

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 single storey outbuilding and raised terrace to south boundary (Revised Scheme).

LOCATION: Fleur De Lys, La Grande Rue, St. Saviour.

APPLICANT: Mr T Moss

I refer to the application referred to below received as valid on 22/05/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 29/07/2024

Drawing Nos: JG Architecture Ltd: 2339-2A 02.01 & 02.02

Application Ref: FULL/2024/0909

Property Ref: E00864B000

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 letter, dated 15th May, 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 over 40m away from the main dwelling, the topography of the site, the size (69 sqm excluding the raised decking area) and nature 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. It has not been demonstrated that the proposal constitutes householder development ancillary to an existing dwelling and therefore the proposal does not accord with Policy 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/2024/0909
Property Ref: E00864B000
Valid date: 22/05/2024
Location: Fleur De Lys La Grande Rue St. Saviour Guernsey GY7 9PR
Proposal: Erect single storey outbuilding and raised terrace to south boundary (Revised Scheme).
Applicant: Mr T Moss

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. Notwithstanding the letter, dated 15th May, 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 over 40m away from the main dwelling, the topography of the site, the size (69 sqm excluding the raised decking area) and nature 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. It has not been demonstrated that the proposal constitutes householder development ancillary to an existing dwelling and therefore the proposal does not accord with Policy GP13.

OFFICER'S REPORT

Site Description:

The property known as 'Fleur de Lys' is a 1970's detached two storey dwelling which is set back (at a higher level) from and faces north onto La Grande Rue. There are neighbouring detached dwellings to the east and west and across the road to the north. The property's garden is set at a higher level again to the south and beyond this are open fields. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2024/1037 - Demolish extension and porch, erect two storey and single storey extension with balcony at 1st floor level and landscaping to south (rear) elevation, erect porch to north (front) elevation and alterations to fenestration (Revised Scheme) – Pending.

FULL/2024/0086 - Erect single storey outbuilding and raised terrace to west of site – Refused April 2024.

FULL/2023/2233 - Erect single storey outbuilding/summer house and raised terrace area to west of site – Withdrawn 5th January 2024.

FULL/2023/2226 - Demolish extension, erect two storey and single storey extensions and alterations to landscaping to south (rear) elevation – Approved 19th December 2023.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This is a revised scheme to erect a single storey outbuilding/summerhouse and raised terrace to the south boundary of the higher ground level of the property, approx. 40m away from the main dwelling.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

None

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

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

Policy GP13 is not prescriptive and does not give set distances within which outbuildings must be located relative to the main dwelling, but instead applications are assessed on a case-by-case basis, which take into account a number of factors, as stated in the previous report.

Within the glossary of the Island Development Plan, ancillary use is described as follows;

In planning terms, this generally relates to uses that are entirely subservient to and dependent upon the main use of the site/ building. Such uses are generally relatively minor in scale and level of activity but the main test is whether the use can be said to be genuinely ancillary to the main use of the site.

The proposed structure is not minor in scale, and it would not be dependent on the main dwelling as it would provide similar facilities to a dwelling – washing/toilet facilities, kitchen/cooking facilities, dining and lounge areas.

Notwithstanding the letter, dated 15th May, submitted in support of the application, by virtue of the location of the proposed building, it is not considered well-related to the existing dwelling. The combination of the siting over 40m away from the main dwelling, the topography of the land, the size (69 sqm excluding the raised decking area) and nature 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. It has not been demonstrated that the proposal constitutes householder development ancillary to the existing dwelling and therefore the proposal does not accord with Policy GP13.

Therefore for the reasons above the proposal is not considered to be acceptable and the recommendation is one of refusal.

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. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 29/07/2024

