

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 existing dwelling and erect 2 dwellings including raise roof ridge height to create first floor accommodation (revised).

LOCATION: Wolfsburgh, Vauvert, St. Peter Port.

APPLICANT: Mr S Taylor

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: 02/05/2024

Drawing Nos: PF+A Ltd: 7757-01 B1A, B2A & B3A

Application Ref: FULL/2023/1210

Property Ref: A30282A000

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 replacement building would represent a significant increase in the scale and mass of the existing building. Together with the proximity to and relationship with the adjacent apartments to the north, the proposed increase in height above the existing boundary wall is likely to result in a significant loss of light to and outlook from the windows of the adjacent apartments. Consequently, the proposal is likely to have an adverse effect on the amenities of neighbouring residents and is contrary to Policies GP8 and GP9 of the Island Development Plan and in relation to General material consideration (i).

2. The standard of the living environment for the proposed dwellings has a number of deficiencies. In particular the limited internal space which would not meet Guernsey Technical Standards minimum internal space standards for the kitchen, living, dining and bathing space is a significant deficiency. In addition, the potential for alterations to be required to the extent of glazing on the south elevations is likely to result in further significant deficiencies. As a result, the proposed dwellings would not provide a satisfactory living environment and do not accord with Policy GP8 and Annex I.

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/2023/1210
Property Ref: A30282A000
Valid date: 04/07/2023
Location: Wolfsburgh Vauvert St. Peter Port Guernsey GY1 1NB
Proposal: Demolish existing dwelling and erect 2 dwellings including raise roof ridge height to create first floor accommodation (revised).
Applicant: Mr S Taylor

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The replacement building would represent a significant increase in the scale and mass of the existing building. Together with the proximity to and relationship with the adjacent apartments to the north, the proposed increase in height above the existing boundary wall is likely to result in a significant loss of light to and outlook from the windows of the adjacent apartments. Consequently, the proposal is likely to have an adverse effect on the amenities of neighbouring residents and is contrary to Policies GP8 and GP9 of the Island Development Plan and in relation to General material consideration (i).
 2. The standard of the living environment for the proposed dwellings has a number of deficiencies. In particular the limited internal space which would not meet Guernsey Technical Standards minimum internal space standards for the kitchen, living, dining and bathing space is a significant deficiency. In addition, the potential for alterations to be required to the extent of glazing on the south elevations is likely to result in further significant deficiencies. As a result, the proposed dwellings would not provide a satisfactory living environment and do not accord with Policy GP8 and Annex I.
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OFFICER'S REPORT

Site Description:

The application property is a single storey flat roofed dwelling situated on the eastern side of Vauvert, accessed via a hard surfaced courtyard, which also serves Trinity Court. The immediate locality is largely residential of differing scale and form, but predominantly in excess of that of the application site, notably Salem Apartments, which stand directly to the north of the application site and occupy three storeys. A protected building, No.1 Vauvert, stands immediately adjacent to the south.

The site is within the St Peter Port Conservation Area and Main Centre Inner Boundary as defined in the Island Development Plan.

Relevant History:

01/12/2015 – FULL/2015/2416 – Permission granted to demolish existing single storey dwelling and erect two storey replacement dwelling, and alter boundary wall.

11/01/2010 – FULL/2011/3837 – Permission granted to erect first floor extension with 2 rooflights in south elevation and gable window with Juliet balcony in west elevation.

29/07/2010 – FULL/2010/1282 – Permission granted to erect first floor extension and alter dwelling to create two flats, install rooflights and create a balcony to west elevation.

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to demolish the existing single storey flat roof dwelling and to erect a replacement two storey pitched roof building comprising of 2, one bedroom dwellings. The replacement building would be finished with smooth rendered and timber clad walls, aluminium fenestration and a natural slate roof.

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

Policy MC2: Housing in Main Centres and Main Centre Outer Areas

Policy GP4: Conservation Areas

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport Infrastructure and Support Facilities

Policy IP7: Private and Communal Car Parking

Representations:

One letter of representation was received from the owner of a neighbouring property to the north, main points as follows:

- The proposal involves building a roof in front of living room windows. Concerned about the resultant loss of light, the scale of the development and its effect on the reasonable enjoyment of their property.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Whether the principle of new housing is acceptable.
2. Design, scale, bulk and impact of the development on the character and appearance of the Conservation Area.
3. The impact of the development on the amenity of people living in the area.
4. Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.
5. Parking provision.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

Whether the principle of new housing is acceptable

As set out in Policy MC2, the majority of the Island's housing supply is to be provided within and around the Main Centres. The site is located in a Main Centre Inner Area and does not form Important Open Land. Policy MC2 therefore supports the development of the site for housing where it accords with all other relevant policies of the Island Development Plan and where able to the site provides an appropriate mix and type of dwellings.

Current evidence regarding private market housing suggests a need for homes of 1-3 bedrooms, with an emphasis on 2 bedrooms. However, due to the limited size and characteristics of the site and the nature of the development, in principle there would be no objections to the erection of two, 1 bedroom dwellings provided that the proposal accords with all other relevant policies of the Island Development Plan.

