

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, erect 18 dwellings with associated works and widen vehicle access (Protected Monument).

LOCATION: White Lodge, Les Vardes, St. Peter Port.

APPLICANT: Mr P Body

I refer to the application referred to below received as valid on 25/07/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 18/10/2024

Drawing Nos: Stackhouse Design Ltd - 23-14-01, 02B, 03, 04, 20A, 21A, 22A, 23A, 24, 31A, 35A, 40A, 41 & Outline of Project - Design & Access Statement

Application Ref: FULL/2024/1058

Property Ref: A408190000

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 proposed dwellings by virtue of the scale, massing, form, and bulk proposed are not considered to represent a high standard of design, respect the character of the local built environment or to conserve or enhance the character of the Conservation Area particularly in short-range views of the site. The proximity of the proposed dwellings to the site boundaries, associated loss of hedging, and elevated nature of the site, is considered to result in a form of development which would appear inappropriate in scale and mass, overly dominant above the boundary walls and likely to dominate the surrounding buildings which are more traditional, subservient in scale and set at lower land levels due to the topography of the site. The proposals would not therefore meet the terms of Policies GP4 (Conservation Areas), GP8 (Design), GP9b) (Sustainable Development) or the relevant statutory duties of the Land Planning and Development (Guernsey) Law, 2005.

2. The application does not clearly demonstrate the relationship of the proposed development with the nearby protected buildings to the north west, and it is not

therefore possible to fully assess the impact of the proposal on the special interest of the protected buildings or whether the proposal accords with Policies GP5 (Protected Buildings), GP8 (Design) or GP9b) (Sustainable Development) or the relevant statutory duties of the Land Planning and Development (Guernsey) Law, 2005.

3. The application does not clearly demonstrate the relationship of the proposed Unit 1 with the nearby protected monument, and it is not therefore possible to fully assess the impact of the proposal on the special interest of the monument or whether the proposal accords with Policies GP6 (Protected Buildings), GP8 (Design) or GP9b) (Sustainable Development) or the relevant statutory duties of the Land Planning and Development (Guernsey) Law, 2005.

4. The proposed development, due to the proposed scale, mass, proximity to site boundaries, form and bulky proportions fails to demonstrate a good standard of architectural design which respects the character of the local built environment. The northern terrace in particular has a blocky and bulky appearance which, due to its elevated position will appear incongruous, and this is contrary to the requirement of Policy GP8 a) and c).

5. The submitted information does not demonstrate that Units 7-18 would be accessible for people of all ages and abilities or that the accommodation would be flexible and adaptable to people's needs over time and the proposal does not therefore meet the terms of Policy GP8 f) and g) (Design).

6. The submitted information does not demonstrate that the buildings have been designed to take into account the use of energy and resources and any adverse impact on the environment through paying particular regard to the location, orientation and appearance of the building, the form of construction or the materials used, and the proposal does not therefore meet the terms of Policy GP9 a) (Sustainable Development).

7. As the proposal is not in accordance with all relevant policies of the Island Development Plan, it fails to meet the terms of Policy MC2 (Housing in Main Centres and Main Centre Outer Areas).

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/2024/1058
Property Ref: A408190000
Valid date: 25/07/2024
Location: White Lodge Les Vardes St. Peter Port Guernsey GY1 1BH
Proposal: Demolish existing dwelling, erect 18 dwellings with associated works and widen vehicle access (Protected Monument).
Applicant: Mr P Body

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed dwellings by virtue of the scale, massing, form, and bulk proposed are not considered to represent a high standard of design, respect the character of the local built environment or to conserve or enhance the character of the Conservation Area particularly in short-range views of the site. The proximity of the proposed dwellings to the site boundaries, associated loss of hedging, and elevated nature of the site, is considered to result in a form of development which would appear inappropriate in scale and mass, overly dominant above the boundary walls and likely to dominate the surrounding buildings which are more traditional, subservient in scale and set at lower land levels due to the topography of the site. The proposals would not therefore meet the terms of Policies GP4 (Conservation Areas), GP8 (Design), GP9b (Sustainable Development) or the relevant statutory duties of the Land Planning and Development (Guernsey) Law, 2005.

