

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 and rebuild dwelling, demolish outbuilding and construct associated living unit and erect new dwelling.

LOCATION: White Lodge, Les Vardes, St. Peter Port.

APPLICANT: Mr & Mrs P Body

I refer to the application referred to below received as valid on 10/01/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 21/06/2024

Drawing Nos: Stackhouse Design Ltd: 23-04-01A, 02, 08, 10A, 11A, 12A, 13A, 14A, 15A, 20, 21, 22, 25, 26

Application Ref: FULL/2023/2448

Property Ref: A408190000

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 replacement dwelling and Coach House, by virtue of the scale, massing, form, proportions and elevational composition proposed, are not demonstrated to respect the character of the local built environment or to conserve or enhance the character of the Conservation Area. The proposals would not therefore meet the terms of Policies GP4 (Conservation Areas), GP8 (Design), GP9b (Sustainable Development) or GP13 (Householder Development) or the statutory duties of the Land Planning and Development (Guernsey) Law, 2005.

2. The application does not demonstrate the relationship of the proposed Coach House with nearby protected buildings, and it is not therefore possible to assess the impact of the proposal on the special interest of those buildings or whether the proposal accords with Policies GP5 (Protected Buildings), GP8 (Design) or GP9b (Sustainable Development) or the statutory duties of the Land Planning and Development (Guernsey) Law, 2005.

3. The proposed replacement dwelling would result in overbearing and overlooking of the property to the south, to an extent which would have an unacceptable impact on the amenity of that property. There is insufficient information to demonstrate the relationship of the Coach House with neighbouring properties and it is not therefore possible to conclude that the proposal would not have any adverse effects on the amenities of neighbouring properties. The proposals would not therefore meet the terms of Policies GP8d) (Design) or GP9b) (Sustainable Development).

4. The submitted information does not demonstrate that the Coach House would be accessible for people of all ages and abilities or that the accommodation would be flexible and adaptable to people's needs over time and the proposal does not therefore meet the terms of Policy GP8f)&g) (Design).

5. The submitted information does not demonstrate that the buildings have been designed to take into account the use of energy and resources and any adverse impact on the environment through paying particular regard to the location, orientation and appearance of the building, the form of construction or the materials used and the proposal does not therefore meet the terms of Policy GP9a) (Sustainable Development).

6. The proposed parking provision across the site exceeds the maximum standards set out within the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance and would therefore be contrary to Policy IP7 (Private and Communal Car Parking).

7. As the proposal is not in accordance with all relevant policies of the Island Development Plan, it fails to meet the terms of Policy MC2 (Housing in Main Centres and Main Centre Outer Areas).

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/2023/2448
Property Ref: A408190000
Valid date: 10/01/2024
Location: White Lodge Les Vardes St. Peter Port Guernsey GY1 1BH
Proposal: Demolish and rebuild dwelling, demolish outbuilding and construct associated living unit and erect new dwelling.
Applicant: Mr & Mrs P Body

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed replacement dwelling and Coach House, by virtue of the scale, massing, form, proportions and elevational composition proposed, are not demonstrated to respect the character of the local built environment or to conserve or enhance the character of the Conservation Area. The proposals would not therefore meet the terms of Policies GP4 (Conservation Areas), GP8 (Design), GP9b) (Sustainable Development) or GP13 (Householder Development) or the statutory duties of the Land Planning and Development (Guernsey) Law, 2005.
2. The application does not demonstrate the relationship of the proposed Coach House with nearby protected buildings, and it is not therefore possible to assess the impact of the proposal on the special interest of those buildings or whether the proposal accords with Policies GP5 (Protected Buildings), GP8 (Design) or GP9b) (Sustainable Development) or the statutory duties of the Land Planning and Development (Guernsey) Law, 2005.
3. The proposed replacement dwelling would result in overbearing and overlooking of the property to the south, to an extent which would have an unacceptable impact on the amenity of that property. There is insufficient information to demonstrate the relationship of the Coach House with neighbouring properties and it is not therefore possible to conclude that the proposal would not have any adverse effects on the amenities of neighbouring properties. The proposals would not therefore meet the terms of Policies GP8d) (Design) or GP9b) (Sustainable Development).
4. The submitted information does not demonstrate that the Coach House would be accessible for people of all ages and abilities or that the accommodation would be flexible and adaptable to people's needs over time and the proposal does not therefore meet the terms of Policy GP8f)&g) (Design).
5. The submitted information does not demonstrate that the buildings have been designed to take into account the use of energy and resources and any adverse impact on the environment through paying particular regard to the location, orientation and

appearance of the building, the form of construction or the materials used and the proposal does not therefore meet the terms of Policy GP9a) (Sustainable Development).