Design, scale, bulk and impact of the development on the character and appearance of the Conservation Area

The existing building is not considered to make any particular positive contribution to the character and appearance of the Conservation Area. The replacement building would represent a significant increase in the scale and mass of the existing building. However, given the scale of neighbouring properties and the dense urban grain of the locality, the proposed increase in the scale and mass of the building would not have an adverse effect on the character and appearance of the Conservation Area. The design of the replacement building including the proposed materials and pitched roof design generally achieves a good standard of design. The design of the fenestration on the south elevation lacks coherence but as a whole the proposal would conserve the character and appearance of the Conservation Area and would have no adverse effects on the setting of the adjacent protected building, in accordance with Policies GP4 and GP8.

The impact of the development on the amenity of people living in the area

The proposal includes a number of windows at ground and first floor level in the south elevation which would cause a degree of overlooking and intervisibility with

neighbouring properties. However, given the dense urban grain of the locality, the relationships between the proposed building and neighbours to the east and south are acceptable in terms of the separation distance and the degree of intervisibility between windows.

There are concerns about the relationship of the application site to the adjacent building to the north, Salem Apartments, particularly given the close proximity of the two sites, the position of habitable room windows to the south elevation of Salem Apartments and the siting of the replacement building to the south of the adjacent apartments. The two sites are divided by a pedestrian pathway which is enclosed by a boundary wall dividing the sites which currently extends just above the cill height of the first floor windows of the adjacent apartments.

Although the overall height of the proposed building is similar to the building approved in 2015 (FULL/2015/2416), there are discrepancies between the height of the building when compared to the height of the existing windows at Salem apartment and the height of the existing boundary wall. The 2015 permission indicated the eaves height of the replacement building to be the same as and tapering up to 0.3m higher than the existing boundary wall at its eastern end, and for the ridge height to be 1.5m higher than the existing boundary wall. This current application indicates the eaves height of the replacement building would be 0.6m higher and the ridge height would be 2m higher than the existing boundary wall along its whole length. This increase in height above the height of the existing boundary wall is likely to result in a significant loss of light to and outlook from the windows of the adjacent apartments, particularly the eastern most apartment where the main living area is served solely by the two south elevation windows. Consequently, the proposal is likely to have an adverse effect on the amenities of neighbouring residents and is contrary to Policies GP8 and GP9 of the Island Development Plan and in relation to General material consideration (i).

Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings

The health and well-being of the occupiers of the development requires consideration as set out in part (d) of Policy GP8 and explained in more detail in Annex I (Amenities). The objective to build at high densities is to be balanced with, but not override, the need to create acceptable living environments. Although there are no rigid standards for amenity provision, the factors to be considered include internal space provision, privacy, aspect/outlook, access to external open space and daylight/sunlight.

The proposal would create small single person one bedroom dwellings over 2 floors. It is unclear whether unit 1 meets the Guernsey Technical Standards minimum internal space standards with regards to the kitchen, living, dining and bathing space (minimum required of 22m²), whilst unit 2 would not meet this minimum space standard. The dwellings include glazing in the south elevation and unit 1 would also have glazing in the west elevation which would provide adequate daylight and sunlight. However, Building Control advise that due to the south elevation forming the boundary line of the property, the maximum amount of glazing that would be permitted in this elevation under the Building Regulations would be 1m². There is the potential that this would apply to both units 1 and 2 (the red site boundary for unit 2 is shown along the south

elevation on plans submitted as part of a pending Building Control application) and this reduction in glazing along the south elevation would potentially have a significant adverse effect on the light and outlook of the dwellings. The ground floor accommodation has the potential to have a reduced level of privacy due to the nature of the windows at street level and facing into the communal parking area. However, this would be a similar arrangement to neighbouring properties and would be adequate given its central town location and the character of built development in the area. Both of the flats would have a limited outlook over the street or the communal parking area. No private or communal open space is provided on-site but it is acknowledged that there is communal open space within a reasonable walking distance.

As a whole, there are a number of deficiencies with the proposed dwellings. In particular the limited internal space which would not meet Guernsey Technical Standards minimum internal space standards for the kitchen, living, dining and bathing space is a significant deficiency. In addition, the potential for alterations to be required to the extent of glazing on the south elevations is likely to result in further significant deficiencies. As a result, the proposed dwellings would not provide a satisfactory living environment and do not accord with Policy GP8 and Annex I.

Parking provision.

No on-site car parking is provided but considering the nature of the development and the proximity to the services and amenities of St Peter Port (within walking distance), on-site car parking would not be necessary in this instance.

A storage unit for bicycles for both of the dwellings is proposed adjacent to unit 2. Whilst this could provide sufficient and suitable bicycle parking for the dwellings, the plans refer to the applicants having a right of access over this land and it is not clear whether they have explicit permission to install a bicycle storage unit on the land. As the proposal is not otherwise acceptable, further clarification has not been sought at this stage. The agent's suggestion of alternative bicycle parking for unit 1 within the bedroom or at the top of the landing would not provide a suitable or practical arrangement and raises additional concerns due to the already limited internal space.

The proposal is unlikely to result in any significant impact on road safety and traffic management.

Other Matters

Building Control raise concerns about the lack of dedicated storage and the cill height of the bedroom window of unit 1 and its use as a means of escape. These issues would need to be resolved as part of a Building Control submission.

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 taken into account in the assessment of this application.

It is recommended that the application is refused.

Date: 02/05/2024

