

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: Convert existing building to 3 dwellings with associated works and widen vehicle access.

LOCATION: Springhurst, Le Bourg, Forest.

APPLICANT: Mr D Crowsley

I refer to the application referred to below received as valid on 25/09/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 03/01/2024

Drawing Nos: Jason Hobbs Architectural Services Ltd: 6394/A/1 & /2.

Application Ref: FULL/2023/1615

Property Ref: H00222B000

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 as proposed does not represent a good standard of design as the development would, by virtue of its proximity to and relationship with neighbouring properties result in an unacceptable degree of overlooking from the first-floor accommodation to the detriment of the amenities enjoyed by the occupiers.

The occupiers of the residential units, would be served by unsatisfactory daylight, sunlight and outlook from the windows in the west elevation which would be detrimental to the amenities, health and well-being that future occupiers could reasonably expect to enjoy.

The amenity space allocated to each unit is limited for a property situated in an Out of Centre location and the site is not situated close to any communal amenity areas (such as the parks or gardens provided for within the Main Centres) that could counteract any shortfall. Positioned to the west of the main building the amenity space will also be overshadowed for large proportions of the day by the main building and existing boundary enclosures and will be overlooked from the windows present in the rear elevation of the neighbouring property 'Springhurst House.' For the

purpose of Policy GP8 (d) the scheme would not provide 'adequate private/communal open space' for the occupiers of the development and this contributes to the poor design of the scheme.

The scheme is therefore contrary to Policies GP8 criteria (a) & (b), GP9 criterion (b), and GP16(A) criterion (h) 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/2023/1615
Property Ref: H00222B000
Valid date: 25/09/2023
Location: Springhurst Le Bourg Forest Guernsey
Proposal: Convert existing building to 3 dwellings with associated works and widen vehicle access.
Applicant: Mr D Crowsley

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The development as proposed does not represent a good standard of design as the development would, by virtue of its proximity to and relationship with neighbouring properties result in an unacceptable degree of overlooking from the first-floor accommodation to the detriment of the amenities enjoyed by the occupiers.

The occupiers of the residential units, would be served by unsatisfactory daylight, sunlight and outlook from the windows in the west elevation which would be detrimental to the amenities, health and well-being that future occupiers could reasonably expect to enjoy.

The amenity space allocated to each unit is limited for a property situated in an Out of Centre location and the site is not situated close to any communal amenity areas (such as the parks or gardens provided for within the Main Centres) that could counteract any shortfall. Positioned to the west of the main building the amenity space will also be overshadowed for large proportions of the day by the main building and existing boundary enclosures and will be overlooked from the windows present in the rear elevation of the neighbouring property 'Springhurst House.' For the purpose of Policy GP8 (d) the scheme would not provide 'adequate private/communal open space' for the occupiers of the development and this contributes to the poor design of the scheme.

The scheme is therefore contrary to Policies GP8 criteria (a) & (b), GP9 criterion (b), and GP16(A) criterion (h) of the Island Development Plan.

OFFICER'S REPORT

Site Description:

The application site comprises a two-storey building situated on the south side of Le Chene opposite the junction with La Soucique in Forest. The building is set back from

the roadside with car parking situated to the front and a vehicle access point in the northwest corner of the site.

Surrounding the site the area comprises residential properties to the north, east and west, with open fields to the south.

Relevant History:

FULL/2014/3381	Change of use to administrative, financial and professional services use Class 22 (from use class 32 - storage and distribution).	Granted 20/02/2015
FULL/2012/1777	Re-position vehicular access.	Refused 12/07/2012
PAPP/2004/4343	Change of use of store to dance studios.	Refused 25/02/2005

Existing Use(s):

Storage and distribution

Brief Description of Development:

Planning permission is sought to convert the existing building to three dwellings (comprising two 1 bedroom units and one 2 bedroom unit), to construct bicycle parking, and a bin storage area, and to replace ground floor windows with patio doors. The proposal also includes works to widen the vehicle access into the site from 4.0m to 4.5m.