6. The proposed parking provision across the site exceeds the maximum standards set out within the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance and would therefore be contrary to Policy IP7 (Private and Communal Car Parking).

7. As the proposal is not in accordance with all relevant policies of the Island Development Plan, it fails to meet the terms of Policy MC2 (Housing in Main Centres and Main Centre Outer Areas).

OFFICER'S REPORT

Site Description:

The property comprises an area of 3300sqm, containing a single 20th century dwellinghouse set to the south of the property, with associated gardens including a conservatory adjacent to the north boundary and a garden store adjacent to the east boundary. A building was present at the site by 1938 and, whilst the roof was altered to include a mansard in the 1980s, the building beneath appears to be original.

The property is bounded to the west and north-west by Pied des Vardes, is divided from that road by a high granite wall and substantial conifer hedging/planting and is accessed from that road in the north-west corner. The property is bounded by, and elevated above, George Road to the east and is separated from that road by a high granite wall and substantial planting. The site is bounded by residential properties to the north and south, as well as across the roads to the east and west, with a guest house located to the north-west. Land levels fall away from the south of the site towards the north.

The property is located within the St Peter Port Main Centre Outer Area in the Island Development Plan, forms part of Les Val des Terres Character Area of the St Peter Port Conservation Area and features in views of the Hillside Town. The properties to the north-east and across the road to the north-west and south-east are protected and the wall forming the east boundary, running along the western side of George Road, is a protected monument known as "Wall at Fieu Le Rouet".

Relevant History:

None relevant at application site.

Sainte Royale (A408200000 – property to south)

FULL/2011/3714 Demolish existing and erect replacement dwelling incorporating glazed balconies and balustrades, basement and terrace (revised), alter and convert existing garage/gatehouse, demolish existing and erect replacement garage (revised) and erect summer house. Approved 04/04/2012

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

The application proposes to demolish the existing dwelling at the site and to erect a replacement 5 bed 4 storey dwellinghouse including living area, kitchen/dining area, cinema, gym, safe room, office and garage/wash area.

In addition it is proposed to erect a new 2 bed dwelling named “The Coach House” of flat roof design to the north-west of the site, built into the sloping land and comprising two storeys to the south and three storeys to the north.

It is also proposed to demolish the existing garden store and to erect a single storey 1 bed “Gardener’s Cottage” to the east of the site.

The application also includes alterations to the driveway, areas of hardstanding and access point, including installation of gates.

A Planning and Design Statement and Site Waste Management Plan were submitted in support of the application. The P&DS statement states that both the Coach House and the gardener’s cottage would comprise accommodation ancillary to the use of the main dwelling, comprising staff and guest accommodation.

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

- MC2 Housing in Main Centres
- GP4 Conservation Areas
- GP5 Protected Buildings
- GP6 Protected Monuments
- GP8 Design
- GP9 Sustainable Development
- GP13 Householder Development
- IP6 Transport Infrastructure and Support Facilities
- IP7 Private and Communal Car Parking
- IP9 Highway Safety, Accessibility and Capacity

Representations:

Three letters of representation received raising the following points:

The proposal comprises an increase in the number of dwellings at the site and a significant increase to the scale, bulk and massing of the existing building, resulting in overdevelopment of the site and the following concerns:

- Annex VII of the IDP discourages the use of flat roofs in areas of more traditional forms such as this one;

- The scale, design and materials do not preserve or enhance the character of the surrounding Conservation Area, do not take into account the setting of nearby protected buildings and would detract from the open landscape character;
- GP6, relating to protected monuments, is not referenced within the submitted material and the proposed development would impact adversely on that monument;
- The proposals would result in interface between properties within the site boundaries;
- The proposals would result in overbearing, overshadowing and overlooking of surrounding properties, in particular:
 - o Scale of build and facing windows and balconies adjacent to the south boundary;
 - o Overlooking of the flats on the opposite side of George Road in Mont Havelet from the proposed gardener's cottage;
- The proposed design is not demonstrated to be sustainable;
- A substantial level of internal infrastructure is required to support the number of cars proposed.

Consultations:

None undertaken.

Summary of Issues:

Principle of development;
 Impact on the character of the Conservation Area;
 Impact on protected monument;
 Impact on the setting of nearby protected buildings;
 Design;
 Amenity of the proposed units;
 Provision of access and parking;
 Impact on neighbour amenity;
 Sustainable development.

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).**

The purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

Section 31(1)(b) of the Law explains the general functions of authorities in respect of protected monuments. This states that:

It is the duty of any department of the States when exercising its functions under this Law –

(b) in particular, in exercising its functions with respect to any buildings or other land in the vicinity of a protected monument, to pay special attention to the desirability of preserving the protected monument **and its setting** [emphasis added].

