

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 existing dwelling and erect 2 dwellings and associated works.

LOCATION: Fel Cottage, Verte Rue, Vale.

APPLICANT: Mr & Mrs P L Hughes

I refer to the application referred to below received as valid on 05/06/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 28/08/2024

Drawing Nos: Torode Architects: 6263-06D, -07D, -08D, -09B, -10B, -11D & -12A.

Application Ref: FULL/2024/0956

Property Ref: C019760000

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 application for the demolition of one dwelling and replacement with two dwellings in this location (Outside of the Centres) fails to accord with Policy OC1 of the Island Development Plan which permits the creation of new dwellings through subdivision of an existing dwelling or conversion of a redundant building only. The replacement dwelling approved on this site remains under construction and so cannot be considered an existing dwelling capable of subdivision for the purpose of Policy OC1.

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/2024/0956
Property Ref: C019760000
Valid date: 05/06/2024
Location: Fel Cottage Verte Rue Vale Guernsey GY6 8BP
Proposal: Demolish existing dwelling and erect 2 dwellings and associated works.
Applicant: Mr & Mrs P L Hughes

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The application for the demolition of one dwelling and replacement with two dwellings in this location (Outside of the Centres) fails to accord with Policy OC1 of the Island Development Plan which permits the creation of new dwellings through subdivision of an existing dwelling or conversion of a redundant building only. The replacement dwelling approved on this site remains under construction and so cannot be considered an existing dwelling capable of subdivision for the purpose of Policy OC1.

OFFICER'S REPORT

Site Description:

The site is rectangular, located to the south of Verte Rue, Vale. Formerly occupied by a bungalow which has now been demolished and the previously approved replacement dwelling has been partially constructed with approx. 1.5m high blockwork walls observed during the site visit.

Relevant History:

FULL/2023/0097- Demolish existing dwelling and erect replacement dwelling. Approved 21/02/2023.

Existing Use(s):

01 Dwelling houses

Brief Description of Development:

The application proposes a two-storey replacement building comprised of a pair of semi-detached dwellings, unit 1 is 4xbed and unit 2 is 3xbed. The design, location and form of the development has changed little from the original approval; however, the

previous application was for a single replacement dwelling, with double garage to the north elevation and bedrooms/ensuite over. The garage doors have been replaced with domestic windows and front door, with some other small alterations from the originally approved form.

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

OC1- Housing Outside the Centre
GP8- Design
GP9- Sustainable Development
IP6- Transport Infrastructure and Support Facilities
IP7- Private and Communal Car Parking

Representations:

N/A

Consultations:

N/A

Summary of Issues:

The key issue is the principle of the development, other considerations include the design, and impact on neighbours/amenity.

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).**

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 (IDP), 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.

In considering the application, the submitted description states that the proposal is to demolish the existing dwelling and erect 2 x dwellings with associated works.

A replacement dwelling has been previously approved at this site (FULL/2023/0097) which featured an attached double garage/utility with accommodation above. This was considered under Policy GP13 which allows for the replacement of an existing dwelling on a one for one basis. The current application seeks to replace the garage and first floor accommodation with a separate unit, creating two dwellings from the same footprint/similar design as the single dwelling already approved.

This means that Policy OC1 is relevant as the site is Outside of the Centres. This policy states that the creation of a new dwelling will only be supported through subdivision of an existing dwelling or conversion of a redundant building. Although extant permission has been granted for a replacement dwelling, this is still in the early stages of construction which means it cannot be considered an existing dwelling and is therefore not capable of subdivision.

For this reason, the application fails to accord with Policy OC1 of the IDP and refusal is recommended as the principle of the development is not acceptable.

Other matters:

The proposed design is similar to that previously approved as a single dwelling. The proposal is not considered to cause significant harm to the amenities of neighbouring residents when considering factors such as overshadowing, overlooking or overbearing, although a condition would be used to obscure glaze the northwest side first floor windows, should approval be recommended. The parking provision proposed is also acceptable in this location.

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 proposal would not affect Protected Buildings, Protected Trees, Monuments or an SSS's.

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

Date: 28/08/2024