2. The application does not clearly demonstrate the relationship of the proposed development with the nearby protected buildings to the north west, and it is not therefore possible to fully assess the impact of the proposal on the special interest of the protected buildings or whether the proposal accords with Policies GP5 (Protected Buildings), GP8 (Design) or GP9b (Sustainable Development) or the relevant statutory duties of the Land Planning and Development (Guernsey) Law, 2005.

3. The application does not clearly demonstrate the relationship of the proposed Unit 1 with the nearby protected monument, and it is not therefore possible to fully assess the impact of the proposal on the special interest of the monument or whether the proposal accords with Policies GP6 (Protected Buildings), GP8 (Design) or GP9b (Sustainable Development) or the relevant statutory duties of the Land Planning and Development (Guernsey) Law, 2005.

4. The proposed development, due to the proposed scale, mass, proximity to site boundaries, form and bulky proportions fails to demonstrate a good standard of architectural design which respects the character of the local built environment. The northern terrace in particular has a blocky and bulky appearance which, due to its

elevated position will appear incongruous, and this is contrary to the requirement of Policy GP8 a) and c).

5. The submitted information does not demonstrate that Units 7-18 would be accessible for people of all ages and abilities or that the accommodation would be flexible and adaptable to people's needs over time and the proposal does not therefore meet the terms of Policy GP8 f) and g) (Design).

6. The submitted information does not demonstrate that the buildings have been designed to take into account the use of energy and resources and any adverse impact on the environment through paying particular regard to the location, orientation and appearance of the building, the form of construction or the materials used, and the proposal does not therefore meet the terms of Policy GP9 a) (Sustainable Development).

7. As the proposal is not in accordance with all relevant policies of the Island Development Plan, it fails to meet the terms of Policy MC2 (Housing in Main Centres and Main Centre Outer Areas).

OFFICER'S REPORT

Site Description:

The site measures 3,300sqm, and contains a single 20th century dwellinghouse, set to the south of the site, with associated gardens adjacent to the northern boundary and garden store to the east boundary.

The application site is bounded to the west and north-west by Pied des Vardes, with a high granite wall and substantial conifer hedge to the boundary, with access from that road in the north-west corner. The site is bounded by, and elevated above George Road to the east, separated from the road by a high granite wall and substantial planting. Residential properties lie directly to the north and south, as well as across the roads to the east and west, with a guest house to the north-west. Land levels fall away from the south of the site towards the north by approx. 11m.

The site is located within the St Peter Port Main Centre Outer Area, as designated in the Island Development Plan, forms part of Les Val des Terres Character Area of the St Peter Port Conservation Area, and features in views of the Hillside Town. The properties to the north-east and across the road to the north-west and south-east are Protected Buildings and the wall forming the east boundary, running along the western side of George Road, is a Protected Monument known as "Wall at Fieu Le Rouet".

Relevant History:

FULL/2023/2448 - Demolish and rebuild dwelling, demolish outbuilding and construct associated living unit and erect new dwelling.

This application was refused for 7 reasons, including the impact on the character of the Conservation Area, failure to demonstrate the impact of the development on nearby Protected Buildings, the overbearing impact and overlooking, failure to demonstrate that the accommodation would be accessible for people of all ages and abilities, failure to demonstrate that the buildings have been designed sustainably, and exceedance of the minimum parking standards.

Existing Use:

Residential dwelling – Use Class 1.

Brief Description of Development:

The application proposes the demolition of all existing buildings on the site and erection of 18 dwellings, along with associated works and widening of the vehicular access.

The proposed dwellings include 1 x detached four-bedroom dwelling (Unit 1), 3 x terraced two bed dwellings (Units 2-4), and 2x semi-detached three-bedroom dwellings (Units 5 & 6), which are all located to the south of the site. There are 12 x two-bedroom dwellings (Units 7-18) proposed to the north of the site.

All dwellings proposed are three storey units.

A new internal vehicular access road is proposed to serve the dwellings, with associated parking and landscaping.