Section 34 of the Law explains the general functions of authorities in respect of protected buildings. This states that:

It is the duty of any department of the States when exercising its functions under this Law –

(a) to secure so far as possible that the special historic, architectural, traditional or other special characteristics of buildings listed on the protected buildings list (“protected buildings”) are preserved, and

*(b) in particular, in exercising its functions with respect to a protected building or any other building or land in the vicinity of a protected building, to pay special attention to the desirability of preserving the protected building’s special characteristics **and setting** [emphasis added].*

Section 38 of the Law explains the general functions of authorities in respect of conservation areas. This states that:

In the exercise, with respect to any building or other land in a conservation area, of any powers under this Law or any other enactment, special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that area.

In respect of these statutory duties, the word ‘preserve’ is taken in its ordinary meaning as set out in Chamber’s dictionary, which is ‘to keep safe from harm or loss’.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey’s built and natural environment and the need to use land wisely. Relevant policies will be addressed below in assessing the key issues.

Section 13 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, sets out a number of general material considerations, the following of which are considered to be relevant in this instance:

(b) the character and quality of the natural and built environment which is likely to be created by the development,

(c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,

(d) the likely effect of the development on the character and amenity of the locality in question,

- (e) the likely effect of the development on roads and other infrastructure, traffic and essential services,*
- (i) the likely effect of the development on the reasonable enjoyment of neighbouring properties.*

Principle of development

This application proposes the demolition and rebuild of the existing dwelling at the site, and the construction of a Coach House, stated to be for guest accommodation, and a “gardener’s cottage”, for staff associated with the main dwelling.

The demolition and rebuild of the existing dwelling would fall to be considered under Policy GP13 (Householder Development) and, taking into account the size and positioning on site of the gardener’s cottage, together with the intended use, it is considered that that unit could be considered as an associated living unit, ancillary and incidental to the use of the main dwelling, under the same policy. Policy GP13 provides support for such development, where there is no significant adverse impact on the amenities of adjoining properties; the design, scale, mass and form of development does not detract from the character of an open area; and there is no adverse effect on the special interest of a Conservation Area, Area of Biodiversity Importance, Protected Building or Protected Monument. These points will be addressed below.

The proposed Coach House, taking into account the size of the unit, nature of the accommodation proposed (including integral garaging) and distance from the main dwelling, would however go beyond what could reasonably be considered an ancillary or associated living unit and would have to be considered as the provision of new housing under Policy MC2 (Housing in Main Centres and Main Centre Outer Areas).

Policy MC2 supports such development where the proposal addresses identified housing requirements in the Island. The Coach House would comprise a two bed dwellinghouse, which would address the greatest housing requirement. Policy MC2 however also requires a proposal to comply with all other relevant policies of the Plan and provision of a Site Waste Management Plan. These elements are addressed below.

The site size would just exceed the land area size where a Development Framework is required under Policy MC2. Given that the majority of the site is to be developed under Policy GP13, it would not however be reasonable or useful to require a Development Framework in this instance.

Impact on the character of the Conservation Area

The application site lies within the St Peter Port Conservation Area, within the development which forms part of the Hillside Town and forms part of Les Val Des Terres Character Area, as described within the St Peter Port Conservation Area Appraisal (SPP CAA). Policies GP4 (Conservation Areas), GP8 (Design), GP9b) (Sustainable Development) and GP13 apply in relation to development within Conservation Areas, the statutory duties of the Law must be met, and the material considerations of the Law must be taken into account, as set out above.

The Hillside Town, as set out within the CAA, forms a backdrop to the harbour areas and is characterised by tiered development bookended by green areas of mature vegetation. The application site is located within the outer part of the uppermost tier of development in the Hillside Town, sitting at the transition between the more densely developed lower tiers and projecting into the landscaped upper tier in views from the north (the outer Harbour, enclosing wall and the New Jetty), and appearing more within the green bookend in views from the north-east (Castle Cornet and the Castle Emplacement, and the adjacent section of pier). The site is not visible in views from La Vallette to the east, or from the Esplanades or shorter piers.

Within these long views, the mature vegetation and trees on the site contribute to the green bookend of the Hillside Town. The mansard roof of the existing building projects above the assorted development located lower on the hillside, whilst remaining below the crest of the ridge and the dominant building at Sainte Royale to the south. Whilst not comprising an intrusive feature in these views, the mass and form of the roof does stand out against the more traditional forms and scales of the buildings below, which tend to comprise domestic scale buildings with vertical proportions, high solid: void ratios and pitched roofs, and against the mature planting on and behind the site. Whilst more modern developments are visible in this context, such as that located just below and to the south-east of the site on George Road, the more horizontal emphasis and large extent of glazing at that development is not clearly read amongst the surrounding development and vegetation. Sainte Royale however comprises a dominant feature in views of this part of the Hillside Town and is of a significantly greater scale and mass than those buildings below. Whilst retaining a similar solid: void ratio to those buildings below, and utilising similar materials, the form and design of that building does represent a departure from the surrounding architecture.

