

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: Raise roof ridge height and extend and alter at ground floor and first floor levels. Demolish section of roadside wall to widen vehicle access.

LOCATION: Ohana, Northlands Estate, Route Des Landes, Vale.

APPLICANT: Mr & Mrs Allez

I refer to the application referred to below received as valid on 16/10/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 22/11/2023

Drawing Nos: The Drawing Room: 371/C1, /C2, /C3, /C4, /C5 & /C8

Application Ref: FULL/2023/1842

Property Ref: C01353P000

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 one and a half-storey extension to the side/north elevation of Ohana, by virtue of its height, bulk and proximity to and relationship with the adjoining dwelling would have an overbearing impact and would result in an unacceptable degree of overshadowing and subsequent loss of daylight, the creation of a sense of enclosure and a corresponding loss of outlook from the adjoining dwelling, Notre Reve. The proposal is therefore contrary to Policy GP8 d., GP9 b. and GP13 a. of the Island Development Plan.

2. The proposed development, by virtue of the position of the rooflights above the finished first floor level, would result in accommodation with limited outlook for occupiers detrimental to the amenities that they can reasonably expect to enjoy and would therefore not represent a good standard of design, contrary to Policy GP8a. 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/2023/1842
Property Ref: C01353P000
Valid date: 16/10/2023
Location: Ohana Northlands Estate Route Des Landes Vale Guernsey GY3 5JH
Proposal: Raise roof ridge height and extend and alter at ground floor and first floor levels. Demolish section of roadside wall to widen vehicle access.
Applicant: Mr & Mrs Allez

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed one and a half-storey extension to the side/north elevation of Ohana, by virtue of its height, bulk and proximity to and relationship with the adjoining dwelling would have an overbearing impact and would result in an unacceptable degree of overshadowing and subsequent loss of daylight, the creation of a sense of enclosure and a corresponding loss of outlook from the adjoining dwelling, Notre Reve. The proposal is therefore contrary to Policy GP8 d., GP9 b. and GP13 a. of the Island Development Plan.
 2. The proposed development, by virtue of the position of the rooflights above the finished first floor level, would result in accommodation with limited outlook for occupiers detrimental to the amenities that they can reasonably expect to enjoy and would therefore not represent a good standard of design, contrary to Policy GP8a. and Annex I of the Island Development Plan.
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OFFICER'S REPORT

Site Description:

Ohana is a detached bungalow situated to the west of Northlands Estate road. An area of off-road parking is provided to the front of the property.

A number of other dwellings in the road benefit from accommodation in the roofspace, often served by dormers. There is no uniform property type, design or height in the street.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

None.

Existing Use(s):

01 Dwelling houses

Brief Description of Development:

The application proposes to raise the ridge height of the property and install rooflights to the front and rear roofslopes in order to provide first floor accommodation, a master suite along with a further bedroom and bathroom. A one and a half-storey extension is proposed to the side/north elevation to provide a garage and utility/boot room on the ground floor with the master dressing and en-suite above.

The infilling of windows/doors to the front and rear of the property do not represent exempt works under the Class 1 Exemptions. Permission is not required to install replacement windows/doors in existing or altered openings representing exempt works. The proposals also incorporate the erection of a porch canopy to the front, flue to the rear of the dwelling and external insulating render. The flue and insulating render represent exempt development and do not require the specific grant of permission.

The scheme also proposes the removal of a section of roadside wall to provide a wider access in order to serve off-road parking at the site. A low return of wall is proposed to enclose the area of lawn adjacent to the south site boundary. The application was deferred in order for a roadside elevation drawing to be provided showing the extent of the change to the property frontage as a result of the proposed demolition.

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

Island Development Plan policies:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

IP7: Private and Communal Car Parking

IP9: Highway Safety and Capacity

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the impact of the proposals on the character and appearance of the locality, on residential amenity and on 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.

The dwelling is to the south of a neighbouring bungalow which has a low ridge and unusual plot. This neighbouring dwelling is situated tight to the common boundary with the application site and the access between the rear of the property and boundary is often overshadowed by the boundary fence and garage at Ohana. There is no other private external space associated with this dwelling. Although the roof extension to the main dwelling would likely be set sufficient distance from the common boundary so as not to result in unacceptable overshadowing the one and a half-storey extension up to the common boundary will appear as an overbearing form of development which would create a sense of enclosure and impact on natural light to the multiple windows and doors in the south elevation of this neighbouring dwelling. The scheme therefore fails to comply with Policy GP8 of the IDP.

Generally the extension and other alterations to Ohana itself represent a good standard of design that reflects the appearance of the existing dwelling and others found in the road and respects the local built environment. The scheme will provide occupiers with more flexible accommodation that can respond to their changing needs over time and offers satisfactory sunlight/daylight to the accommodation. Notwithstanding the above, the first-floor accommodation is shown to be served by high level rooflights only. Four of these rooflights serve bathrooms, a landing and dressing room however the remainder would serve bedrooms. This accommodation would have very limited outlook as a result of their position when considering Policy GP8 and Annex I. There is a distance of approximately 10m to the rear site boundary and to the front boundary of properties to the east of Northlands Estate and if the scheme were acceptable in all other respects there would be scope to explore repositioning some of the rooflights (front and/or rear roofslopes) in order to provide enhanced outlook to the occupiers of Ohana when considering their future living environment. As submitted however, the scheme does not accord with the aims of the IDP.

The scheme proposes to remove a substantial proportion of the roadside wall in order to facilitate easy access to and from the site for multiple vehicles. Whilst the removal of a large section of the front boundary wall will have some detrimental effect on the character of the area and visual amenity, the degree of this effect is not considered to be significant in this particular case to justify refusal of permission.

The drawings do not make specific reference to the pavement kerb being dropped to allow for vehicular access and the application was deferred and a roadside elevation drawing was provided. It is also noted that the site frontage is approximately 4.5m deep and as illustrated on the drawings it would be necessary for vehicles to be parked at an angle in order to avoid them overhanging the pedestrian footway. The scheme does incorporate an integral garage (c. 5m long x 2.9m wide) which is sufficient in size to serve as an off-road parking space to serve the property. Appendix 2 of the Traffic Engineering guidelines for Guernsey, Road Hierarchy sets out that car parking spaces should be a minimum of 5m long although generally spaces are expected to be 4.8m long x 2.4m wide. The Guidelines do not have the status of policy but, for the purposes of planning should be regarded as being Supplementary Planning Guidance.

The proposed parking layout to the front of the property falls short of the guidelines in the Traffic Engineering document in terms of the minimum depth. It is also noted that garages are rarely used for their intended purpose but rather for storage and that they do not, when assessing proposals for a new dwelling, form a parking space when considering maximum parking standards set out in the adopted SPG. Nonetheless, this site is located in an area where maximum parking standards do not apply. Although the area would be suitable for small cars, which range from 2.34m to 3.7m there is no way this could be controlled by a planning condition. The drawings do show that vehicles would be parked at an angle on the property in order to avoid them overhanging the pedestrian footway. It may be reasonable to control either the number of vehicles accommodated within the proposed parking area or the layout/angle of spaces to avoid the matter of vehicles overhanging the highway and on balance, this aspect of the proposal is considered satisfactory.

Although there would be no on-site turning available for vehicles given the position of the site within a residential road with relatively low vehicle movements and speeds the need for vehicles to reverse in or out of the site would not have an unacceptable impact on highway safety. The alterations to the vehicular access would also offer reasonable visibility in both directions.

The application must however, be recommended for refusal due to the impact of the extension on the amenities of adjoining residents and on the amenities of occupiers.

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: 21/11/2023