Relevant Policies:

MC2	Housing in Main Centres and Main Centre Outer Areas
GP4	Conservation Areas
GP5	Protected Buildings
GP6	Protected Monuments
GP8	Design
GP9	Sustainable Development
IP6	Transport Infrastructure and Support Facilities
IP7	Private and Communal Car Parking
IP9	Highway Safety, Accessibility and Capacity

Representations:

Seven letters of representation have been received from local residents. The key issues have been summarised below:

- Impact on neighbouring privacy as a result of height of proposed dwellings and overlooking from new windows. Lack of sectional drawings to clearly illustrate impact on neighbouring dwellings.
- Increased noise and disturbance to neighbours as a result of the intensification of the residential use and from additional cars manoeuvring/accessing site.

- Loss of light due to height of buildings and resultant overshadowing of neighbours.
- Impacts on highway safety - increased traffic, congestion and parking problems for local residents. Lack of visitor parking but residential parking exceeds maximum standards.
- Drainage needs to be properly installed, local properties have suffered flooding and the development may worsen this situation.
- Construction works could compromise adjacent protected monument - high wall. Loss of adjacent trees could damage integrity.
- Size, scale and height of proposed development is harmful to local character.
- Issues with waste - there is no pavement for storage on bin night.
- Area of historical interest and the modern development will appear incongruous with surroundings.
- Impact on character of Conservation Area and protected monument.
- Incorrect site notice procedure
- Overbearing impact of development and inappropriate scale.
- Poor design, highly visible due to elevated nature of the site.
- Not sustainable development (Conflict with GP9)
- Conflict with gateway policies and General Provisions Ordinance.
- Loss of on-site trees, existing hedges and over provision of hard standing.
- Accessibility is poor and units are not flexible, adaptable or designed for future needs.
- Overdevelopment of site.
- Large gardens of the houses in this area provide green corridors.
- Additional load on electrical supply.
- Neighbouring developments had to have large soakaways and drainage systems to avoid flooding downhill at times of exceedance. This development does not appear to incorporate such measures.
- Application fails to demonstrate impact on nearby protected buildings - fails to comply with Policy GP5.
- Professional plans submitted by neighbour including section plans showing the impact of the development on the surrounding properties, roads and Conservation Area.

Consultations:

The Office of Environmental Health and Pollution Regulation have commented on the application and raised concern regarding the potential for disturbance to residential properties in the area during demolition and construction. A Construction Environmental Management Plan Condition has been requested, should approval be recommended.

Traffic and Highways were also consulted on the proposal but no consultation response has been received.

Summary of Issues:

- Principle of development;

- Impact on the character of the Conservation Area;
- Impact on protected monument;
- Impact on the setting of nearby protected buildings;
- Design;
- Amenity of the proposed units;
- Provision of access and parking;
- Impact on neighbour amenity;
- Sustainable development.

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).

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 31(1)(b) of the Law explains the general functions of authorities in respect of protected monuments. This states that:

It is the duty of any department of the States when exercising its functions under this Law –

(b) in particular, in exercising its functions with respect to any buildings or other land in the vicinity of a protected monument, to pay special attention to the desirability of preserving the protected monument **and its setting** [emphasis added].

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** [emphasis added].*

Section 38 of the Law explains the general functions of authorities in respect of conservation areas. This states that:

In the exercise, with respect to any building or other land in a conservation area, of any powers under this Law or any other enactment, special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that area.

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,*
- (e) the likely effect of the development on roads and other infrastructure, traffic and essential services,*
- (i) the likely effect of the development on the reasonable enjoyment of neighbouring properties.*

Principle of development

This application proposes the demolition of the existing single dwelling at the site, and erection of 18 new dwellings, along with associated works and widening of the vehicular access. This provision of new housing would be considered under Policy MC2 (Housing in Main Centres and Main Centre Outer Areas).