Views of the site are otherwise limited to the minor roads located to the west and east of the application site, including from a short section of Montville Drive to the west. In these views the high granite boundary walls and mature perimeter vegetation make a strong contribution to the character of the area, with views of the building itself limited to glimpses above or through the vegetation. Surrounding development is coarse grained and buildings tend to take advantage of the gradient to incorporate additional floors. Built form to the north is generally of traditional form and design, that to the east is a mix of traditional and more recent developments and that to the south and south-west of more modern construction. Modern materials have, on the whole, been incorporated sympathetically amid more traditional materials.

The application includes the demolition of the existing dwelling at the site, and the ancillary gardener's store. Whilst the existing dwelling is not of high architectural quality, it does not detract substantially from the Conservation Area, being of limited visibility except in a few, glimpsed close views and with impacts in long views somewhat mitigated by the position of the building below the crest of the hill and the dark colour of the roof. The building itself is therefore considered to make a neutral contribution to the Conservation Area. As stated above, the mature greenery surrounding the building does however make a positive contribution.

The gardener's store is visible from a short section of George Road, above the roadside wall. The design of the building and materials used have a slight negative impact on that particular part of the Conservation Area, however the screening provided by the roadside wall and adjacent vegetation prevents any impact within the wider area.

As the existing buildings do not make a positive contribution to the character of the Conservation Area, Policy GP4 supports demolition, provided the new development conserves and, where possible, enhances that character and all other relevant policies are met.

Replacement dwelling

The replacement building, being more than twice the width of the existing building and an additional storey higher over the eastern part of its footprint, represents a substantial increase in bulk which must be carefully considered in the context of the Conservation Area, both in close proximity to the application site and in longer views.

The Design Statement explains that the design principle has been to adopt clean lines and strong features of the Art Deco style, and to take advantage of the sea views. The Statement does not however set out how this approach reflects and draws from the surrounding architecture, or how the new buildings would sit positively within their surroundings.

In longer views the increased scale of the building will result in a significantly more visible building within the upper tier of development of the Hillside Town, and would obscure or, due to the proximity of the new building to the site boundaries, result in the loss of established vegetation which contributes to the green bookend of the Town.

It is not clear from the submitted information how visible the proposed building would be within short views of the site, and in order to fully assess this aspect of the proposal more comprehensive section drawings would be needed. The application was initially deferred to seek such drawings, however those provided do not adequately demonstrate the likely impacts of the proposed development. It is however noted that the footprint of the building extends close to the site boundaries and is likely to result in the loss of vegetation along the boundary, increasing the likelihood of views into the site.

Whilst it is noted that Sainte Royale to the south sets a precedent for larger and more contemporary development in this area, as stated above, that development incorporates characteristics of the area into the design approach, whereas the dwelling proposed under this application would comprise a substantial building of horizontal emphasis with a large extent of glazing and flat roofs, features not found to be prominent when considering either long or short distance views of the site. The scale and massing of the building, together with the proportions and composition of the elevations, does not appear to be well considered in relation to their surroundings and would not conserve or enhance the character of the Conservation Area.

In light of the above, the proposal would not meet the terms of Policies GP4, GP8, GP9b) or GP13 and the statutory duties of the Law and has not had due regard to the material considerations.

Coach House

This aspect of the proposal introduces a new building in close proximity to the north west boundary of the site. The submitted sections demonstrate that the roof of the building would be lower than the eaves of the existing building, and it is therefore unlikely that this building would be visible in long views of the Hillside Town. There is however potential that the building would be visible in short views from the adjacent road, particularly given the proposed removal of vegetation. As for the proposed replacement dwelling, the positioning, form and design of the building does not appear to reflect the surrounding pattern of development. The submitted sections do not however clearly demonstrate the relationship between the Coach House, roadside wall and adjacent road, and it is not therefore possible to assess the impact of this building on the character of the Conservation Area.

Gardener's Cottage

The proposed gardener's cottage would be of slightly larger footprint and height than the existing store, but would remain at the same distance from the roadside boundary and take the same mono-pitch form. The proposed use of composite cladding would not assimilate well with surrounding building finishes, however this matter could be resolved through condition. Subject to the use of an alternative wall cladding, the impact on the character of the Conservation Area would be neutral, and this element of the proposal would accord with the relevant policies, statutory duties and material considerations.

