

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 extension to north-east (side) elevation and alterations to fenestration.

LOCATION: La Pomare Farm, Rue De La Pomare, St. Pierre Du Bois.

APPLICANT: Mr & Mrs P & S Taylor

I refer to the application referred to below received as valid on 04/09/2023 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: Application Block Layout Plan; App: PT:02:23/02.

Application Ref: FULL/2023/1484

Property Ref: F004640000 + F004650000

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 development, by virtue of the floor space and volume of the resultant building, would not be of broadly the same floor space and volume as the approved conversion scheme. The application would not therefore meet the requirements of Policy GP16(B)b).

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/2023/1484
Property Ref: F004640000 + F004650000
Valid date: 04/09/2023
Location: La Pomare Farm Rue De La Pomare St. Pierre Du Bois Guernsey
Proposal: Erect 1.5 storey extension to north-east (side) elevation and alterations to fenestration.
Applicant: Mr & Mrs P & S Taylor

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed development, by virtue of the floor space and volume of the resultant building, would not be of broadly the same floor space and volume as the approved conversion scheme. The application would not therefore meet the requirements of Policy GP16(B)b).

OFFICER'S REPORT

Site Description:

The site comprises a building group set to the north of Rue de la Pomare in St Pierre du Bois, known as La Pomare Farm. The group includes the main farmhouse, incorporating a self-catering unit at first floor level in the attached barn, a detached self-catering unit to the east and previously a detached outbuilding, located to the west of the group. The outbuilding has however been demolished in accordance with an extant planning permission for replacement with a dwellinghouse.

The site is located Outside of the Centres in the Island Development Plan, within an Agriculture Priority Area.

Relevant History:

F004640000/F004650000 (La Pomare Farm)

29/03/17 FULL/2017/0239 Permit to extend domestic curtilage to incorporate land to west and north of former outbuilding.

22/11/21 FULL/2021/2022 Permit to convert and extend outbuilding into residential dwelling.

30/03/2023 FULL/2022/1721 Demolish outbuilding and erect residential dwelling and erect retaining gabion cage to north boundary.

F00465A000/F00466A000 (Westhaven and field)

22/01/16 FULL/2015/2878 Permit to remove section of hedge and retaining wall to create access to agricultural land, form ramped access to field and erect fencing. Remove hedging and plant replacement hedging.

20/11/18 FULL/2018/1886 Permit for change of use from agricultural field to domestic garden.

Existing Use(s):

Development site within residential curtilage of La Pomare Farm

Brief Description of Development:

Permission is sought under this application to omit the covered bin store/bike charging area to the north-east gable of the approved dwelling, and to construct a 1.5 storey extension in that location. The extended floor area would expand the living area at ground floor level and would enable the creation of an enclosed bedroom and ensuite at first floor level.

In addition it is proposed to increase the width of the high level windows to the south-east elevation of the approved dwelling.

In support of the application the following points are made:

- The DPA do not have any published policy on the timing for application of householder policies;
- If Policy GP16(A) is not applicable it is requested that the application is considered as a minor departure under Section 12(2) of the Land Planning and Development (General Provisions) Ordinance, 2007;
- The proposals will have no significant bearing on the strategic objectives of the States of Guernsey;
- The proposals will not detract from open land or neighbour amenity;
- The proposals will allow for more adaptable and flexible accommodation, enabling working from home and aging in place;
- Cycle storage would be within the building, replacing the dedicated storage previously approved.

A statement is provided in respect of Policy GP9.

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

OC1	Housing Outside of the Centres
GP8	Design
GP9	Sustainable Development
GP16(A)	Conversion of redundant buildings
GP16(B)	Conversion of redundant buildings – Demolition and Redevelopment

IP6	Transport Infrastructure and Support Facilities
IP7	Private and communal car parking

Representations:

None received.

Consultations:

None undertaken.

Summary of Issues:

Whether the proposal complies with policy.

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).**

Planning permission was granted 30/03/2023 for the demolition of the former outbuilding at this site and the construction of a new dwellinghouse under Policy GP16(B) of the Island Development Plan (Conversion of Redundant Buildings – Demolition and Redevelopment). Works have commenced on site to implement that permission, with the former outbuilding having been demolished. No construction works have however commenced on site, and the pre-construction condition in relation to landscaping has not yet been discharged. The approved dwellinghouse does not therefore exist.