Policy MC2 supports such development where the proposal addresses identified housing requirements in the Island. The proposal is for 1 x 4 bed units, 2 x 3 bed units, and 15 x 2 bed units. This broadly addresses the strategic housing requirement which has identified that two-bed dwellings are the greatest housing requirement, with a much smaller proportion of 3 and 4 bed units required. Policy MC2 however also requires a proposal to comply with all other relevant policies of the Plan and provision of a Site Waste Management Plan. These elements are addressed below.

The site size would just exceed the land area size where a Development Framework is required under Policy MC2, however the threshold for the number of dwellings is 30 and so it would not however be reasonable or useful to require a Development Framework in this instance.

Impact on the character of the Conservation Area

The application site lies within the St Peter Port Conservation Area, within the development which forms part of the Hillside Town and forms part of Les Val Des Terres Character Area, as described within the St Peter Port Conservation Area Appraisal (SPP CAA). Policies GP4 (Conservation Areas), GP8 (Design), GP9b) (Sustainable Development) and GP13 apply in relation to development within Conservation Areas, the statutory duties of the Law must be met, and the material considerations of the Law must be taken into account, as set out above.

The Hillside Town, as set out within the CAA, forms a backdrop to the harbour areas and is characterised by tiered development bookended by green areas of mature vegetation. The application site is located within the outer part of the uppermost tier of development in the Hillside Town, sitting at the transition between the more densely developed lower tiers and projecting into the landscaped upper tier in views from the north (the outer Harbour, enclosing wall and the New Jetty), and appearing more within the green bookend in views from the north-east (Castle Cornet and the Castle Emplacement, and the adjacent section of pier). The site is not visible in views from La Vallette to the east, or from the Esplanades or shorter piers.

Within these long views, the mature vegetation and trees on the site contribute to the green bookend of the Hillside Town. The mansard roof of the existing building projects above the assorted development located lower on the hillside, whilst remaining below the crest of the ridge and the dominant building at Sainte Royale to the south. Whilst not comprising an intrusive feature in these views, the mass and form of the existing roof does stand out against the more traditional forms and scales of the buildings below, which tend to comprise domestic scale buildings with vertical proportions, high solid: void ratios and pitched roofs, and against the mature planting on and behind the site. Whilst more modern developments are visible in this context, such as that located just below and to the south-east of the site on George Road, the more horizontal emphasis and large extent of glazing at that development is not clearly read amongst the surrounding development and vegetation.

Views of the site are otherwise limited to the minor roads located to the west and east of the application site, including from a short section of Montville Drive to the west. In these views the high granite boundary walls and mature perimeter vegetation make a strong contribution to the character of the area, with views of the existing building itself limited to glimpses above or through the vegetation. Surrounding development is coarse grained and buildings tend to take advantage of the gradient to incorporate additional floors. Built form to the north is generally of traditional form and design, that to the east is a mix of traditional and more recent developments and that to the south and south-west of more modern construction. Modern materials have, on the whole, been incorporated sympathetically amid more traditional materials.

The application includes the demolition of the existing dwelling at the site, and the ancillary gardener's store. Although the existing dwelling is not of high architectural quality, it does not detract substantially from the Conservation Area, being of limited

visibility except in a few, glimpsed close views and with impacts in long views somewhat mitigated by the position of the building below the crest of the hill and the dark colour of the roof. The building itself is therefore considered to make a neutral contribution to the Conservation Area. As stated above, the mature greenery surrounding the building does however make a positive contribution.

The existing gardener's store is visible from a short section of George Road, above the roadside wall. The design of the building and materials used have a slight negative impact on that particular part of the Conservation Area, however the screening provided by the roadside wall and adjacent vegetation prevents any impact within the wider area.

As the existing buildings do not make a positive contribution to the character of the Conservation Area, Policy GP4 supports demolition, provided the new development conserves and, where possible, enhances that character and all other relevant policies are met.

