

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: Demolish existing building and section of outbuilding, erect dwelling with associated work and erect shed to north boundary.

LOCATION: Former Retail Unit, Retot Lane, Castel.

APPLICANT: Mr P Crowson

I refer to the application referred to below received as valid on 06/12/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 02/04/2024

Drawing Nos: PF+A Ltd - 7487-01 B1B, B2B, B3A & B4B

Application Ref: FULL/2023/2199

Property Ref: D010930000+D01093A000

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 building that is the subject of this planning application is not of broadly the same floor space and volume as the approved conversion scheme for the purposes of Policy GP16(B). The scheme does not accord with criterion (b) of Policy GP16(B) (Conversion of Redundant Buildings - Demolition and Redevelopment) 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/2023/2199
Property Ref: D010930000+D01093A000
Valid date: 06/12/2023
Location: Former Retail Unit Retot Lane Castel Guernsey GY5 7EG
Proposal: Demolish existing building and section of outbuilding, erect dwelling with associated work and erect shed to north boundary.
Applicant: Mr P Crowson

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed building that is the subject of this planning application is not of broadly the same floor space and volume as the approved conversion scheme for the purposes of Policy GP16(B). The scheme does not accord with criterion (b) of Policy GP16(B) (Conversion of Redundant Buildings - Demolition and Redevelopment) of the Island Development Plan.

OFFICER'S REPORT

Site Description:

The property known as the former Army and Navy Stores, comprises a single storey flat roof building which forms the corner of Retot Lane. Whilst the building consists of a traditional, granite stone structure with a painted rendered appearance to the front, the building has little architectural merit. The building is located on the boundary with a neighbouring property known as La Chaumiere.

The building lies to the west of Albecq Farm, which itself is subject to various applications to renovate the property. A right-of-way exists over Albecq Farm to access the rear of the building in question. Whilst Albecq Farm is recognised as a protected building, the building in question is excluded from the listing and therefore is not afforded the same protection as the farmhouse.

The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2023/0265	Convert and alter building (Retail Use Class 10) to create dwelling (Residential Use Class 1)	Granted
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Existing Use(s):

Retail – General Retail Use Class 10.

Brief Description of Development:

Planning permission was granted in 2023 to convert and alter the existing building to the north-west corner of the site, (the former Army and Navy Stores), to a dwelling-house. The application included the creation of curtilage to serve the new dwelling by virtue of altering the domestic curtilage of Albecq Farm. The proposal also incorporated an existing outbuilding to serve as storage for bicycles and gardening equipment.

Planning permission is now sought to demolish the building and relocate the building further into the site, away from the road, to improve the relationship to the surrounding built environment, sustainability, and amenity provision for the occupiers. It is noted that the design has considered the positioning of fenestration in order to capitalise on solar gain, together with the incorporation of solar panels on the south elevation. The application also refers to air source heat pumps, electric charging points and rain water harvesting. Although, an air source heat pump is not shown on the drawings.

It is noted as part of the application that the new building will be capable of achieving higher levels of insulation, air tightness and energy efficiency, and the proposal will make use of existing structures and materials, including granite and natural slate as part of the new dwelling and outbuilding. The proposed dwelling has been designed as 'a barn-like building of a similar form, scale and materials' to complement the adjacent protected building.

A Site Waste Management Plan has been submitted as part of the application.

The application was deferred as concerns were raised in light of Policy GP16(B), over the proposed size of the dwelling, in terms of floor area and volume and the inclusion of the existing outbuilding within the floor area of the new dwelling.

In response, the agent has reduced the pitch of the roof from 42.5degrees to 37 degrees to reduce the overall volume. The store to the rear of the building has been removed in its entirety, and the 'store' on the ground floor of the proposed dwelling has been omitted in favour of a 'covered courtyard'. An additional window will serve the covered courtyard, and a bike shed has been relocated closer to the entrance of the site.

The agent has also provided calculations of floor areas and volumes on drawing 7487-02 B3. It is noted in the agent's letter 9th February 2024, the proposed dwelling as revised has a floor area of 58sqm (a 17.6% increase from the approved conversion) and a

volume of 276sqm (a 19.8% increase from the approved scheme). All of the above amendments have been proposed in attempt to address the reasons for deferral.

