

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 pillars to widen vehicle accesses (Protected Building)
(retrospective).

LOCATION: Orange Tree Lodge, King's Mills, Castel.

APPLICANT: Mr & Mrs D & G Allen

I refer to the application referred to below received as valid on 13/09/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 30/11/2023

Drawing Nos: Block layout plan (date stamped received 29th August 2023) and annotated photographs (both date stamped received 13th September 2023).

Application Ref: FULL/2023/1344

Property Ref: D003210000

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 development if approved would have a significant detrimental effect on the overall special interest of the protected building, and would not conserve the character and appearance of the Conservation Area as a result of removing two roadside wall pillars to the front (south) of the site. The proposal would be contrary to Policy GP5 (Protected Buildings), and Policy GP4 (Conservation Areas) 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/2023/1344
Property Ref: D003210000
Valid date: 13/09/2023
Location: Orange Tree Lodge King's Mills Castel Guernsey GY5 7JT
Proposal: Demolish pillars to widen vehicle accesses (Protected Building) (retrospective).
Applicant: Mr & Mrs D & G Allen

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The development if approved would have a significant detrimental effect on the overall special interest of the protected building, and would not conserve the character and appearance of the Conservation Area as a result of removing two roadside wall pillars to the front (south) of the site. The proposal would be contrary to Policy GP5 (Protected Buildings), and Policy GP4 (Conservation Areas) of the Island Development Plan.

OFFICER'S REPORT

Site Description:

The application site known as 'Orange Tree Lodge' comprises a detached 2.5 storey dwelling-house which is located to the north of King's Mills Road. The dwelling is protected and is situated within a Conservation Area, Agriculture Priority Area and is located Outside of the Centres as defined in the Island development Plan.

The roadside wall and pillars to the front of the site are also protected and form part of the special interest of the protected building.

Planning permission was granted in 2019 (FULL/2019/1388) to temporarily remove and reinstate/repair two brick gateposts, to the front of the dwelling. The gateposts were to be finished in a style and appearance to match the roadside wall.

The west pillar has been removed in its entirety, with the east pillar being partially demolished, pursuant to planning application FULL/2019/1388. The application was approved subject to the following condition:

4. *The proposed gateposts shall be reinstated to match as closely as possible to the existing gateposts in terms of their materials, form, profile and*

position, within 4 months of the existing gateposts being removed or such other period as may be agreed beforehand in writing by the Authority.

Reason - To secure the satisfactory appearance of the completed development and to respect the special interest of the protected building and character and appearance of the Conservation Area.

Relevant History:

FULL/2020/1894	Reconstruct boundary wall (Protected Building).	Granted
FULL/2019/1388	Temporary removal and repair of gate posts (protected building).	Granted
FULL/2018/0595	Demolish existing extension and erect new garage/utility room on east elevation and alterations to fenestration (Protected Building)	Granted

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is now sought to permanently remove the pillars. The application is in part retrospective as the position of the western pillar has been replaced with granite sets.

There does not appear to have been any intention to replace the western pillar given the position of the pillar has been finished in granite sets to create a 'rumble' strip at the entrance of the property.

The inside pillars of the eastern and western access point will remain unchanged.

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
IP9 Highway Safety and Traffic Management

Representations:

None received.

Consultations:

None generated.

Summary of Issues:

- Whether the removal of the roadside pillars would have a detrimental effect on the special interest of the protected building.
- Whether the proposal would conserve or enhance the character and appearance of the Conservation Area.

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).**

Legal and Policy context:

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings, to secure so far as possible that the special historic, architectural, traditional or other special characteristics (including setting) are preserved. This duty is reflected in Policy GP5 of the IDP.

IDP Policy GP5 requires any harm to the special interest of a protected building to be balanced against:

1. The reasonable aspirations of the property owner;
2. the economic, social or other benefits of the development; and,
3. where appropriate, its contribution to enhancing the vitality of a Main Centre

Under Section 38 of The Land Planning and Development (Guernsey) Law, 2005 the Authority has a duty to pay *“special attention to the desirability of preserving and enhancing the character and appearance”* of Conservation Areas. This duty is encapsulated in Policy GP4 (Conservation Areas) which states that *“proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.”*

Protected Building:

The pillars form part of the special interest on this protected building by forming part of the boundary walls, marking a symmetrical entrance/exit to the property and separating the street from the front garden. All of these aspects are a design intention of this protected building.

The description of the protected building (1996), when it was first protected includes: *“...and the roadside wall is unusual in that it is constructed in brick with a dog toothed pattern...”*. The pillars are of high value to the overall special interest of the protected

building. Consequently, the permanent removal of the pillars will have a major detrimental impact on the protected building.

The application is supported by a covering letter, which in summary states:

- The pillars have been damaged by vehicles entering the property.
- The property needs on-going maintenance thus requiring the use of larger vehicles.
- Present day safety regulations result in larger vehicles accessing the property.
- This part of Kings Mills is narrow making turning and manoeuvring problematic for all vehicles.

Whilst the applicant's comments in relation to road safety and traffic management have been considered, Policy IP9 notes that that any improvement to the existing road network to improve road safety will be supported, unless it would have an adverse effect on the special interest or character or appearance of a Conservation Area or a Protected Building. In this case, the benefits of the changes to the access based on road safety are not outweighed by the impact on the protected building by virtue of the permanent loss of the pillars.

The proposed development will harm the overall special interest of the protected building, which is not outweighed by the reasonable aspiration of the property owner. The application is therefore contrary to IDP Policy GP5.

Conservation Area:

Annex VII of the IDP summarises the special interest of the King's Mills Conservation Area. Paragraphs VII.67 and VII.70 are relevant to this application, as below.

"Buildings are frequently in close proximity to the road and these, along with roadside walls, are primarily constructed of local stone and, throughout the Conservation Area, have a very strong visual impact on character and are intrinsic to that character. (VII.67)..."

"...and has an outstanding traditional environment which has been little altered with a character derived from the traditional buildings, prominent roadside walls and the relationship of the buildings to the roads and to one another." (VII.70)

The unusual dog-toothed roadside boundary walls and accompanying pillars form part of the character of this part of the Conservation Area. Therefore, they are a feature of the Conservation Area. Policy GP4 allows for the demolition of a feature where the replacement building or vacant site makes an equal or enhanced contribution to the Conservation Area. Removing the pillars from the entrance/exit of the property erodes rather than conserves or enhances the character and appearance of this part of the Conservation Area. The application does not comply with IDP Policy GP4.

Conclusion:

Overall, the proposal would therefore be contrary to Policies GP5 and GP4 of the Island Development Plan. For the reasons set out above, it is recommended that planning permission is refused.

Alternative design:

A possible alternative solution to the applicant's aspiration to widen the vehicular entrances, would be to move the 'inner' pillars. As established above both pillars on either side of each opening are important to the overall special interest of the Protected Building and are sensitive to change. It may however be possible to move the 'inner' pillars which are connected to the brick wall. This would require shortening that wall, but it could be done in a sensitive way, with the pillars then rebuilt with a wider opening. An application for this work would be considered, without prejudice.

Date: 30/11/2023