

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 games room/store to residential dwelling including raise and alter roof height and Juliet balcony to east elevation (Protected Building) (Revised Scheme).

LOCATION: 58a Hauteville, St. Peter Port.

APPLICANT: Mr & Mrs N Piper

I refer to the application referred to below received as valid on 10/10/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 17/01/2024

Drawing Nos: Paul Vaudin & Associates Ltd -
20-020-02F, 03F

Application Ref: FULL/2023/1777

Property Ref: A407200000

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 windows and Juliet balcony in the east elevation serving the principal living accommodation face towards and are situated in close proximity to existing flats and would have a detrimental effect on the privacy of the existing flats. As a result, it is concluded that the proposal does not achieve a good standard of design and it would have an adverse effect on the amenities of neighbouring residents. The proposal 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 dwelling has a number of deficiencies including the outlook from the principal living area and the level of privacy of the dwelling. As a result, the proposed dwelling would not provide a satisfactory living environment and does not accord with Policy GP8 and Annex I 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/2023/1777
Property Ref: A407200000
Valid date: 10/10/2023
Location: 58a Hauteville St. Peter Port Guernsey GY1 1DQ
Proposal: Convert games room/store to residential dwelling including raise and alter roof height and Juliet balcony to east elevation (Protected Building) (Revised Scheme).
Applicant: Mr & Mrs N Piper

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The windows and Juliet balcony in the east elevation serving the principal living accommodation face towards and are situated in close proximity to existing flats and would have a detrimental effect on the privacy of the existing flats. As a result, it is concluded that the proposal does not achieve a good standard of design and it would have an adverse effect on the amenities of neighbouring residents. The proposal 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 dwelling has a number of deficiencies including the outlook from the principal living area and the level of privacy of the dwelling. As a result, the proposed dwelling would not provide a satisfactory living environment and does not accord with Policy GP8 and Annex I of the Island Development Plan.

OFFICER'S REPORT

Site Description:

58 Hauteville is a 2½ storey building built up to the back edge of the footway to Hauteville. It is divided into five flats. The rear of the building has been the subject of significant alteration and extension. There is a rear garden/patio which has been subdivided to provide individual outdoor space for 3 of the flats. To the rear (south-east) of this the land slopes steeply away and there is a separate detached dwelling. There is a pedestrian access at the south-west end of the frontage onto Hauteville providing access to the rear and to the separate dwelling. There are existing walls along each side boundary. There is a two storey outbuilding on the western side of the garden (the subject of this application) and a separate conservatory on the eastern side.

58 Hauteville is a protected building as are both adjoining buildings and a number of others in the area. The application site is within the St Peter Port Main Centre Inner Boundary and Conservation Area.

Relevant History:

07/06/2023 – FULL/2023/0565 – Application refused to convert games room/store to residential dwelling including raise and alter roof height and install balcony to east elevation (Protected Building) (Revised Scheme).

29/06/2022 – FULL/2021/1356 – Application refused to convert outbuilding/store to residential dwelling including raise and alter roof height and install balcony to east elevation (Protected Building) (revised).

02/12/2015 – FULL/2015/2545 – Permission granted to erect dwelling at rear of existing property and carry out alterations to form new pedestrian access.

24/01/1994 – Permission granted to extend and alter dwelling to create five flats.

Existing Use(s):

Residential use class 2: flats

Brief Description of Development:

Planning permission is requested to extend and convert a games room/store to create a two storey one bedroom dwelling. The proposal includes raising and altering the roof height to create a pitched roof and installing a Juliet balcony to the east elevation.

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 GP5: Protected Buildings

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport infrastructure and support facilities

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

Two representations were received, main points as follows:

- Increasing roof height will interfere with venting of neighbour's flue serving a fireplace and installing rooflights will not accord with Building Regulations and will create a health hazard.

- Overlooking and loss of privacy of terrace and windows of neighbouring properties to the north-east from windows and balcony door, including when balcony door is open.
- Raised roof height of north gable will result in loss of light and outlook to windows in neighbouring property to the north-west.
- Regardless of the use of partially obscured glazing, there will be a sense of overlooking due to the increased height of the façade and the size/height of the windows.
- Loss of privacy from raised east elevation first floor windows which will face neighbour's living room window at a distance of 5-6 metres.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Whether the principle of new housing is acceptable.
2. The impact on the special interest of the protected building.
3. Design and impact of the development on the character and appearance of the Conservation Area.
4. Whether the development would result in a satisfactory living environment for the occupiers of the new dwelling.
5. The impact of the development on the amenity of people living in the 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).**

Whether the principle of the housing conversion 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 the St Peter Port Main Centre and does not form Important Open Land. As such Policy MC2 supports the development of the site for housing where it accords with all other relevant policies of the Island Development Plan. In this case, the proposal is for a single bedroom unit of accommodation. The number of bedrooms is dictated by the limited floor space of the building. As a result the proposal provides an appropriate mix and type whilst making an effective and efficient use of land.

The impact on the special interest of the protected building

The main building fronting onto Hauteville is a protected building. The outbuilding the subject of this application does not form part of the protected building but it is located within its setting. The proposed alterations would be sympathetic to the character and

appearance of the building and would have no adverse effects on the overall special interest of the setting of 58 Hauteville.