The group of dwellings proposed to the southern end of the site (units 1-6) is comprised of 1 detached four-bedroom dwelling, 3 x terraced two bed dwellings, and 2x semi-detached three-bedroom dwellings. These dwellings span across the entire site, with a separation distance of 1m between the dwellings proposed and the eastern and western boundaries. Although broken up into a pair of semi-detached dwellings, a single dwelling, and a terrace of three, the physical gaps between these blocks are approx. 0.5m at the closest point which results in a development which is more than twice the width of the existing building and an additional storey higher. This represents a substantial increase in bulk which must be carefully considered in the context of the Conservation Area, both in close proximity to the application site and in longer views. The proposed dwellings to the centre of the group (the three terrace properties - units 2-4) are set approx. 1.2m lower than those proposed to the west/east of the group. This provides some variety in the roofscape, although the separation gaps are minimal and the pitched roof design and elevated position, results in an expanse of built form across the site.

The proposed northern terrace (units 7-18) introduces new buildings in closer proximity to the northwest boundary of the site, set lower on the slope than those to the south. The submitted sections demonstrate that the roof of the building would be as high as part of the roof of the existing building, although slightly lower than the ridge height, and it is therefore possible that these buildings would also be visible in long views of the Hillside Town. Although the form and design of the proposed buildings does not reflect the surrounding pattern or scale of development due to the bulk, mass, design, horizontal emphasis and blocky appearance of the proposed development, the buildings are likely to blend into long views of the site as they remain lower than Sainte Royale to the South. The scale and massing of the building, together with the proportions and composition of the elevations is not well considered in relation to their surroundings. However, on balance, the dwellings proposed are able to blend into the Hillside Town in longer views due to the variety of slopes, use of appropriate materials and because the development does not project above the existing crest.

The proposal will result in a greater form of development within the site which will inevitably also be more visible from within the Conservation Area. The existing development is located reasonably centrally within the site, with high walls to the side boundaries and a dense boundary hedge to the west. The proposed development brings the built form out far closer to the site boundaries (less than 1.5m to the southeastern and southwestern boundaries, and approx. 1m to the northwestern boundary) which result in a more prominent form of development when viewed from surrounding roads. The proximity of the new buildings to the boundaries, coupled with the proposed height, bulk, and width of the new development across the site, will also have some impact in local, short views from surrounding roads and within the Conservation Area.

It is not clear from the submitted information how visible the proposed buildings would be within shorter views of the site, and in order to fully assess this aspect of the proposal more comprehensive section and streetscene drawings would be needed to adequately demonstrate the likely impacts of the proposed development. It is however noted that the footprint of the building extends very close to the site boundaries and is likely to result in the loss of significant vegetation along the southwestern boundary, increasing the likelihood of views into the site and prominence of the new buildings.

Views from George Road are likely to be significantly impacted by the proposed development, where ground levels within the site are higher and so the proposed 3.5 storey dwelling approx. 1m from the boundary is likely to appear much higher than the plans suggest. This is highlighted in the section plans submitted by an objector, but is not clearly demonstrated from the submitted application plans, and is considered in further detail in the Protected Monument section below. As the submitted sections do not clearly demonstrate the relationship between the proposed unit 1, roadside wall and adjacent George Road, and it is not therefore possible to fully assess the impact of this building on the character of this section of the Conservation Area.

It is considered likely that the northern terrace will appear visible above the pair of protected buildings to the north (St Denis and Hauteville de Haut) when viewed from Hauteville, within the Conservation Area, which may therefore have an overbearing impact on the setting of those buildings and on the character of the Conservation Area itself due to the proposed bulky design, the height and width of the development which is likely to be visible behind the existing dwellings. As considered in the Protected Building section below it is difficult to fully assess the extent of this impact from the plans provided.

Whilst it is noted that Sainte Royale sets a precedent for larger and more contemporary development in this area, the built form proposed under this application would, when viewed together, comprise a substantial group of buildings with horizontal emphasis, with some extent of horizontal glazing and balconies to the north, features not found to be prominent when considering either long or short distance views of the site.

The impact of the development on Pied des Vardes to the north-west is shown by the west-east section plan; this indicates that the proposed northern terrace will be located approx. 8m away and will be approx. 2m higher than Pied des Vardes. It is considered that this will appear inappropriate in scale and mass, overly dominant above the

boundary walls and will dominate the other buildings which are more traditional and subservient in scale and set at lower land levels due to the topography of the site.