Other alterations

Other alterations proposed entail removal of trees and shrubs, primarily within the lower northern part of the site, whilst those on the perimeter of the site are stated to be retained. Those trees and shrubs are generally screened in longer views of the Hillside Town and, with the exception of those immediately adjacent to the north-west boundary, would be of limited contribution to the character of the Conservation Area in short views. Removal of those trees and shrubs would not however require planning permission.

The proposals also include the removal of the piers to either side of the gateway into the site, the installation of a gate and laying of hardstanding. The hardstanding would not be prominent from outside the site and would not have any adverse impact on the character of the Conservation Area, subject to agreement of materials to be used. The gate piers appear to be later inserts, of differing stone to the remainder of the roadside wall, and their removal would not have an adverse impact on the character of the Conservation Area. The installation of a roadside gate, subject to a condition controlling the detailed design, would not have any adverse impacts.

Impact on the protected monument

As identified above, the wall running along the eastern boundary of the site is a protected monument.

In respect of Protected Monuments, Policies GP6 (Protected Monuments), GP8, GP9b) and GP13 would apply, the statutory duties of the Law must be met, and the material considerations of the Law must be taken into account, as set out above.

The protected wall runs up to the south side of the existing garden store. There would be no change in access to or enhancing appreciation of the monument but there would also be no adverse effect (physically or in terms of setting) on its special interest.

The proposal would therefore comply with the above cited policies and the duties of the Law in respect of protected monuments.

Impact on the setting of nearby protected buildings

Hauteville De Haut (PB949 A407730000) and St Denis (PB948 A407720000) to the north of the application site are protected buildings, together with Pied des Vardes (PB950 A407760000) across the road to the north-west and Lower Bertozerie (PB952 A408630000) and 1 & 2 La Bertozerie (PB953 A408640000 & PB1601 A40864A000) across the road to the south-east.

In respect of protected buildings, Policies GP5 (Protected Buildings), GP8, GP9b) and GP13 apply, the statutory duties of the Law must be met, and the material considerations of the Law must be taken into account, as set out above.

The distance of the replacement dwelling itself and the gardener's cottage from the nearby protected buildings, and the relationship to those buildings, would prevent any impact on the setting of those buildings.

The Coach House would however be located towards the protected buildings to the north and north-west of the site. It is not clear from the submitted information what effect the Coach House would have on those buildings. In order to fully assess this aspect of the proposal, more comprehensive section drawings would be needed which provide details of the relationship between the Coach House and the boundary, road and neighbouring properties (including buildings) to the north and north west. As noted above, the application was initially deferred to request these sections, however the sections provided do not extend to cover these specific areas.

In light of the above, it is not demonstrated that the proposal would not have an adverse impact on the special interest of protected buildings, and the application does not therefore meet the terms of Policies GP5, GP8, GP9b) or GP13, and does not give satisfactory regard to the duties of the Law.

Design

Policy GP8 sets out a number of criteria which development will be expected to address to ensure that a scheme achieves high standards of design which respect the character of the environment, in addition to the requirements addressed above.

The proposed development would result in an increase in the number of dwellings at the site, and therefore a slight improvement in respect of the effective and efficient use of land.

As set out above, the proposed design, taking into account the scale, massing, form, proportions and elevational composition proposed for both the replacement dwelling and the Coach House, does not appear to be well considered in relation to the surroundings of the site, and do not appear to relate well to each other, and are not therefore considered to achieve a good standard of architectural design which respects the character of the local built environment.

The proposals include the removal of soft landscaping, predominantly within the site boundaries, and, as outlined above, this is unlikely to have significant impacts on the character of the Conservation Area. Replacement planting is limited in scope, however, given the scale of the proposed building, soft landscaping would not, in isolation, be sufficient to mitigate any impacts arising. A landscaping scheme could however be required by condition to offset any ecological impacts arising from the proposed works.

Hard landscaping would not be prominent in public views or disproportionate to the site size and would have no adverse visual impacts.

The submitted information sets out measures to ensure that the replacement dwelling would be accessible to all, including ramped access, provision of a lift and good circulation space internally. Measures to ensure the accessibility and adaptability of the Coach House are not however clear. Whilst the gardener's cottage comprises single storey accommodation, it has stepped access approaches. It is however recognised, given the topography of the site, that level access may not be achievable to that unit, and, as the accommodation is to be ancillary to the main dwelling any occupants requiring accessible accommodation could be housed within that dwelling.

Amenity of the proposed units

The proposed replacement dwelling and Coach House building would both substantially exceed the minimum internal space standards of the Guernsey Technical Standards, with the exception of a slight shortfall in respect of built in storage within the Coach House. There would however be sufficient space to address this requirement.

Taking into account the positioning of the buildings on the site and the positioning and design of the fenestration serving the proposed units, each unit would generally achieve a good level of privacy both in respect of interfaces with surrounding properties and each other.