The prefacing text to Policy GP13 (Householder Development) identifies that that policy relates specifically to existing residential buildings. As the approved dwellinghouse has not yet been constructed it does not exist and Policy GP13 cannot apply in this case. As the policy does not apply the proposal cannot be considered as a minor departure under Section 12(2) of the Land Planning and Development (General Provisions) Ordinance, 2007.

The only scope to consider alterations to the approved scheme would therefore be as a variation to that scheme, where the proposals comply with the requirements of Policy GP16(B).

The proposed alterations would not alter the assessment of the previous application for demolition and rebuild in relation to Policy GP16(B)a), c), d), e) or f).

In respect of GP16(B)b), the policy requires that the redeveloped rebuild scheme is of broadly the same floor space and volume as the approved conversion scheme. The

tables below set out the floor space and volume associated with the former outbuilding, each of the approved schemes and the proposal which forms the subject of the current application.

	Additional floor space over previous scheme /m2	Total floor space /m2	Increased floor space /%
Former outbuilding	N/A	23	N/A
Approved conversion scheme (acs)	8.2	30.2	36 (increase over former outbuilding)
Approved rebuild scheme	6.1	36.3	20 (increase over acs)
Proposed scheme	26 (32.1 cumulative increase over acs)	62.3	106 (cumulative increase over acs)

	Additional volume /m3	Total volume /m3	Increased volume /%
Former outbuilding	N/A	c110	N/A
Approved conversion scheme (acs)	c18.87	128.87	17 (increase over former outbuilding)
Approved rebuild scheme	58.13	187	45 (increase over acs)
Proposed scheme	86.44 (144.57 cumulative increase over acs)	273.44	112 (cumulative increase over acs)

As can be seen, the approved rebuild scheme represented a 20% increase in floorspace over the previously approved conversion, and a 45% increase in volume. The increased floor space was considered to meet the terms of GP16(B)b). In respect of the volume, the officer's report accompanying the previous decision noted that this would normally be beyond what could reasonably be considered broadly the same for the purposes of Policy GP16(B), however, taking into account a variety of factors, including the relative floor area increase, the impacts on the scale of the building, the enhancement to the quality of the living environment created and the enhancements to the sustainability of the design derived from the proposed volume increase, the proposed increase could, exceptionally, be acceptable in this case.

The current proposal would result in an additional approximately 26m² floor space (measuring from 1800m height line at first floor level, although ordinarily this would be measured from the 1500m height line this is not available in this case). Taken together with the 6.1m² increase proposed under the previous rebuild scheme, this would result in a cumulative increase in floor area of 32.1m² over the approved conversion scheme, a 106% increase.

The current proposal would result in an additional approximately 86.44m³ in volume. Taken together with the 58.13m³ increase proposed under the previous rebuild scheme, this would result in a cumulative increase in volume of 144.57m³, a 112% increase.

A proposal which more than doubles the floorspace and volume of the approved conversion scheme cannot be considered to be of broadly the same floorspace or volume as the approved scheme and the proposal would not therefore meet the requirements of Policy GP16(B)b).

In respect of the remaining policies considered as part of the previous application for demolition and rebuild, the proposed alterations would not alter the conclusions in respect of Policies GP8 (Design) or GP9 (Sustainable Development), or the provision of parking under Policy IP7 (Private and Communal Car Parking).

The proposal would result in the removal of cycle storage, contrary to Policy IP6 (Transport Infrastructure and Support Facilities) and the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance. The submitted statement notes cycles could be stored within the dwelling. Whilst this is unlikely to be a satisfactory solution for all potential occupiers, there is sufficient space within the allocated domestic curtilage to provide cycle storage and this matter could be dealt with by planning condition.

The application does not include an updated Site Waste Management Plan, however the proposed variations would be addressed within the approved document.

In conclusion, the application can only be considered as a variation to the approved works under Policy GP16(B) and, taking into account the above, it can only be concluded that the proposed development, by virtue of the floor space and volume of the resultant building, would exceed what could reasonably be considered broadly similar to the approved conversion scheme and could not therefore meet the requirements of Policy GP16(B)b). Consequently the application must be recommended for refusal.

It is however advised that, once the approved dwelling exists, i.e. is substantially complete, which would ordinarily mean wind and water tight, and would include completion of the walls, windows, doors and roof, there may be scope to consider further extension under the provisions of Policy GP13.

The proposed alterations to the windows on the approved dwelling could be submitted for separate consideration as part of a minor amendment request.

Date: 18/10/2023