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

Island Development Plan policies

OC1: Housing Outside of the Centres
GP8: Design
GP9: Sustainable Development
GP13: Householder Development
GP16(A): Conversion of Redundant Buildings
IP6: Transport infrastructure and support facilities
IP7: Private and Communal Car Parking

Representations:

Two separate letters of representation have been received both from the same address, a neighbouring residential property. The grounds for objection are summarised as follows:

History

- Springhurst (the application site) and the neighbouring property Springhurst House (to the west) were formerly one joint property. The application building is therefore highly visible from the garden area of Springhurst House;
- The site has been purchased by the owner of a local business and is used for the parking of cars both inside and outside of the building;
- Permission was granted to convert the premises into offices which has never been implemented;
- The property continues to be used for vehicle storage;

Redundancy

- The scheme does not meet the full scope of Policy GP16(A) in that:
 - o The site is currently being used for storage purpose and therefore the statement in the supporting letter that the site has not been used for 10 years is false;
 - o No evidence has been provided to demonstrate redundancy;
 - o No evidence has been provided to demonstrate that the building is not capable of being used for its last known or current use;
 - o No structural engineers report has been provided and such evidence would demonstrate that the building is capable of being used for its last known or current use;

Poor quality design

- The proposal would represent a high density overdevelopment of the site with extremely limited external amenity areas;
- There is no space to allow for extensions or to allow for the buildings to adapt overtime for the purposes of Policy GP8, GP9 and GP16(A);
- No design justification for the purposes of amenity under Annex I of the IDP;
- The health and well-being of the occupiers of the dwellings has not been considered and adequate daylight, sunlight and private open space will not be achieved;
- The scheme would not respect the character of the surrounding area which comprises single dwellings
- No mention of further landscaping has been provided;
- The scheme has not been designed for people of all ages and abilities;
- The scheme has not been designed to incorporate Lifetime Home Standards

Impact on neighbours

- The level of interface, direct overlooking, privacy, noise, lack of light (sunlight and daylight), lack of space and poor accesses to the properties would adversely affect the neighbouring properties and would provide a very low standard of amenity failing Policy GP8;
- The scheme fails to comply with all aspects of policy GP8;

Parking and access

- In addition to the cars for the residential units, the site could be used for the storage of cars not related to the site;

- Poor pedestrian routes are proposed for the site and excess parking would be provided contrary to Policies IP7 and IP9 of the IDP.

Consultations:

None

Summary of Issues:

The key issues in this case relate to the principle of the proposed change of use, the living environment of future occupiers and the potential impact of the change of use on residential amenity and highway safety.

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.

Whether the principle of the change of use into residential is acceptable;

The main focus for industry and offices as outlined within the Strategic Land Use Plan (SLUP) is for such uses to remain within or around the Main Centres and for Local Centres to provide limited opportunities (paragraph 17.1.2 of the IDP). Policy OC3 supports the change of use or redevelopment of existing industrial, storage and distribution or office uses to alternative uses provided that the scheme complies with all other relevant policies of the IDP. This policy supports the loss of industry and provides a gateway for the change of use as proposed. For the purpose of Policy OC3 the proposal is assessed against all other relevant policies of the IDP below.

Policy OC1 sets out that the creation of new dwellings will only be supported where this is achieved through the conversion of an existing redundant building (or the subdivision of an existing dwelling) subject to satisfying the provisions of Policy GP16(A): Conversion of Redundant Buildings.

Criterion a) of Policy GP16(A) sets out that an application should demonstrate that the building is no longer required or capable of being used for its current or last known purpose. In this case, the recognised use of the building is for storage and distribution purpose. The application material states that the building was last used for such purpose in 2012 and since that date has remained redundant. In 2014 planning permission was granted to change the use of the building into an office, however this permission does not appear to have been implemented. As part of that permission evidence was presented to the Authority by a local estate agent to demonstrate that the premises had been marketed since 2012 with no substantive interest shown. The former

Commerce and Employment Department was consulted at the time of the application and raised no objection to the loss of industrial use and to the change of use into an office. Although photographs have been provided from the representor to show that vehicles are being parked on the site questioning the redundancy, Policy GP16(A) relates to the use of the building and not the surrounding site. The building has remained vacant since 2012 and is considered to be redundant for the purpose of Policy GP16(A). Furthermore, Policy OC3 supports the loss of industry Outside of the Centres and there is no overriding reason to retain the building for industrial purpose.

The proposal relates to the provision of residential accommodation and the application sets out that other than alterations to existing fenestration (to make windows into patio doors and to omit a rooflight) no external alterations would be required to the building. Internally new partition walls would be required and upgrade works proposed, however for the purpose of Policy GP16(A) and following the decision of the Planning Tribunal in assessing appeal ref: PAP/008/2019, these alterations are considered to be expected when considering applications of this type and the proposal meets the aims of criteria b) and c) of Policy GP16(A) regarding the proposed use and the capability of the building to be converted without extensive alteration or rebuilding.

