

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: Erect two storey extension to east (rear) elevation and single storey extension to north (side) elevation, demolish chimney and alteration to fenestration (Protected Building) (revised scheme).

LOCATION: Roselea, Ronde Cheminee, St. Sampson.

APPLICANT: Saltpan Properties Limited

I refer to the application referred to below received as valid on 05/03/2024 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: DRP Architecture - 3189-DR-001B, 002B, 100B, 110B, 200B, 201B & 202B.

Application Ref: FULL/2024/0425

Property Ref: B008120000

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 removal of the whole rear wall of the building together with the near-entire removal of internal fabric and features would result in the partial demolition of the Protected Building, Roselea, which is of architectural and historic interest. The application has not been accompanied by a robust case to demonstrate that the partial demolition is necessary because the building is structurally unsound and incapable of repair or that the partial demolition relates to a structure which detracts from the special interest of the Protected Building. This aspect of the proposal therefore fails to comply with Policy GP5 criteria a. and b. of the Island Development Plan. Furthermore, the proposed development by reason of the loss of fabric and authenticity of Roselea would be severely detrimental to the special interest of the Protected Building, contrary to Policy GP5 of the Island Development Plan.

2. The application has not been accompanied by sufficient information to justify the cladding of the north elevation. This work would result in the concealment of features that contribute to the special significance of the Protected Building and be severely detrimental to the character and appearance, architectural and historic interest of the Protected Building. These works are therefore contrary to Policies GP5 and GP8 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/2024/0425
Property Ref: B008120000
Valid date: 05/03/2024
Location: Roselea Ronde Cheminee St. Sampson Guernsey GY2 4NX
Proposal: Erect two storey extension to east (rear) elevation and single storey extension to north (side) elevation, demolish chimney and alteration to fenestration (Protected Building) (revised scheme).
Applicant: Saltpan Properties Limited

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The removal of the whole rear wall of the building together with the near-entire removal of internal fabric and features would result in the partial demolition of the Protected Building, Roselea, which is of architectural and historic interest. The application has not been accompanied by a robust case to demonstrate that the partial demolition is necessary because the building is structurally unsound and incapable of repair or that the partial demolition relates to a structure which detracts from the special interest of the Protected Building. This aspect of the proposal therefore fails to comply with Policy GP5 criteria a. and b. of the Island Development Plan. Furthermore, the proposed development by reason of the loss of fabric and authenticity of Roselea would be severely detrimental to the special interest of the Protected Building, contrary to Policy GP5 of the Island Development Plan.
 2. The application has not been accompanied by sufficient information to justify the cladding of the north elevation. This work would result in the concealment of features that contribute to the special significance of the Protected Building and be severely detrimental to the character and appearance, architectural and historic interest of the Protected Building. These works are therefore contrary to Policies GP5 and GP8 of the Island Development Plan.
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OFFICER'S REPORT

Site Description:

Roselea is a two-storey end of terrace property with a painted exterior and slate roof. It forms part of a terrace of traditional two storey buildings. It fronts onto a wider area of Ronde Cheminee. There is more modern development to the north and south. Vehicular access to the site is to the north of the dwelling and the roadside boundary is marked by a high granite wall behind which is an attached outbuilding.

The property is a Protected Building and the site is in a Main Centre as designated in the Island Development Plan. The adjoining house to the south is also a protected building. That building dates to the 14th century and is of very high special interest.

Relevant History:

FULL/2023/1413 - Erect two-storey extension to east (rear) elevation and single storey extension to north (side) elevation, demolish chimney and alteration to fenestration. (Protected Building) - refused

Existing Use(s):

01 Dwelling houses

Brief Description of Development:

The existing property is modest in size with open plan accommodation on the ground floor and a single bedroom and bathroom at first floor level. The application relates to the erection of a single-storey flat roof extension to the side/north of the dwelling and the construction of a two-storey, slate pitched roof extension to the rear/east in order to accommodate a new open plan living area in the single-storey extension, enabling the ground floor of the existing property to be utilised for a bedroom and new staircase whilst the two-storey extension would contain a shower room and utility on the ground floor and bathroom and cupboard on the first floor. The scheme proposes to strip the existing paint covering from the front elevation, repoint and paint, whilst the side elevation of the dwelling would receive an insulating render system. The exterior of the extensions would be primarily rendered but also incorporate an element of timber cladding.

Further works are proposed to the property itself which includes the insertion of a new window opening, utilising an existing window removed from the rear of the property.

The scheme also relates to the resurfacing/reconfiguration of the parking area north of Roselea which serves the application property and its attached neighbour. A hedge is proposed adjacent to the parking area and timber fencing around the garden to provide security and privacy whilst introducing an access gate and path to the mid-terrace property.

A Statement of Significance has been provided along with a Structural Engineer's report.

