

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 1.5 storey detached garage with room above to west boundary.

LOCATION: Saska, Rue Du Tertre, Vale.

APPLICANT: Mr & Mrs J Smith

I refer to the application referred to below received as valid on 22/06/2023 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: A7 Design: 14-634-P2 PD/01 & PD/02

Application Ref: FULL/2023/1122

Property Ref: C011350000

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 proposed detached outbuilding, by virtue of its size, scale and proximity to and relationship with Rue De L'Essart would appear unduly obtrusive, out of keeping with the rural character and visual amenities of the lane. The scheme is therefore contrary to Policy GP8 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/2023/1122
Property Ref: C011350000
Valid date: 22/06/2023
Location: Saska Rue Du Tertre Vale Guernsey GY3 5QF
Proposal: Erect 1.5 storey detached garage with room above to west boundary.
Applicant: Mr & Mrs J Smith

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed detached outbuilding, by virtue of its size, scale and proximity to and relationship with Rue De L'Essart would appear unduly obtrusive, out of keeping with the rural character and visual amenities of the lane. The scheme is therefore contrary to Policy GP8 c. of the Island Development Plan.

OFFICER'S REPORT

Site Description:

Saska is a detached property located to the west of Rue du Tertre. The property benefits from two vehicular access points, one to the north and the other to the south of the east boundary with Rue du Tertre. The property is situated between two roads, Rue de L'Essart to the west, with this roadside boundary marked by a bank and hedgerow.

The site is located Outside of the Centres.

Relevant History:

FULL/2015/0957 - Change of use of agricultural land to domestic curtilage (retrospective) – granted

FULL/2015/2728 - Demolish existing and erect replacement shed to rear of property (retrospective) – granted

FULL/2017/2480 - Remove roadside hedge and wall in connection with alterations to vehicular access and replace wall with fence (side/south boundary) - granted

FULL/2017/3158 - Extend domestic curtilage (retrospective) and erect glasshouse to rear of property – granted

Existing Use(s):

01 Dwelling houses

Brief Description of Development:

The application relates to the erection of a detached one and a half-storey building containing a three bay garage and motorbike/garden store on the ground floor with first floor accommodation indicated to be used as a gym/hobby room. The first-floor accommodation is to be accessed via an external staircase to the north elevation with the accommodation served by rooflights to the west roofslope and rooflights and hipped roof dormers to the east roofslope. The building is to have a slate roof, horizontal timber cladding to the exterior, with the dormers finished with composite cladding.

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

GP13: Householder Development

GP8: Design

GP9: Sustainable Development

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issue in this case relates to the visual impact of the proposed development on the character and appearance of the rural lane.

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.

Whilst the principle of the erection of an ancillary domestic outbuilding is acceptable and it is considered that the proposal as submitted is of a good standard of design not impacting on neighbouring amenity, concerns are raised over its impact on the visual amenity of the area.

The site is situated on the edge of the lowlands landscape (lowland hills) as set out in Annex V of the IDP. Rue De L'Essart, to the west of the site, is a rural lane within open and undeveloped agricultural land to both the south and west of Saska. The land to the immediate north forms part of the domestic garden of this adjoining dwelling but is currently open and visible in the lane. Hedges exist to the west boundary of the application site and trees/hedges also form the eastern edge of Rue De Essart when travelling south. The design and appearance of dwellings is varied but residential properties are primarily situated fronting Rue Du Tertre and in the case of domestic outbuildings these are modest in their size and scale.

The outbuilding would create a four-bay garage, more than 12m long and approximately 5.8m high, positioned close to the roadside boundary with this rural lane which would appear obtrusive above the roadside boundary. As a result, it would have a detrimental impact on the character and appearance of the area. As such, the scheme does not respect the rural and open landscape concerned and is therefore contrary to Policy GP8 c. of the Island Development Plan.

In view of the above it is recommended that planning permission is refused for the proposed development.

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; any possible fall-back position by way of extant planning permissions or exempt development; 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).

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

Date: 27/07/2023