In light of the above, the proposal would not meet the terms of Policies GP4, GP8, and GP9b) and the relevant statutory duties of the Law and has not had due regard to the material considerations.

Other alterations proposed include the removal of trees and shrubs, primarily within the lower northern part of the site, whilst those on the perimeter of the site are stated to be retained. Those trees and shrubs are generally screened in longer views of the Hillside Town and, with the exception of those immediately adjacent to the north-west boundary, would be of limited contribution to the character of the Conservation Area in short views. Removal of those trees and shrubs would not require planning permission.

However, the proximity of the dwellings to the existing hedging in the south western corner of the site is likely to result in the loss of at least a 10m section of the substantial boundary hedging. Replacement planting proposed is limited in scope, and the proximity of the buildings to the boundary would negate any meaningful re-planting. Given the scale of the proposed buildings, new soft landscaping would not, in isolation, be sufficient to mitigate any impacts arising. The proximity of the built form to the boundaries and the resultant loss of soft landscaping is indicative of a cramped form of development. The removal of this boundary hedge would require permission in itself, and its loss is considered likely to have an impact on the character and appearance of the Conservation Area particularly in short-range views of the site. This is contrary to Policy GP4 of the IDP.

The proposals also include the removal of the piers to either side of the gateway into the site, the installation of a gate and laying of hardstanding. The hardstanding would not be prominent from outside the site and would not have any adverse impact on the character of the Conservation Area, subject to agreement of materials to be used. The gate piers appear to be later inserts, of differing stone to the remainder of the roadside wall, and their removal would not have an adverse impact on the character of the Conservation Area.

Impact on the protected monument

As identified above, the wall running along the eastern boundary of the site is a protected monument.

In respect of Protected Monuments, Policies GP6 (Protected Monuments), GP8, and GP9b) would apply, the statutory duties of the Law must be met, and the material considerations of the Law must be taken into account, as set out above.

The protected wall runs up to the south side of the existing garden store. There would be no change in access to the monument, however the introduction of a 13m tall building immediately adjacent to it may have an impact on the appreciation of this section of the wall in George Road and the setting of the Protected Monument. Due to changes in land levels across the site, it is not possible to fully understand the impact of

the development on the setting of the wall, and how it will be constructed without damage, as no cross sections have been provided to clearly demonstrate the relationship between the buildings and the monument and the impact on its special interest.

The application therefore does not clearly demonstrate the relationship of the proposed Unit 1 with the nearby protected monument, and it is not therefore possible to fully assess the impact of the proposal on the special interest of the monument or whether the proposal accords with Policies GP6 (Protected Buildings), GP8 (Design) or GP9b (Sustainable Development) or the relevant statutory duties of the Land Planning and Development (Guernsey) Law, 2005.

Impact on the setting of nearby protected buildings

Hauteville De Haut (PB949 A407730000) and St Denis (PB948 A407720000) to the north of the application site are protected buildings, together with Pied des Vardes (PB950 A407760000) across the road to the north-west and Lower Bertozerie (PB952 A408630000) and 1 & 2 La Bertozerie (PB953 A408640000 & PB1601 A40864A000) across the road to the south-east.

In respect of protected buildings, Policies GP5 (Protected Buildings), GP8, GP9b) and GP13 apply, the statutory duties of the Law must be met, and the material considerations of the Law must be taken into account, as set out above.

The distance of the proposed elevated southern units (1-6) from the nearby protected buildings, would prevent any impact on the setting of those buildings. The lower, northern terrace would however be located towards the protected buildings to the north and north-west of the site. It is considered likely that the northern terrace will appear visible above the pair of protected buildings to the north (St Denis and Hauteville de Haut) when viewed from Hauteville, which may therefore have an overbearing impact on the setting of those buildings and the Conservation Area itself due to the proposed bulky design, the height and width of the development. It is difficult to assess the extent of this, based on the plans provided, a south to north cross section which extends to road level would assist. The submitted cross-section does not include the entirety of St Denis and Hauteville de Haut and the road level on which the appreciation of these buildings is based. The cross section only includes the single storey rear extension to St Denis, so the cross section is not considered to display the true relationship between the proposed and existing neighbouring three storey dwellings.