It is noted that the covering over of the roof is referred to in written information but is not shown on any drawings as is the case for the demolition and replacement of the roadside wall. In this case no South Elevation has been included with the application submission.

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

Island Development Plan policies:

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

One letter of representation has been submitted supporting the application.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the impact of the development on the fabric and special interest of the Protected Building, the design and appearance of the works and their effect on the character and appearance of the locality and the impact of the development on the amenities of surrounding residential neighbours.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

The 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 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.

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,

Section 15 clarifies that the considerations referred to in paragraphs (b) and (c) of section 14 also apply to protected buildings.

Policy GP5 will be met where there is no adverse effect on the overall special interest of a protected building. However, should the works be demonstrated to be a reasonable aspiration of the property owner which outweighs the harm to the protected building the requirements of GP5 can be considered to have been met.

There are modern linings/insertions in the building behind which there may still be original internal features. Despite this matter being highlighted as part of the previous refusal the matter has not, on the whole, been addressed through this revised scheme. Exempt opening up works have been limited to first floor only, however, the submission asserts that the internal fabric is not authentic and in poor condition. In the absence of further opening up works, it is not possible to know whether the features survive or their contribution to the special interest of the building and a full assessment against Policy GP5 cannot be undertaken. The primary reason for these works appears to relate to the enlarged living space and upgrading of the thermal elements but, the requirements of the Building Regulations would not, for either of these elements outweigh the need to preserve the special interest of the Protected Building.

As per the previous refusal, the application proposes the removal of the whole rear wall although two of the three windows, likely to be 19th Century, are to be set aside and reused elsewhere. The accompanying letter makes reference to the retention of the existing roof structure below the new roof but this has not been shown on any application drawings/sections. The removal of the rear wall, along with the removal of all internal partitions, repositioning the stairs and alterations to the ceiling would still amount to partial demolition of the protected building when considering Policy GP5.

There is a presumption against the demolition or partial demolition of a protected building except in specific circumstances. The application has been accompanied by a Structural Engineer's report which highlights failing of the lintel above the back door, internal render and brick quoins however the condition of the remainder of the rear wall is not covered by the report and nor was it possible for the report to assess the first floor structure and roof due to a lack of access. The Engineer's report does not demonstrate that the rear wall of the house could not be retained. This wall does not detract from the special interest of the protected building (criterion b.), nor has it been demonstrated that it is structurally unsound and technically incapable of repair (criterion a.). Criterion c. is not applicable in this instance. The internal works would not represent a reasonable aspiration of the property owner and this aspect of the proposed development fails to comply with Policy GP5 criterion a. and b.

The following works would result in harm to the special interest of the Protected Building and the submission does not demonstrate that these works would be a reasonable aspiration of the property owner that would outweigh the harm caused:

- Clad north elevation in external insulation (to combat damp and achieve modern standards of insulation and reduce running cost) – the elevation would be concealed
- Use of composite cladding (this matter could be controlled by condition to be timber or some other cladding)
- Removal of an existing range

As such, these works do not accord with the aims of Policy GP5.

Subject to conditions, the following works would represent a reasonable aspiration of the property owner that would outweigh the harm to special interest.

- Demolish shed (not a Protected Building)
- Erect a single-storey flat roof extension and new opening for stairs
- Re-slate existing roof using existing purple slates
- Demolish and rebuild chimney stack with leadwork
- Replace front door (west elevation) with a timber window (re-using window from rear elevation (W4) with timber panel below)
- New window opening in first floor, north elevation (re-using window from rear elevation (W2))
- Pave area to north of dwelling, create gravel path and decking
- Erect timber fences (east and south, to divide garden from parking)
- Removal of Kenitex and strip back to stonework

The removal of modern linings to the interior face of external walls represents exempt development under Class 5 of the 2023 Exemptions Ordinance.

There is insufficient information provided with the application in relation to the replacement of the roadside wall and the possible removal of internal features such as concealed joinery to assess these aspects of work.

Notwithstanding the above however, given the adverse impact of the development on the Protected Building it is recommended that planning permission is refused.

The design and appearance of the proposed extensions on the character and appearance of the locality, represent a good standard of design that respects the local built environment. The extensions will provide more flexible and accessible accommodation to meet the needs of occupiers and represents efficient and effective use of land when considering the multi-storey rear extension coupled with the flat roof side extension.

The proposed extensions will not result in overshadowing or loss of light to the occupiers of neighbouring properties. The introduction of obscure glazing to the first floor window facing east and the proposed boundary treatment will ensure the development does not result in unacceptable overlooking or loss of privacy. The introduction of obscure glazing is a matter that can be managed by planning condition.

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

In addition to the consideration of policy issues, Section 13 of The Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no adverse impact on protected trees or sites.

Date: 11/06/2024