The aspect and outlook of both units would range from excellent to satisfactory, depending on the floor level of the accommodation.

The application does not propose to divide the grounds, and all amenity space would be shared. The amenity space is however generous and there would be scope to provide good amenity space for both units, appropriately positioned in relation to, and easily accessed from, each. This matter could be controlled by condition.

Fenestration within the replacement dwelling is primarily focused to the north/north-east elevations, limiting access to sunlight. The accommodation is however served by large expanses of glazing and would therefore generally achieve good levels of daylight. This situation is mirrored in the Coach House, with the exception of the lower ground floor living area which would be likely to receive low levels of daylight. Taking into account the overall amenity of the accommodation, this would not however be sufficient to form a reason for refusal.

As set out above, the gardener's cottage is considered as ancillary accommodation to the main dwelling, with the ability to share facilities associated with that dwelling. It would not therefore be expected that that accommodation meets all of the amenity standards. Notwithstanding this, and especially given the suggested relationship of the occupants with those of the main dwelling, the unit should achieve a good level of amenity. As proposed, the bedroom accommodation is only of sufficient size for single person occupation but would meet standards for such occupation. No external amenity space is allocated for the unit, although it is noted in the supporting information that a terrace could be provided. In the circumstances of this proposal, such space would be welcomed, although it is noted any such space would be unlikely to receive much sunlight due to the position of the building and surrounding trees and vegetation. The trees and vegetation would dominate the proposed building, and would also be likely to limit daylight and sunlight to the internal accommodation. On balance however, taking into account the ancillary nature of the accommodation, any inadequacies would not be sufficient to form a reason for refusal.

Overall therefore, and on balance, the design has adequately considered the health and well-being of the occupiers of the development, in accordance with Policy GP8(d).

Provision of access and parking

The main dwelling has 7 habitable rooms, and the Parking Standards would allow for a maximum of 3 parking spaces. The proposed garage is shown to have 4 spaces, although could have capacity for up to 8 spaces, with additional external provision indicated at 3-4 spaces. The garage alone would exceed the maximum parking provision for a dwelling of the size proposed (even if also used for cycle storage), and no justification has been provided for the additional provision. Whilst it is noted that the gardener's cottage may share the external parking provision, that would only allow for one additional space under the Parking Standards, and the provision would still be in excess of those standards.

The Coach House benefits from 2 parking spaces within the integral garage, with potential for 2 additional external spaces forward of the garage. The Coach House has 4 habitable rooms and the Parking Standards would allow for a maximum of 2 spaces. The proposed provision for the Coach House would therefore also be in excess of the requirements of the Parking Standards.

The proposed parking provision across the site exceeds the maximum standards set out within the Parking Standards, without justification, and would therefore be contrary to Policy IP7 (Private and Communal Car Parking).

Cycle storage is required under the Parking Standards at a rate of 2 secure and covered spaces for both the main dwelling and the Coach House, with 1 additional space for visitors to the site. Further information on the design of such storage is set out within the recently published Bicycle Parking Advice Note. As an ancillary unit to the main dwelling, there would not be a requirement for separate cycle storage for the gardener's cottage, although it may be preferable that such storage is provided given the relationship to the occupants of the main dwelling and that the submitted information suggests that the occupant is unlikely to have a vehicle. The supporting information states that cycle storage could be provided for the main dwelling and Coach House within the associated garages. Whilst there is more than adequate space within the garage of the main dwelling for the storage of cycles, that within the Coach House would be more constrained, and it is likely that the parking of cars would block access for cycles. In light of the above, whilst the indicated storage for the main house would be likely to meet the requirements for cycle parking, it is considered that the provision for the Coach House would merit further consideration to meet the terms of Policy IP6 (Transport Infrastructure and Support Facilities). The Parking Standards however note that, in some cases, it may only be necessary to demonstrate the ability to accommodate appropriate secure cycle storage and, in this case, it is noted that there is sufficient land surrounding the building to provide additional storage if required and this could be managed by planning condition.

In terms of road safety, the proposal would represent an intensification of use of the existing access. Notwithstanding the assessment in respect of parking provision above, the level of intensification would however be relatively limited and, whilst sightlines from the access would remain below standard, the application does include enhancements to the access and to the internal circulation. Furthermore the adjacent road is one way in a north-easterly direction, limiting the directions from which traffic might approach the access. On balance therefore the proposal is considered acceptable in respect of Policy IP9 (Highway Safety, Accessibility and Capacity) and the material considerations in respect of roads.

Impact on neighbour amenity

Replacement dwelling

The proposed replacement dwelling would remain located to the south of the site, set away from and preventing impacts on, nearby residential properties to the north and east of the site.

