

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 two-storey extension to east (rear) elevation and single storey extension to north (side) elevation, demolish chimney and alteration to fenestration. (Protected Building).

LOCATION: Roselea, Ronde Cheminee, St. Sampson.

APPLICANT: Saltpan Properties Limited

I refer to the application referred to below received as valid on 21/08/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 18/10/2023

Drawing Nos: DRP Architecture: 3189-DR-001A, -002A, -100A, -110A, -200A, -201A -202A & 203

Application Ref: FULL/2023/1413

Property Ref: B008120000

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 removal of the whole rear wall and windows to the rear of the building together with much of the rear roof and near-entire removal of internal fabric and features would result in the partial demolition of the Protected Building, Roselea, which is of architectural and historic interest. The application has not been accompanied by a robust case to demonstrate that the partial demolition is necessary because the building is structurally unsound and incapable of repair or that the partial demolition relates to a structure which detracts from the special interest of the Protected Building. This aspect of the proposal therefore fails to comply with Policy GP5 criteria a. and b. of the Island Development Plan. Furthermore, the proposed development by reason of the loss of fabric and authenticity of Roselea would be severely detrimental to the special interest of the Protected Building, contrary to Policy GP5 of the Island Development Plan.

2. The application has not been accompanied by sufficient information to justify the wholesale replacement of the roof slates, replacement of the front doorway with a window, cladding of the north elevation with external insulation and the removal of a chimney. These works would result in the loss of features important to the special significance of the Protected Building and be severely detrimental to the character and appearance of the Protected Building of architectural and historic interest. These works are therefore contrary to Policies GP5 and GP8 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/2023/1413
Property Ref: B008120000
Valid date: 21/08/2023
Location: Roselea Ronde Cheminee St. Sampson Guernsey GY2 4NX
Proposal: Erect two-storey extension to east (rear) elevation and single storey extension to north (side) elevation, demolish chimney and alteration to fenestration. (Protected Building).
Applicant: Saltpan Properties Limited

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The removal of the whole rear wall and windows to the rear of the building together with much of the rear roof and near-entire removal of internal fabric and features would result in the partial demolition of the Protected Building, Roselea, which is of architectural and historic interest. The application has not been accompanied by a robust case to demonstrate that the partial demolition is necessary because the building is structurally unsound and incapable of repair or that the partial demolition relates to a structure which detracts from the special interest of the Protected Building. This aspect of the proposal therefore fails to comply with Policy GP5 criteria a. and b. of the Island Development Plan. Furthermore, the proposed development by reason of the loss of fabric and authenticity of Roselea would be severely detrimental to the special interest of the Protected Building, contrary to Policy GP5 of the Island Development Plan.
 2. The application has not been accompanied by sufficient information to justify the wholesale replacement of the roof slates, replacement of the front doorway with a window, cladding of the north elevation with external insulation and the removal of a chimney. These works would result in the loss of features important to the special significance of the Protected Building and be severely detrimental to the character and appearance of the Protected Building of architectural and historic interest. These works are therefore contrary to Policies GP5 and GP8 of the Island Development Plan.
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OFFICER'S REPORT

Site Description:

Roselea is a two-storey end of terrace property with a painted exterior and slate roof. It forms part of a terrace of traditional two storey buildings. It fronts onto a wider area of Ronde Cheminee which has the appearance of a small square. There is more modern development to the north and south. Vehicular access to the site is to the north of the

dwelling and the roadside boundary is marked by a high granite wall behind which is an attached outbuilding.

The property is a Protected Building and the site is located in a Main Centre and Archaeological Area as designated in the Island Development Plan. The adjoining house to the south is also a protected building. That building dates to the 14th century and is of very high special interest.

Relevant History:

None.

Existing Use(s):

01 Dwelling houses

Brief Description of Development:

The existing property is modest in size with open plan accommodation on the ground floor and a single bedroom and bathroom at first floor level. The application relates to the erection of a single-storey flat roof extension to the side/north of the dwelling and the construction of a two-storey, slate pitched roof extension to the rear/east in order to accommodate a new open plan living area in the single-storey extension, enabling the ground floor of the existing property to be utilised for bedroom and new staircase whilst the two-storey extension would contain a shower room and utility on the ground floor and bathroom and cupboard on the first floor. The scheme proposes the use of external painted render and timber cladding to the walls of the extension.