The proposal does not relate to a Protected Building and no extensions are proposed meeting the aims of criteria d), e) and g) of GP16(A). As the site is located in an area surrounded by residential properties and built form the scheme would not have a detrimental impact on the character and openness of the landscape in accordance with criterion f) of GP16(A). The impact of the proposal on the amenities of neighbouring properties and the surrounding area (criterion (h) of Policy GP16(A)) is assessed in detail in the following section of this report.

Impact on neighbouring properties;

Criterion (h) of Policy GP16(A) supports development proposals only where the proposal would have no unacceptable adverse impacts on the amenities and enjoyment of neighbouring properties and the surrounding area.

No extensions to the building are proposed and the boundary fences to demarcate the residential garden areas for each property would not cause harm to neighbouring properties with regard to overshadowing or loss of light.

At ground floor level, the scheme proposes to replace existing windows in the west elevation with patio doors, to replace the garage door in the north elevation with a window, and to insert three new doors to provide entrance points into the residential units in the east elevation. Views from all of these windows and doors would be contained within the application site and would not harm the residential amenities of neighbouring properties.

At first floor, views from the Juliet balcony in the north elevation of unit 1 will be over the car parking area to the front of the site and would not cause any harm to the neighbouring properties.

Although at present landscaping exists along the east and west boundaries of the site, this alone cannot be relied upon to prevent overlooking. Views from the first-floor window serving bedroom 1 of unit 3 would face directly into the garden area of the neighbouring property to the east negatively affecting the amenity afforded to its occupiers. Furthermore, the drawings do not specify the internal finished floor level of the first floor, but it appears that the cill height of the velux windows in the east and west elevations (serving the proposed bedrooms) would be below the 1.7m threshold required to prevent overlooking and to maintain privacy. Views from these windows therefore also have the potential to overlook the garden areas of the neighbouring properties in both directions.

Considering the above, situated at 3.0m from the boundary to the west and 2.0m from the boundary to the east, the proposal would by virtue of its close proximity to and relationship with neighbouring properties result in an unacceptable degree of overlooking and fails to comply with criterion (h) of Policy GP16(A), criterion (b) of Policy GP9 and criterion (i) of the General Material Planning Considerations.

The living environment for future occupiers

Criterion (d) of Policy GP8: Design, requires that in order to achieve a high standard of design proposals will be expected to *“consider the health and wellbeing of the occupiers and the neighbours of the development by providing adequate daylight, sunlight and private/communal open space”*. The policy directs proposals to be considered against Annex I: Amenities of the IDP.

New developments should be planned and built to support the health and well-being of occupants and users and maintain appropriate amenities for those of neighbouring properties. For the purpose of this report the requirements of Annex I will be commented on in turn.

Whether the proposal would provide a good living environment for future occupiers

- Aspect/Outlook
- Daylight/Sunlight

The Annex considers sunlight alongside daylight and their ability to enter a building will not, alone, be a determining factor when considering development proposals, providing that other amenities objectives are appropriately addressed. All new developments are encouraged to provide adequate levels of daylight and sunlight to all rooms, or at least principal rooms, gardens, balconies or communal external open spaces; these aspirations are qualified for sunlight by *“where possible”*. This reflects the constraints imposed by aspect relative to the movement of the sun, shading by existing development, and, in the case of converting existing buildings, its physical constraints.

At ground floor level, the scheme proposes residential dwellings with either dual (units 1 & 3) or single (unit 2) aspects. However, other than the window in the north facing elevation of unit 1, all other ground floor windows serving the kitchen and living rooms would be positioned in the west facing elevation (or west & south facing elevations for

unit 3) facing towards blank boundary walls situated at a maximum distance of circa 3.5m. Outlook from these windows would be extremely limited as would the provision of sunlight (given that they are west facing) and daylight (due to the close proximity of the boundary walls).

At first floor level, other than a window in the north elevation of unit 1 and in the west elevation of unit 3, all outlook, daylight and sunlight will be provided by velux rooflights positioned in the roof of the premises. Although the daylight and sunlight provided to these rooms may be acceptable, the outlook provided by the velux windows would remain poor. This would be further exacerbated given the close proximity of the neighbouring properties and that for a scheme to be acceptable all windows in the east and west elevations would need to be either obscure glazed and fixed shut (controlled by condition), or be repositioned higher on the elevation so as to prevent overlooking of the neighbouring property. As a result, the scheme fails to accord with the requirements of Policy GP8 d. as the development does not satisfactorily consider the health and well-being of occupiers of the development nor does it satisfy the requirements of Annex I: Amenities.