In order to fully assess this aspect of the proposal, more comprehensive section drawings would be needed which provide details of the relationship between the proposed northern terrace and the boundary, ground levels and neighbouring properties (including all storeys) and road level, to the north.

The impact of the development on Pied des Vardes to the north-west is shown by the west-east section plan, this indicates that the proposed northern terrace will be located approx. 8m away and will be approx. 2m higher, the impact of the development is not

considered to be significantly harmful to the setting of the particular protected building, however the impact on the Conservation Area has been considered above.

The application does not clearly demonstrate the relationship of the proposed development with nearby protected buildings, and it is not therefore possible to fully assess the impact of the proposal on the special interest of the protected building or whether the proposal accords with Policies GP5 (Protected Buildings), GP8 (Design) or GP9b) (Sustainable Development) or the relevant statutory duties of the Land Planning and Development (Guernsey) Law, 2005.

Proposed Design

Policy GP8 sets out a number of criteria which development will be expected to address to ensure that a scheme achieves high standards of design which respect the character of the environment, in addition to the requirements addressed above.

The proposed development would result in an increase in the number of dwellings at the site and provides a significant improvement in respect of the effective and efficient use of land.

As set out in the Conservation Area assessment above, the proposed design, taking into account the scale, massing, form, proportions and elevational composition proposed does not appear to be well considered in relation to the surroundings of the site and is not considered to achieve a good standard of architectural design which respects the character of the local built environment. This is due to the use of full width expanses of glazed balconies and cladding with a horizontal emphasis, and large unsightly box dormers to both front and rear of units 1-6. The plans feature a number of inaccuracies, including missing balconies from floor plans, and blank side elevations of units 1 and 6 shown in one view, and windows shown in others.

The lower, northern terraces lack vertical emphasis due to the use of horizontal glazed balconies, and wide fenestration to the rear elevation. The solid to void ratio is poor due to the combination of wide windows and very small windows on both elevations. The roof terraces and additional clad section to the east elevation contributes harmfully to the mass and bulk of the terraced group. The proposed northern terrace in particular has a blocky appearance, with dual level roof which is not characteristic of the Conservation Area.

In summary, the proposal fails to demonstrate a high standard of design which is appropriate for the setting and is therefore contrary to Policy GP8 a), and c).

Amenity of the proposed units

The proposed two-bedroom dwellings within the lower, northern terrace (units 7-18) have sufficient sized kitchen, living, dining and bathing areas but both bedrooms are only adequate for single occupancy (less than 12sqm) when the minimum internal space standards required by the Guernsey Technical Standards are applied. There may however be sufficient space to internally re-order the storage/bedrooms to address this

requirement, although these units appear to fall below the UK's DCLG best practice space standards.

The proposed two bedroom, three- and four-bedroom dwellings within the southern group (units 1-6) exceed the Guernsey minimum internal space standards, and would also appear to meet the UK best practice standards.

Taking into account the positioning of the buildings on the site and positioning and design of the fenestration serving the proposed units, each unit would generally achieve a good level of privacy both in respect of interfaces with surrounding properties and each other.

As a result of the changes in land levels, the south facing units in the lower northern terrace have kitchen/dining areas which are set at a lower ground level, resulting in a very limited aspect and outlook as the floor plan and elevations appear to indicate a small void into which these windows face. Units 7-18 are all single aspect - either north easterly or south westerly, and the large fenestration size proposed to the upper floor habitable rooms assists in ensuring that the upper floors achieve good levels of daylight, balancing out the concerns raised by the single aspect, poor outlook and low light levels to the lower ground floor of the south facing units. The south westerly facing units also have access to a private roof terrace to assist in balancing the lack of outlook and lower light levels to the kitchen/dining area.

