

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: Extend and alter dwelling at first floor level to south (rear) elevation.

LOCATION: La Cachette, Ruelle Du Guet, Castel.

APPLICANT: Mr & Mrs I Gilmour

I refer to the application referred to below received as valid on 27/02/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 10/05/2024

Drawing Nos: ArcTECH Freelance Architecture: IG-23-1155-02A

Application Ref: FULL/2024/0343

Property Ref: D01293A000

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. Whilst Island Development Plan Policies GP8 and GP13 allow householders a degree of flexibility about design matters, the proposed extension in this case is of a mass and form which is alien to and clashes with that of the existing dwelling. The scale of the extension, its flat roofed form at first floor level, the arrangement of fenestration and the use of cladding all contrast with the form, appearance and materials of the existing building and the resulting composition does not form a cohesive whole and would be at odds with the surrounding built environment, to the detriment of the character and appearance of the locality.

The lack of cohesion and poor quality of design are particularly important factors in this case as the property is prominently located in the landscape, which enables public views of the side and rear of the dwelling.

Overall, when considering the factors above, the cumulative effect of the development does not achieve a good standard of design for the purposes of Policy GP8 (Design) and is considered to have a significant detrimental effect on the character and appearance of the surrounding area which is sufficient to rebut the

flexibility afforded to householders so that reasonable development aspirations can be met (Policy GP13, Householder Development). The development would be contrary to Island Development Plan Policies GP8 and GP13.

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/2024/0343
Property Ref: D01293A000
Valid date: 27/02/2024
Location: La Cachette Ruelle Du Guet Castel Guernsey GY5 7EL
Proposal: Extend and alter dwelling at first floor level to south (rear) elevation.
Applicant: Mr & Mrs I Gilmour

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

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The lack of cohesion and poor quality of design are particularly important factors in this case as the property is prominently located in the landscape, which enables public views of the side and rear of the dwelling.

Overall, when considering the factors above, the cumulative effect of the development does not achieve a good standard of design for the purposes of Policy GP8 (Design) and is considered to have a significant detrimental effect on the character and appearance of the surrounding area which is sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met (Policy GP13, Householder Development). The development would be contrary to Island Development Plan Policies GP8 and GP13.

OFFICER'S REPORT

Site Description:

The application site consists of a detached dwelling-house located to the south of Ruelle Du Guet. The property was constructed during the mid-to-late 20th Century (between 1963 and 1979) based on orthophotographs. The property is served by a driveway and gardens to the front, side (west) and south of the property.

The land to the north of the site forms Le Guet, and agricultural land lies to the west of the site, recognised as an Agriculture Priority Area, with a Church and Rectory to the south. A Protected Building lies to the east and south of the site.

The property is visible from multiple vantage points to the north, east, south-west and west of the application site as a result of the surrounding road network and public footpaths.

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

Relevant History:

FULL/2017/1346	Erect single storey flat roof extension with balcony above and patio doors in place of dormer window (west elevation), alter and install fenestration (all elevations).	Granted
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Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to extend and alter the dwelling at first floor level to the south (rear) elevation. The extension takes the form of a two storey, flat roof structure which will serve as a master bedroom and en-suite.

The bedroom will be served by a window on the south elevation and two windows on the west elevation. No windows are proposed to the east elevation. The existing dormers are to be removed and replaced with vertical, full-length windows to serve natural light to the existing bedrooms.

The extension will be finished in grey composite cladding. A 'new solar reflective grey GRP roof' is proposed, although no details have been provided as to what this consists of.

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

GP5 Protected Buildings.
GP8 Design.
GP9 Sustainable Development.
GP13 Householder Development.

Representations:

None.

Consultations:

None.

Summary of Issues:

- Whether the design, scale, mass, siting, form and materials of the proposed development 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 of the development on the setting of nearby protected buildings.

Assessment against:

1 - Purposes of the law.

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.

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.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Policy GP13 (Householder Development) states that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Areas, Areas of Biodiversity Importance, protected buildings or protected monuments.

As set out in paragraph 19.9.2 of Policy GP8 (Design):

“All new development will be expected to achieve a good standard of design which respects and, where appropriate, enhances the character of the environment. Design however relates not only to the architectural style of a building but to constructional efficiency and the quality and sustainability of the materials used”.

The preceding text of Policy GP8 (Design) 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 site comprises a mid-to-late 20th Century dwelling-house, with a 2.5 storey façade as a result of the garage located at basement level, with a 1.5 storey appearance to the side and rear of the dwelling. The dwelling consists of a traditional pitched roof with a mix of pitched roof and lean-to dormers to the front and rear, together with pitched roof gable ends to the front and rear of the property. A single storey flat roof extension is also located to the rear of the property. The property is visible from various vantage points and contributes to visual amenity and surrounding built environment due to the relatively traditional building style, form and material palate.

The demolition of the dormer windows and pitched roof gable end extension to the rear of the property is supported under Policy.

Whilst Policies GP8 and GP13 allow householders a degree of flexibility about design matters, the proposed extension in this case is of a mass and form which is alien to and clashes with that of the existing dwelling. The scale of the extension, its flat roofed form at first floor level, the arrangement of fenestration and the use of cladding all contrast with the form, appearance and materials of the existing building and the resulting composition does not form a cohesive whole and would be at odds with the surrounding built environment, to the detriment of the character and appearance of the locality.

The lack of cohesion and poor quality of design are particularly important factors in this case as the property is prominently located in the landscape, which enables public views of the side and rear of the dwelling.

Overall, when considering the factors above, the cumulative effect of the development does not achieve a good standard of design for the purposes of Policy GP8 (Design) and is considered to have a significant detrimental effect on the character and appearance of the surrounding area which is sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met (Policy GP13, Householder Development). The development would be contrary to Island Development Plan Policies GP8 and GP13.

Consideration has been afforded to deferring the application to seek a better design, although due to the design choice adopted, any deferral would need to make significant changes to the scheme, and therefore would likely represent a new scheme being submitted. The agent has noted on the application form that the scheme has been subject to a pre-application enquiry, although no reference has been provided, nor is there any evidence of this available to the Authority. It is noted that a pre-application enquiry may have assisted in evolving a more appropriate design of the extension.

Other matters:

The proposal is not considered to cause significant harm to the amenities of neighbouring residents when considering factors such as overshadowing, overlooking or overbearing.

The proposal would have no significant impact on the setting of nearby Protected Buildings due to the orientation of the extension and distance to Protected Buildings.

3 - General material considerations set out in the General Provisions Ordinance.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been considered in the assessment of this application.

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

The effect of the proposal on the setting of nearby Protected Buildings is considered above. The proposal would not affect Protected Trees, Monuments or an SSS's.

For the reasons set out above, it is recommended that planning permission is refused.

Date: 10/05/2024