Further works are proposed to the property itself which includes the insertion of a new window and the demolition of a chimney stack. Existing Kenitex is proposed to be removed however the planned treatment of the stonework is unclear as notes on the plans conflict with the Statement of Significance.

The scheme also appears to relate to the resurfacing/reconfiguration of the parking area north of Roselea which serves the application property and its attached neighbour with timber fencing proposed around the garden to provide security and privacy whilst introducing an access gate to the mid-terrace property.

A Statement of Significance has been provided, the essence of which is to set out the proposed alterations and to justify them. It provides little explanation as to the development of the building and no attempt is made to apportion value to different elements or to assess the impact and effect on overall special interest or on that of the setting of La Ronde Cheminee.

It is noted that the roadside wall is not accurately shown on the elevation drawings and the shed is not shown on the survey plans.

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

Island Development Plan policies:

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the impact of the development on the fabric and special interest of the Protected Building, the design and appearance of the works and their effect on the character and appearance of the locality and the impact of the development on the amenities of surrounding residential neighbours.

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.

The purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

Section 34 of the Law explains the general functions of authorities in respect of protected buildings. This states that:

It is the duty of any department of the States when exercising its functions under this Law –

(a) to secure so far as possible that the special historic, architectural, traditional or other special characteristics of buildings listed on the protected buildings list ("protected buildings") are preserved, and

(b) in particular, in exercising its functions with respect to a protected building or any other building or land in the vicinity of a protected building, to pay special

attention to the desirability of preserving the protected building's special characteristics and setting.

In respect of these statutory duties, the word 'preserve' is taken in its ordinary meaning as set out in Chamber's dictionary, which is 'to keep safe from harm or loss'.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely. Relevant policies will be addressed below in assessing the key issues.

Section 13 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, sets out a number of general material considerations, the following of which are considered to be relevant in this instance:

- (b) the character and quality of the natural and built environment which is likely to be created by the development,
- (c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,
- (d) the likely effect of the development on the character and amenity of the locality in question,

Section 15 clarifies that the considerations referred to in paragraphs (b) and (c) of section 14 also apply to protected buildings.

Policy GP5 will be met where there is no adverse effect on the overall special interest of a protected building. However, should the works be demonstrated to be a reasonable aspiration of the property owner which outweighs the harm to the protected building the requirements of GP5 can be considered to have been met.

There are modern linings/insertions in the building behind which there may still be original internal features. Exempt, opening up works have not been undertaken to investigate the presence of such features nor are they noted on the application drawings. As a result it is not possible to know whether the features survive or their contribution to the special interest of the building.

The application proposals require the removal of the whole rear wall and windows, likely to be 19th Century, along with much of the rear roof and potentially the entire removal of internal fabric and features. The scheme also relates to the removal of all internal partitions and stairs, including sections of the ceiling, and the insertion of new partitions in a different configuration. This would amount to partial demolition of the protected building.

There is a presumption against the demolition or partial demolition of a protected building except in specific circumstances. These structures do not detract from the special interest of the protected building (criterion b.), nor has it been demonstrated that they are structurally unsound and technically incapable of repair (criterion a.).

Criterion c. is not applicable in this instance. The internal works would not represent a reasonable aspiration of the property owner and this aspect of the proposed development fails to comply with Policy GP5 criterion a. and b.

The following works would result in harm to the special interest of the Protected Building and the submission does not demonstrate that these works would be a reasonable aspiration of the property owner that would outweigh the harm caused:

- Replacement front door with a window
- Replace mainly purple slate roof covering with black natural slate
- Clad the north elevation with external insulation
- Remove chimney stack (without replacement)

As such, these works do not accord with the aims of Policy GP5.

The replacement slates, cladding of the north elevation and removal of a chimney stack would also fail to comply with Policy GP8: Design with regard to achieving a high standard of design.

Subject to conditions, the following works would represent a reasonable aspiration of the property owner that would outweigh the harm to special interest.

- Demolish shed (not a Protected Building)
- Erect a single-storey flat roof extension and new opening for stairs
- New window opening in first floor, north elevation
- Pave area to north of dwelling, create gravel path and decking
- Erect timber fences (east and south, to divide garden from parking)
- Removal of Kenitex

The removal of modern linings to the interior face of external walls represents exempt development under Class 5 of the 2023 Exemptions Ordinance.

Notwithstanding the above however, given the adverse impact of the development on the Protected Building it is recommended that planning permission is refused.

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 or sites.

Date: 18/10/2023