As set out above, the western wing of the replacement dwelling would be located on a similar footprint and would be of a similar ridge height to the existing dwelling, and would be of only slightly greater massing. Only ground floor fenestration is proposed in the west elevation and the proposal would not therefore result in additional impact on the properties across the road to the west of the site. The fenestration to the south elevation of the western wing is not clear, the elevations show high level windows at ground floor level and no fenestration at first floor level, whilst the floor plans show no fenestration at ground floor level and fenestration at first floor level. This matter would need to be clarified to fully assess impacts, however the distance to the properties across the road to the south-west of the site is likely to be sufficient that any views in that direction would not result in sufficient impacts on amenity to comprise a reason for refusal.

The property to the south of the application site is at a higher level and is separated from the site by 2m high fencing and high conifer hedging. Unfortunately, the submitted sections do not clearly show the relationship with this property, however photographs submitted as part of the letters of representation do help in this respect. The dwelling on the adjacent property is set away from the boundary with the application site and any impacts on the dwelling itself, in terms of material planning considerations, are likely to be limited. The amenity space associated with that property however extends to the shared boundary and is well landscaped, incorporating a substantial garden room towards the boundary. Whilst the western wing of the replacement dwelling would remain in a similar location and be of a similar height to the existing dwelling at the application site, and would not therefore result in significantly greater impacts, the proposed south-eastern wing would extend towards the property to the south, to within 2m of the boundary and at height c3.8m above the ridge height of the existing dwelling. Whilst located to the north of the adjacent property, and therefore unlikely to result in any overshadowing, the replacement dwelling would be likely to have a dominant and overpowering impact on the property to the south and would likely result in the loss of at least part of the intervening conifer hedging. Whilst the windows in the south-east and west elevations of the south-east wing, and those currently shown in the south elevation of the west wing, have been designed at high level to avoid overlooking, the result is the presentation of an essentially blank and monolithic elevation to the adjacent property in close proximity to the boundary. The second floor balcony wraps around the south-east and south-west elevations of the south-east wing, and would cause overlooking of the adjacent property, and views could also be achievable from the south-eastern end of the first floor balcony. Whilst some of these views might be partially obscured by the conifer hedging, given the condition of that hedging and the proximity of the works to that hedging, this cannot be relied upon as a buffer. Overlooking could potentially be addressed through a combination of omission of elements of the balcony, limitation of access and installation of privacy screens, however the extent of changes required goes beyond what could reasonably be managed by planning condition. In light of the above, the proposal is considered to be likely to result in overbearing and overlooking of the property to the south, to an extent which, cumulatively, would have an unacceptable impact on the amenity of that property, contrary to Policy GP9b).

Coach House

The proposed Coach House would be located in the north-west corner of the site, and potential impacts on adjoining properties would be limited to those to the north-east of the site, which are at a lower level than the application site, and across the road to the north-west. Unfortunately, the submitted sections do not detail the relationship of the Coach House with the properties in either of those locations and it is not therefore possible to fully ascertain whether the proposed building would have any adverse impacts on those properties, particularly in terms of overshadowing, overbearing or overlooking. It has not therefore been demonstrated that the proposal considers the health and well-being of the neighbours of the development by means of providing adequate daylight or sunlight, or that the proposal would not have unacceptable impacts on the amenities of those neighbouring properties.

Gardener's Cottage

The proposed gardener's cottage would be located adjacent to the east boundary of the site, on the opposite side of the road from and facing towards the flats on the east side of George Road. The cottage would be otherwise set away from other residential property, both on and adjacent to the site. The cottage would be built on a similar footprint and would take a similar form to the existing garden store and would not therefore result in additional impacts on the adjacent properties in terms of overbearing or overshadowing. In terms of overlooking, the proposal would result in the introduction of new habitable accommodation facing the adjacent properties, at a distance of 10m. Whilst this could result in a level of interface with the adjoining properties, the distance is comparable to other locations in the Town area where properties face each other across an intervening highway and any interface arising would not be sufficient to warrant refusal of the application.

Summary

Taking into account the above, the proposed replacement dwelling would be likely to result in overbearing and overlooking of the property to the south, to an extent which, cumulatively, would have an unacceptable impact on the amenity of that property and, in respect of the Coach House, there is insufficient information to demonstrate that the proposals sufficiently consider the health and well-being of neighbours of the development in respect of daylight, sunlight and privacy, or to demonstrate that the proposal would not have any adverse effects on the amenities of neighbouring properties. The proposals would not therefore meet the terms of Policies GP8d), GP9b) or GP13.

Sustainable Development

The submitted information includes a brief statement confirming that the design, including drainage, water efficiency, materials, waste storage and the conservation of fuel and power, will meet the requirements of the Building Regulations and notes that EV charging points will be provided for the main dwelling. Whilst not specifically stated,

it is assumed that at least parts of the proposed areas of surfacing could be constructed of permeable material, and this could be managed by condition.