- Privacy

The Annex states that development will be expected to be designed with windows an adequate distance apart and / or suitably orientated to ensure that the level of privacy that could reasonably be expected to be enjoyed by an occupier is not adversely affected and that the use of obscure glazing alone to achieve privacy will not, normally, be considered acceptable.

The close relationship between the application site, the site boundaries and the neighbouring property to the west would result in a development that would impact on the privacy of future occupiers given the potential for overlooking from upper floor windows.

- Access to external open space

The Annex states that access including visual access to external space whether public, private or communal is important for the well-being of all occupants of buildings. Private amenity space has been included to the west of each of the units in the form of a patio area accessed from the open plan kitchen/lounge for each unit.

The amount of space provided is limited and the site is not situated close to any communal amenity areas such as the parks or gardens provided for within the Main Centres that could counteract any shortfall. Positioned to the west of the main building the amenity spaces will also be overshadowed for large proportions of the day and will be overlooked from the windows present in the rear elevation of the neighbouring property 'Springhurst House.'

The amenity space provided is therefore inadequate and for the purpose of Policy GP8 (d) would not provide '*adequate private/communal open space*' for the occupiers of the development and contributes to the poor design of the scheme.

- internal space provision

The three proposed flats exceed Part G of the Building Regulations and the DCLG space standards which represent best practice offering good internal space provision for future occupiers.

- Accessibility and flexible accommodation

The scheme incorporates an entrance point to each property via a level threshold in line with the aims of Policy GP8 (f). The existing building presents some barriers to accessibility for people of all ages and abilities, however, access to each floor is via a staircase only which would allow for access for ambulant disabled. The layout of the units proposed could also be adapted at a later date to meet the changing needs of occupiers (e.g. grab rails in WCs/bathrooms, installation of hoists provided bedroom and bathroom ceilings are constructed in an appropriate manner and careful and appropriate siting of service controls) and in the balance would see an underused building brought back into use. The scheme therefore addresses GP8 criteria f. and g.

Although not falling within a specific criteria of Annex I, the location of the proposed entrance points into the property are not considered to represent good design. The properties would be accessed via what appears as a corridor close to the boundary with the neighbouring property, which due to existing vegetation outside of the ownership of the site would prevent natural light into this area. Furthermore, the lack of windows in this elevation together with the boundary treatment would prevent natural surveillance which in terms of secure by design principles would fail to provide safe access points into the properties.

Impact on highway safety

Although the loss of a 500mm section of the roadside boundary is regrettable, a large proportion will remain undisturbed that will provide a suitable boundary feature that will continue to provide character to the surrounding area. The proposal would therefore not cause harm to the visual character or amenity of the surrounding area in this respect.

Allocated parking, bin stores and bicycle parking for each unit has been provided to the front of the property and sufficient space exists to access, turn within and leave the site forward facing. The comments from the representor are noted however this is an existing vehicle access that will be improved as a result of the alterations proposed. Given the amount and size of units proposed, it is not anticipated that any additional vehicle movements introduced would be so substantial to cause a detriment to highway safety. The scheme accords with Policies IP6 and IP7 in this respect.

Conclusions

Considering the above the development as proposed does not represent a good standard of design as the development would, by virtue of its proximity to and

relationship with neighbouring properties result in an unacceptable degree of overlooking from the first-floor accommodation to the detriment of the amenities enjoyed by the occupiers.

The occupiers of the residential units, would be served by unsatisfactory daylight, sunlight and outlook from the windows in the west elevation which would be detrimental to the amenities, health and well-being that future occupiers could reasonably expect to enjoy.

The amenity space allocated to each unit is limited for a property situated in an Out of Centre location and the site is not situated close to any communal amenity areas such as the parks or gardens provided for within the Main Centres that could counteract any shortfall. Positioned to the west of the main building the amenity space will also be overshadowed for large proportions of the day by the main building and existing boundary enclosures and will be overlooked from the windows present in the rear elevation of the neighbouring property 'Springhurst House.' The amenity space for the purpose of Policy GP8 (d) would not provide '*adequate private/communal open space*' for the occupiers of the development and this contributes to the poor design of the scheme.

The scheme is therefore contrary to Policies GP8 a. and d. and GP9 b. of the Island Development Plan and it is recommended that planning permission is refused for the above reasons.

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, buildings or sites.

Date: 03/01/2024

