

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: Demolish extension, erect extension at ground and first floor levels to north (rear) elevation and erect single storey outbuilding/dower unit.

LOCATION: Bag End, Victoria Avenue, St. Sampson.

APPLICANT: Mr & Mrs C & M Shaw

I refer to the application referred to below received as valid on 04/07/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 12/10/2023

Drawing Nos: ArcTech Freelance Architecture: CS-23-1123-02A & -03C.

Application Ref: FULL/2023/1124

Property Ref: B013040000

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 dower unit is overly large in terms of scale and mass in relation to the house to which it should remain subservient. This would result in a reduced garden area to serve the main dwelling. Furthermore, the flue could cause adverse impacts on the amenity, health and well-being of neighbours. The dower unit therefore does not comply with Island Development Plan Policies GP8 and GP13.

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/2023/1124
Property Ref: B013040000
Valid date: 04/07/2023
Location: Bag End Victoria Avenue St. Sampson Guernsey GY2 4BD
Proposal: Demolish extension, erect extension at ground and first floor levels to north (rear) elevation and erect single storey outbuilding/dower unit.
Applicant: Mr & Mrs C & M Shaw

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed dower unit is overly large in terms of scale and mass in relation to the house to which it should remain subservient. This would result in a reduced garden area to serve the main dwelling. Furthermore, the flue could cause adverse impacts on the amenity, health and well-being of neighbours. The dower unit therefore does not comply with Island Development Plan Policies GP8 and GP13.

OFFICER'S REPORT

Site Description:

The property known as 'Bag End' is a pre-1900's two storey mid-terrace dwelling which is slightly set back from and faces south onto Victoria Avenue. The attached neighbours are to the east and west and there is a public footpath allowing access to the rear gardens to the north. The land beyond the path rises so the two properties to the north are at a higher level. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to demolish the existing extension and erect a ground floor extension with a smaller flat roof first floor extension to the north rear elevation and to erect a single storey outbuilding/dower unit at the north end of the rear garden.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

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

- It is felt that the proposed dower unit is too large for the size of the site as the unit is 47 sqm which equates to 52% of the current garden, which would be overbearing and incongruous with the surrounding area. The proposed dower unit is not in keeping with the area, all other residential properties only have small outbuildings in their garden curtilage. A wood burning stove is proposed with a chimney 4 metres above the height of the stove, which in a built-up area can cause unwanted pollution for all residents.
- The alleyway is not the primary access route to any of the properties or gardens. The alleyway is used for ad hoc garden access for the terrace properties, who all have right of way as far as the individual eastern boundaries. In addition, the alleyway is uneven, unpaved and unlit. The possibility of having the units split into two separate dwellings in the future would mean the main access for the dower unit would always be via the alleyway.
- In the vicinity, there are 29 houses and 15 on street parking spaces. If this was approved, it could create more congestion to an already built-up area.

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.

The terrace on the north side of Victoria Avenue, of which Bag End is one, is made up of nine dwellings each with a narrow north-facing garden with pedestrian access at the rear to six of the properties. There is some variety within the dwellings and all of them have been extended to some extent to the rear. Many have outbuildings within the rear gardens, albeit mostly sheds and greenhouses.

Part of this application is to extend the main dwelling, which is considered in principle to be an acceptable proposal. The original dwelling has a relatively small ground floor area of approx. 43sqm and the extended ground floor would be approx. 63sqm (measured externally).

Part of the proposal introduces a large new outbuilding to the rear of the dwelling, located along the northern and eastern boundaries and extending over the majority of the lawn area of the garden.

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. 38.4sqm, which is similar to the original foot print of the main dwelling and is still over half of the size of the extended dwelling's foot print. The size of useable garden which would be left after the proposed development would be around half of what exists at present. Therefore the size and ratio of the proposed outbuilding is considered to be too large for the size and area of the property. The size of the dower unit is not considered to be an efficient or effective use of land and is considered too large to respect the character of the area.

The proposed dower unit also proposes a log burning flue which raises up 5m above the ground level, and there are concerns about fumes/odour and the potential impact on neighbouring amenity, especially the neighbour to the north who is at a higher level, and could potentially be affected more than the other neighbours. The potential pollution from the flue could cause significant effects on neighbours' health and wellbeing. For this reason and the concerns over the size of the dower unit 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: 09/10/2023