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

OC1: Housing Outside of the Centres.
GP1: Landscape Character and Open Land
GP5: Protected Buildings
GP8: Design
GP9: Sustainable Development
GP16(B): Conversion of Redundant Buildings – Demolition and Redevelopment
IP7: Private and communal parking
IP9: Highway Safety, Accessibility and Capacity

Representations:

The Authority has received three letters of representation from one party objecting to the original proposal and the revised proposal. Grounds for objection principally relate to the following issues:-

- Significant departure of proposed works from the 2023 approval.
- Design, inappropriate location.
- Introduction of a 2.5 storey building which will have an overbearing effect, overshadowing and interfaces with the neighbouring property to the west, including garden amenity and habitable rooms.
- Precedents elsewhere with similar, substandard relationships.
- Highway and safety issues, visual amenity issues and commencement of works concerns in respect of former application FULL/2021/2647.
- Setting of Albecq Farm.
- The revisions made to the scheme do not address the reasons for concern set out in the original representation.
- Site notice not displayed.

Consultations:

None.

Summary of Issues:

- Whether the design and relocation of the proposed dwelling is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.
- The impact on the setting of the adjacent protected building.

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).

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 design and relocation of the proposed dwelling is acceptable, the impact of the development on the character and appearance of the area, and the impact of the development on neighbour amenity:

As set out above, planning permission was granted in 2023 to convert and alter the existing building to the north-west corner of the site (known as the former Army and Navy Stores), to create a dwelling-house. The principal policy in assessing the acceptability of such scheme was Policy GP16 (A).

Policy GP16 (B) (Conversion of a redundant building) consists of the second part of Policy GP16 (A) whereby it enables provision to demolish and redevelop a building subject to meeting certain criteria. Consequently, the gateway policy in assessing this application is primarily Policy GP16 (B). Each criterion of Policy GP16B is set out and addressed below.

Policy GP16 (B) states that:

"The demolition and redevelopment of a building that is able to accord with the requirements of the conversion of redundant buildings policy may be acceptable without the need to implement the permission for conversion by physically carrying out the development, provided that:

- a. the conversion scheme has first been granted planning permission; and,*

The conversion scheme has been granted planning permission under reference FULL/2023/0265 and therefore complies with criterion 'a' of Policy GP16(B).

- b. the redeveloped scheme is of broadly the same floor space and volume as the approved conversion scheme and, in the case of development for residential purposes, the number of units approved in the conversion scheme is not exceeded; and,*

As set out above, the agent has provided calculations of floor areas and volumes on drawing 7487-02 B3. It is noted in the agent's letter 9th February 2024, the proposed dwelling as shown on the revised drawings has a floor area of 58sqm (a 17.6% increase from the approved conversion) and a volume of 276sqm (a 19.8% increase from the approved scheme).

However, the calculations presented do not appear to be accurate. In fact, the floor area and volume of the new dwelling (indicated by the two-storey element) would be considerably larger than that approved. Based on calculations made by the Planning Service, the percentage increase in floor area is approximately 80m², thereby representing a 60% increase, compared to the approved scheme. The agent has included calculations in respect of the proposed volume of the dwelling. However, how these figures have been worked out is not clear, but the two-storey scale of the dwelling, coupled with the covered courtyard, is indicative that the volume is also considerably larger than the approved scheme.

It is presumed that the covered courtyard (as well as other internal aspects of the proposed dwelling) has not been included as part of the agent's calculations, therefore resulting in a proposed floor area of 58.7m².

On this basis, the agent has not demonstrated that the proposed dwelling would be broadly the same floor space and volume as the approved conversion scheme and thus the proposal, in its current form, does not comply with Policy GP16(B), criterion b.

Despite the application conflicting with Policy GP16(B) 'b', the remaining aspects of Policy GP16(B) and other policy considerations have also been considered as part of this assessment for completeness.

- c. where the existing building makes a particular positive contribution to the character of an area the replacement building would make an equal or enhanced contribution to the character of that area; and,*

Despite its age, the existing building does not make a particularly positive contribution to the character of the area that would be worthy of retaining as it possesses little architectural merit.

- d. it can be demonstrated that the new building can be constructed in such a way as to significantly enhance its sustainable design; and,*

Policy GP16(B) provides scope to demolish and rebuild a dwelling '*to relocate a structure on the site or to the use of sustainable building and construction techniques to achieve enhancements not possible through the conversion alone*'.

The new dwelling is located further into the site which has a better relationship to the surrounding built environment by increasing the frontage of the site and thereby reducing its prominence in the street scene. The rationale to position the new dwelling in the proposed location is considered to be reasonable and logical.

