sampson Main Centre Outer Area and is within a Conservation Area as defined in the Island Development Plan. The property is a Protected Building.

Relevant History:

FULL/2023/1682 -Demolish extension, erect single storey extension to southeast rear elevation (Protected Building) – Approved November 2023.

FULL/2021/1049 – Demolish extension and erect dwelling to northeast of site (Protected Building) – Approved August 2021.

FULL/2020/1130 – Install sliding doors and infill existing door to southeast rear elevation, internal alterations (Protected Building) – October 2020.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to subdivide the property to create two dwellings, demolish the extension/outbuilding, and extend at ground and first floor levels to the northeast side elevation of this protected building.

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

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There has been one letter of representation and the issues are;

As neighbours of Feldspar, we have viewed the documents for the proposed alterations to Feldspar and have the following objection to make -

A gateway in the north boundary wall is shown on all the plans and also mentioned in the impact statement but the gateway in question is blocked up as it cannot be used as there is no right of way over our drive for Feldspar residents and visitors. Any opening onto our drive is illegal and the documents and application should therefore be amended to reflect this.

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.

This application was made valid on the 3rd July 2023. A deferral letter was sent out on the 27th July requesting further information on how the new proposed structure would connect to the protected building, and for information about the sound and fire separation between the two units. The deferral letter gave three weeks for the information to be submitted.

No information had been submitted by the end of August. Contact with the agent was made at this time and in mid-September as no further information had been received. A reply was received saying the information was on its way. On the 19th September an email was received from the agent asking for additional time, an extra two weeks was given, however no information was received. On the 1st November contact was made by the Service requesting an update on the application noting that failure to respond could result in the application being determined as submitted. No reply was received, therefore this report assesses the application as originally submitted.

There is insufficient information within the application to allow a full assessment of the impacts of the proposals on the protected building and against Policy GP5 (Protected Buildings). Pre-application advice on what would be required to support such application was given on 15th March 2023, which also including a Statement of Significance.

Although a Statement of Significance was submitted as part of the application, there were no details about how the new roof would meet the protected building's gable window cills, or any details on how the two properties would be separated in regard to fire safety and sound insulation. The impacts of such works could have negative effects on the fabric of the protected building.

Although a number of requests have been made for the information, this has not been forthcoming and the level of information received has failed to demonstrate that the subdivision and proposed build will not have any detrimental impacts on the special interest of the protected building to satisfy Policy GP5 (Protected Buildings). For this reason the recommended outcome 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 Planning and Development (General Provisions) Ordinance, 2007 have been considered 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 Trees or Monuments or on SSS's.

Date: 21/11/2023