

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 outbuilding, erect single storey summerhouse and alter ground levels, erect retaining walls and external steps to west boundary.

LOCATION: La Pierre, Icart Road, St. Martin.

APPLICANT: Mr & Mrs J Mogg

I refer to the application referred to below received as valid on 12/02/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 12/06/2024

Drawing Nos: The Drawing Room: 329/D1, /D2, /D3 & /D4.

Application Ref: FULL/2024/0286

Property Ref: J011110000

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. Notwithstanding the information submitted in support of the application, by virtue of the location of the proposed building, it cannot be considered well related to the existing dwelling. The combination of the siting (circa 52m from the main residential dwelling), the size (circa 85m² excluding the covered veranda, circa 110m² with) and the nature and physical form of the proposed building would result in the development competing with the existing dwelling and indicates that the proposal would not be ancillary to the existing dwelling giving the impression that it would form a separate planning unit. The proposal does not constitute householder development ancillary to an existing dwelling and therefore does not accord with Policy GP13 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/2024/0286
Property Ref: J011110000
Valid date: 12/02/2024
Location: La Pierre lcart Road St. Martin Guernsey GY4 6JF
Proposal: Demolish outbuilding, erect single storey summerhouse and alter ground levels, erect retaining walls and external steps to west boundary.
Applicant: Mr & Mrs J Mogg

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. Notwithstanding the information submitted in support of the application, by virtue of the location of the proposed building, it cannot be considered well related to the existing dwelling. The combination of the siting (circa 52m from the main residential dwelling), the size (circa 85m² excluding the covered veranda, circa 110m² with) and the nature and physical form of the proposed building would result in the development competing with the existing dwelling and indicates that the proposal would not be ancillary to the existing dwelling giving the impression that it would form a separate planning unit. The proposal does not constitute householder development ancillary to an existing dwelling and therefore does not accord with Policy GP13 of the Island Development Plan.

OFFICER'S REPORT

Site Description:

The application site takes the form of a detached bungalow built within the hillside with a garage set below. The site is situated Outside of the Centres and part of the site (all of the land owned outside of the domestic curtilage) is within a Site of Special Significance as designated in the Island Development Plan. Although not falling within, a Conservation Area borders the site to the west. The neighbouring property to the west (Fisherman's Cottage) is a Protected Building.

The part of the site the subject of this application is situated to the southeast of the main dwelling and is included and forms part of the domestic curtilage for the property. At present there are two small sheds and a small decking area which will be demolished as part of this application.

Relevant History:

FULL/2024/0285	Raise and alter roof and extend at first floor level, extend and alter at ground floor level, erect raised terrace area and pool to east (front) elevation	Granted 30/04/2024
PAPP/1996/1916	Erect a shed.	Granted 16/05/1996
PAPP/1995/5264	Erect timber shed on premises	Permission Deferred 04/04/1996

Existing Use(s):

Residential Use Class 1 – property and garden area;
Agricultural Land Use Class 28 – all other land owned outside of the domestic garden area.

Brief Description of Development:

Planning permission is sought to demolish an existing outbuilding, erect a single storey summerhouse and alter ground levels to erect retaining walls and external steps to west boundary of the site.

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

Island Development Plan policies:
OC1: Housing Outside of the Centres
GP1: Landscape Character and Open Land
GP2: Site of Special Significance
GP8: Design
GP9: Sustainable development
GP13: Householder development

Representations:

None

Consultations:

None

Summary of Issues:

The key issues relate to the principle of the development, whether it represents good design, its impact on the locality and on residential amenity.

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.

Policy GP13 indicates that proposals for extensions and alterations to existing residential properties will be supported subject to certain criteria being met, including with regards to the impact on the amenities of neighbouring properties, taking into account the surrounding character and where they accord with all the relevant policies of the Island Development Plan. In this instance Policies GP1, GP8 and GP9 are also relevant. In addition, the preceding text of Policy GP13 refers to the need to consider the material planning considerations as specified in Part IV, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007. These include the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting, and the materials to be used, as well as its likely effect on the character and amenity of the locality in question and its likely effect on the reasonable enjoyment of neighbouring properties.

The application is for a domestic outbuilding that is shown on the drawings to be used as a games room, sitting room and dining area with its own W.C. and an area to store logs. To the front (east) of the proposed building, a raised veranda is proposed with steps down to the remainder of the garden area. A domestic outbuilding may be used for any other purpose which is incidental to the enjoyment of the main dwelling. In principle, therefore constructing a domestic outbuilding for the purposes as proposed is acceptable.

Nonetheless, the proposed building will be situated circa 52m to the southeast of the main residential dwelling and at this distance and in the position shown, is not well related to the existing built form which makes up the existing domestic property. It would not be convenient for frequent and everyday use with substantial travel distance between the outbuilding and the main house.

Furthermore, the building as proposed equates to a total internal floorspace of circa 85m². In addition, a veranda is proposed to the front totalling an additional circa 36m², the majority of which is proposed to be covered (circa 25m²) and the covered area therefore represents floorspace for the purpose of planning regulations. Although the plans do not currently show the building laid out for such purpose, it is apparent that a building of this size could easily provide the level of accommodation required for day to day living and could be easily converted to form an independent unit of residential accommodation, which is not physically well related to the main unit on site and would be precluded by Policy OC1 in an Out of Centre location such as this.

Notwithstanding the information submitted in support of the application, by virtue of the location of the proposed building, it cannot be considered well related to the existing dwelling. The combination of the siting (circa 52m from the main residential dwelling), the size (circa 85m² excluding the covered veranda, circa 110m² with) and the nature and physical form of the proposed building would result in the development competing with the existing dwelling and indicates that the proposal would not be ancillary to the existing dwelling giving the impression that it would form a separate planning unit. The proposal does not constitute householder development ancillary to an existing dwelling and therefore does not accord with Policy GP13 of the Island Development Plan.

Other Matters

The site occupies a Cliff Valley landscape as identified in Annex V of the Island Development Plan and although the outbuilding will be situated towards the top of the valley, the information submitted demonstrates that the proposal would be screened from Saint's Bay Road by the existing dense tree planting in this direction. With regards to views of the proposal from positions along the cliff path to the east (on the opposing valley side) the information demonstrates that again this will be largely unseen and any views would be seen in context with the neighbouring built form to the west, which is situated on higher ground. Considering this, and given the design of the scheme with a low-pitched roof and the use of natural materials, any harm on the landscape character of the surrounding area would not be so substantial to warrant refusal of permission on this ground.

No windows are proposed in the west facing elevation and given the single storey nature of the proposal and existing boundary screening, the proposal would not harm the amenity afforded to the occupiers of neighbouring properties with regard to light loss, overshadowing or privacy. The scheme would offer flexible/adaptable accommodation that can respond to the needs of occupiers over time. In these matters therefore, the scheme complies with Policies GP1, GP8, GP9 and GP13 of the IDP.

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

Although not situated within, the proposed outbuilding will border a Site of Special Significance to the east. However, the proposed outbuilding is situated sufficient distance from the SSS so as not to cause any harm. If permission were to be granted, conditions could be included to control vehicle access routes (for construction vehicles), storage areas (for construction materials), trenching routes (for utilities) and details of an external lighting scheme (both during and post construction) to ensure that any harm on the SSS is avoided.

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. Where relevant these have been considered in the assessment of this application.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings and the impact on the SSS is considered above.

For the reason referred to above it is recommended that the application be refused.

Date: 11/06/2024