In relocating the new dwelling to the position proposed, it will significantly improve the outlook/aspect and internal amenity provision for any future occupiers thereby creating a better-quality development when compared to the original position and constraints of the site. The new position of the dwelling will also seek to maximise solar gain, and through a range of sustainable design technologies such as solar panels, charging points

for electric vehicles, rainwater harvesting, and improved air tightness, thus significantly enhance its sustainable design, for the purposes Policy GP16(B).

The incorporation of an air source heat pump, which is appropriately sited so that it does not adversely impact on neighbour amenity, is also likely to enhance the sustainability of the scheme, although this is not shown on the drawings.

The Site Waste Management Plan also demonstrates how waste associated with the development process is to be minimised, how existing materials are to be reused on or off the site and how residual waste will be dealt with.

Overall, therefore it is considered that the proposal would accord with this element of the Policy.

- e. it can be demonstrated that the new building can be constructed in such a way as to not have any unacceptable adverse impacts on the landscape character or openness of an area; and,*

It is considered that the proposed position of the new dwelling would not have an unacceptable impact on the landscape character and openness of the surrounding area. The proposal would introduce a separation distance between the façade of the new dwelling and the roadside, and coupled with an appropriate landscaping scheme could result in a positive effect on the street scene.

Whilst the rear of the site would be more prominent in views across Retot Lane, the rear elevation will be 'read' in context with the rear elevation of the farmhouse and the backdrop of neighbouring properties, and therefore is unlikely to have a detrimental effect on the landscape character or openness of the area. The reinforcement of soft landscaping would, in time, enhance the biodiversity of the site and soften the appearance of the development from public vantage points.

- f. it can be demonstrated that the new building can be constructed in such a way as to not have any increased impacts on the amenities or reasonable enjoyment of occupiers of neighbouring properties and the surrounding area."*

Careful consideration has been afforded to the impact of the development on neighbouring residents, including those occupiers of the farmhouse and in the wider area. The letters of representation have also been carefully considered.

When taking into account the scale of the new dwelling, together with its orientation and distance from neighbouring properties, position of fenestration and boundary treatments; the resultant development would not lead to any significant harm on the amenities of neighbouring residents.

In response to the comments made in the letter of representation, the windows to the front of the house directly face towards Retot Lane. The oblique angles achievable towards the neighbouring property to the west are likely to be partially interrupted by

the west boundary wall. In this respect, any impact from windows within the front elevation of the new dwelling is likely to be limited.

No fenestration is proposed on the west elevation as the west gable comprises a blank wall.

Towards the rear, although the neighbour has raised concerns over the relationship between the proposed first floor windows and their rear garden associated with La Chaumiere, and there will be a slight overlooking of the lower part of the neighbour's garden, this will be circa 30m away.

The area of garden near a dwelling-house is typically more sensitive than other areas of garden which are located further away from a property, and therefore become less sensitive to change. Taking all of this into account and the degree of overlooking from oblique angles, towards the middle-to-bottom of the neighbour's rear garden, is such that it would not reasonably amount to significant concerns to justify refusal, although it is acknowledged that there will be some impact.

When taking into account the position, orientation and distance between the proposed dwelling and neighbouring boundaries and properties, the development is however likely to have a shadowing effect. This is due to the two-storey nature of the development close to the west boundary. However, the degree of shadowing is likely to affect neighbouring residents during the early hours of the day, diminishing over the course of the morning due to the orientation of the new building and therefore will not affect midday sun, or sunlight during the later parts of the day. This effect is not considered to be significant enough to justify refusal.

The impact on the setting of the adjacent protected building:

The position of the new dwelling is set well behind the projecting roadside gable end of the farmhouse, and is sited in line with the principal (north) elevation of the protected building.

The building is also positioned as far away as possible from the protected building i.e. approximately 1m from the west boundary, in attempt to maximise the distance between the new dwelling and the protected building, to respect its setting. Moreover, the single storey design of the façade of the new dwelling will be subservient to the farmhouse when viewed from the north of Retot Lane.

Whilst the two-storey rear elevation would have a different feel compared to the front, and therefore to some extent may affect the setting of the protected building by virtue of its size, the degree of harm caused to the setting of the protected building would not result in sufficient concerns to warrant refusal, particularly when weighed up against other Policies of the Plan which seek to encourage making the most effective and efficient use of land, and multi-storey design.

The scheme does not unacceptably compete with or harm the special character of the protected building, and the proposal does not conflict with Policy GP5: Protected Buildings.

Conclusion:

Overall, the proposal cannot be supported in its current form as it fails to satisfy criterion b of Policy GP16(B). It is recommended that the application be refused.

Date: 28/03/2024