Design and impact of the development on the character and appearance of the Conservation Area

Situated to the rear of the main building fronting onto Hauteville, the outbuilding the subject of this application is not visible from the public highway Hauteville. The proposed alterations would be sympathetic to the character and appearance of the building and would have a neutral effect on the character and appearance of the Conservation Area. The application therefore complies with Policy GP4.

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

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 proposed dwelling exceeds the Guernsey Technical Standards minimum internal space standards and would exceed the best practice guidance for a one person dwelling but would be below the best practice guidance for a two person dwelling over 2 floors (proposed 50sqm, best practice guidance 58sqm). The dwelling includes glazing in the south, east and north elevations and the first floor living area would also benefit from 6 rooflights. The size and positioning of the fenestration is likely to provide adequate daylight and sunlight, particularly to the living area. The ground floor bedroom has the potential to have some privacy concerns although the footpath outside of the bedroom would only serve two other dwellings which would limit the potential privacy issues. Notwithstanding the proposal to obscure glaze the lower section of the windows up to 1.7m, the privacy of the first floor kitchen and living area would be affected by a window in the south-west elevation of flat 3. The proposal to obscure glaze the lower section of the windows and doors in the east elevation up to 1.7 metres would also have a significant adverse effect on the outlook from the first floor kitchen and living area. The size of the outdoor space, comprising of a detached courtyard, would be appropriate for a dwelling of this size in this central town location although the quality of the outdoor space would be limited by the high boundary treatments which would be required to enclose these spaces (in order to ensure adequate privacy with and for neighbouring properties) and the layout and relationship of the courtyard which is detached from the dwelling.

As a whole, there are a number of deficiencies with the proposed dwelling and although issues regarding the privacy with the window in the south-west elevation of flat 3 could be resolved with the use of a combination of obscured and fixed glazing or by blocking up the existing window in flat 3, other measures that have been incorporated to reduce the impact on neighbouring properties have further diminished the standard of the living environment of the proposed dwelling. The proposed dwelling would not provide a satisfactory living environment and does not accord with Policy GP8 and Annex I.

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

General material consideration (i) requires the Authority to consider the likely effect of the development on the reasonable enjoyment of neighbouring properties. In addition, Policy GP8 requires consideration to be given to the health and well-being of both the occupiers and neighbours of the development and Policy GP9 requires new development to demonstrate that it would not have an unacceptable impact on the amenities of neighbouring properties.

The proposal includes windows and a Juliet balcony in the east elevation at first floor level serving the principal living accommodation which faces towards and are situated in close proximity to existing flats. The proposal to obscure glaze the lower section of the windows and doors in the east elevation up to 1.7m would reduce potential overlooking of the outdoors areas of the existing flats. However, it would not prevent potential privacy issues with the first floor window in the south-west elevation of flat 3, and it would not prevent overlooking should the windows or Juliet balcony doors be opened. The use of the first floor as the principal living accommodation for the proposed flat and its relationship with neighbouring properties is likely to have a detrimental effect on the privacy of the existing flats. Although the design of the windows and doors could be amended to minimise these privacy issues (for example replacing the doors with a window and including fixed obscured glazing up to 1.7 metres above first floor level for all windows except for the kitchen window which would require the entire window to be fixed and obscure glazed), this would have a corresponding adverse effect on the standard of the living environment of the proposed dwelling. As a result, it is concluded that the proposal does not achieve a good standard of design and it would have an adverse effect on the amenities of neighbouring residents. The proposal as such is contrary to Policies GP8 and GP9 of the Island Development Plan and in relation to General material consideration (i).

A representation raises concerns about the increase to the roof height of the north gable and the resultant loss of light and outlook for windows in the neighbouring property to the north-west. The proposal to increase the roof height of the north gable would result in some loss of light and outlook. Whilst by itself this is unlikely to result in a material adverse effect on the amenities of neighbouring residents, when combined with other privacy issues noted above, it adds further weight to the conclusion that the proposal does not achieve a good standard of design and would adversely affect the amenities of neighbouring residents.

Timber fencing is proposed to be erected around the outdoor amenity area of the proposed flat. Whilst the submitted drawings do not clearly indicate the height of such fencing, during a site visit as part of a previous application (FULL/2023/0565) it was demonstrated that fencing of approximately 1.8 metres in height could be erected which would be sufficient to safeguard the privacy of the existing dwelling known as Craighaven.

Other Matters

No on-site car parking is available but considering its central town location and the nature of the development, on-site car parking would not be necessary in this instance.

However, as set out in the Parking Standards Supplementary Planning Guidance, secure covered bicycle storage is required for the proposed dwelling. Further information would be required to demonstrate how this would be provided but as the proposal is not otherwise acceptable this has not been reviewed further at this stage.

The comments in the letter of representation regarding potential issues with venting of the neighbour's flue and whether the proposal would meet Building Regulations are not material planning considerations in this case. In this respect it is noted that prior to the commencement of works a Building Control application would need to be submitted to and approved by the Authority and such matters would be considered at that stage. All decisions made by the Authority are without prejudice to third party rights, and the Authority is not able to address civil matters such as boundary, third party disputes or other related matters of ownership. Where necessary such cases should be resolved by seeking legal advice.

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: 12/01/2024