The submitted information also states that the orientation and form of the building does not lend itself to the incorporation of solar equipment, however it is intended to investigate use of photovoltaic panels on the flat roof of the north-west wing. There is however no commitment to this provision, and it is not possible to assess potential visual impacts of such an installation.

The submitted information does not however demonstrate that the buildings have been designed to take into account the use of energy and resources and any adverse impact on the environment through paying particular regard to the location, orientation and appearance of the building, the form of construction or the materials used and does not therefore fully address the requirements of Policy GP9a).

A Site Waste Management Plan has been provided and update and implementation can be controlled by condition. Whilst the submitted Design Statement notes masonry would be crushed on site, the Office for Environmental Health and Pollution Regulation should be contacted to ensure there would be no adverse impacts on the amenity of the surrounding properties.

Other matters

This application was initially advertised as *“Demolish and rebuild dwelling and demolition of outbuildings and erection of 2 dwellings”* which accurately reflected the proposal as shown on the plans as initially submitted. Following submission of additional information the application was re-advertised as *“Demolish and rebuild dwelling and demolition of outbuildings and erection of 3 dwellings”*. No additional dwellings were proposed at that time and this description was not therefore technically correct, the number of dwellings proposed at the site remained 3 in total. As set out above, following consideration of the submitted information, the application proposal would actually be *“Demolish and rebuild dwelling, demolish outbuilding and construct associated living unit and erect new dwelling”* and the application description has been amended accordingly. The advertised descriptions however overstated the development at the site and gave the public adequate notification of the proposed development. The application is considered to have been appropriately advertised in accordance with the Law, without disadvantage to any member of the public. It is not therefore found to be necessary to require further advertisement of the amended description.

In respect of the submitted plans for the replacement dwelling, in addition to the discrepancies between the south-west elevation and the floor plans, it is noted that the lower ground floor plan should show all of the proposed footprint and Section B-B does not seem to be shown on the correct section of the plan. In respect of the Coach House there appears to be a minor discrepancy relating to the first floor landing size.

Conclusion

The proposed replacement dwelling and Coach House, by virtue of the scale, massing, form, proportions and elevational composition proposed, are not demonstrated to respect the character of the local built environment or to conserve or enhance the character of the Conservation Area. The proposals would not therefore meet the terms of Policies GP4 (Conservation Areas), GP8 (Design), GP9b) (Sustainable Development) or GP13 (Householder Development) or the statutory duties of the Land Planning and Development (Guernsey) Law, 2005.

The application does not demonstrate the relationship of the proposed Coach House with nearby protected buildings, and it is not therefore possible to assess the impact of the proposal on the special interest of those buildings or whether the proposal accords with Policies GP5 (Protected Buildings), GP8 (Design) or GP9b) (Sustainable Development) or the statutory duties of the Land Planning and Development (Guernsey) Law, 2005.

The proposed replacement dwelling would result in overbearing and overlooking of the property to the south, to an extent which would have an unacceptable impact on the amenity of that property. There is insufficient information to demonstrate the relationship of the Coach House with neighbouring properties and it is not therefore possible to conclude that the proposal would not have any adverse effects on the amenities of neighbouring properties. The proposals would not therefore meet the terms of Policies GP8d) (Design) or GP9b) (Sustainable Development).

The submitted information does not demonstrate that the Coach House would be accessible for people of all ages and abilities or that the accommodation would be flexible and adaptable to people's needs over time and the proposal does not therefore meet the terms of Policy GP8f)&g) (Design).

The submitted information does not demonstrate that the buildings have been designed to take into account the use of energy and resources and any adverse impact on the environment through paying particular regard to the location, orientation and appearance of the building, the form of construction or the materials used and the proposal does not therefore meet the terms of Policy GP9a) (Sustainable Development).

The proposed parking provision across the site exceeds the maximum standards set out within the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance and would therefore be contrary to Policy IP7 (Private and Communal Car Parking).

As the proposal is not in accordance with all relevant policies of the Island Development Plan, it fails to meet the terms of Policy MC2 (Housing in Main Centres and Main Centre Outer Areas).

Whilst it may have been possible to defer the application a second time to attempt to address elements of these issues, the cumulative extent to which the application fails to meet the terms of policy is such that the application is recommended for refusal.

Should a revised scheme be submitted it is strongly recommended that additional sections be provided through the site, extending to include the site boundaries, adjacent roads and adjacent buildings/properties, particularly demonstrating the relationship of any new buildings with adjacent properties to the south, north and north-west and the visibility of the proposals within the surrounding area. Photographic montages may help with the latter, particularly in respect of the Hillside Town.

Date: 18/06/2024