The application divides the amenity space with a provision for each unit, although this varies in size and quality, as the gardens proposed for the north-easterly facing units will be shaded for significant periods of the day, while the southwestern facing unit, adjacent to the western boundary (unit 12) is likely to be significantly shaded by the adjacent retained tree. Overall, the aspect/outlook/quality of the proposed accommodation varies from good to just about satisfactory, but taking into account the overall amenity of the accommodation and proximity to open coastal locations, this would not however be sufficient to form a reason for refusal.

The amenity space for the southern group of dwellings is good, although rear access to units 2-5 may not be possible due to the very narrow separation distance of only 0.5m between the dwellings. In practical terms, this has an impact on any proposed bin storage. At present, there is no dedicated bin store for collection day or within each property boundary. This may be possible within the rear gardens of unit 1 and 6, however the lack of rear access means that any proposed bin storage would have to be to the front of the dwellings which is likely to be unsightly and unacceptable in design terms and a more discreet location would be required.

The means of enclosure/boundary treatments have not been identified, but this matter could be controlled by condition.

Overall therefore, and on balance, the design has adequately considered the health and well-being of the occupiers of the development, in accordance with Policy GP8(d).

Despite the above, the submitted information does not demonstrate that the proposed northern terrace, units 7-18, would be accessible for people of all ages and abilities or that the accommodation would be flexible and adaptable for people's needs over time. This is indicated by the narrow width of the parking spaces, distance to the parking area from the units and lack of pavement connection from parking area to units 7-12, the lack of entry level living accommodation for units 13-18, the lack of entry level bed space/shower and provision of WC's which are too small for adaptable use.

It is recognised that the topography of the site is varied, and that level access may not be achievable to all units, however, alternative design may have allowed opportunities for improved accessibility.

The proposal, with particular reference to Units 7-18, therefore fails to comply with Policy GP8 f and g, as it does not demonstrate accessibility to and within a building for people of all ages and abilities or provide flexible and adaptable accommodation that is able to respond to people's needs over time.

Impact on neighbour amenity

The proposed units 1-6 are located across the southern end of the site, set away from and preventing significant impacts on, nearby residential properties to the north of the site. Units 4-6 are partially located within the footprint of the existing dwelling, although they are pushed closer to the southern boundary and neighbour at Sainte Royale.

Sainte Royale is at a higher level and is separated from the site by 2m high fencing and high conifer hedging. The submitted sections show the relationship of units 5 and 6 with the neighbour to the south (Sainte Royale). The section plan demonstrates that Sainte Royale, is set approx. 32m away from the boundary with the application site and so any impacts on the dwelling itself, in terms of material planning considerations, are likely to be limited. The amenity space associated with that property however extends to the shared boundary and is well landscaped, incorporating a substantial garden room towards the boundary. The proposed new dwellings would extend to within 7.5m of the boundary with Sainte Royale at the closest point. The new dwellings would be of an approx. 1 - 3m higher ridge height than the existing dwelling, and would be of greater width and massing, stretching across the full width of the site. The central units are only approx. 1m higher than the existing, with units 5 and 6 being 3m higher, partially due to the design and partially due to changes in land levels.

Whilst located to the north of the adjacent property, and therefore unlikely to result in any overshadowing, due to the increased height and width across the site, the new dwellings would have some visual impact on the property to the south. Although this is tempered by the reduction in land levels to the south, the central section being lower and the ridges being hipped away from the neighbours.

The cross section provided in Plan 23-14-41 cuts through units 5 and 6 which are the highest buildings proposed close to the southern boundary. The cross section indicates that views are only likely from the dormer windows serving the second floor. The top floor dormer windows to the rear elevation of units 1, 5 and 6, serve

bathrooms/dressing rooms and so could be obscure glazed by condition, to prevent any harmful overlooking into the neighbouring garden and outbuilding of Sainte Royale. The changes in land levels between the sites and separation distance involved means that the lower windows of units 1-6 are unlikely to result in significantly harmful overlooking.

The separation distance of approx. 23m between Units 1-6 and the lower terraced dwellings windows to the front (north) elevation of Units 1-6 prevents a harmful inter-relationship between the two blocks. The rear (north) facing units of the terraced block are approx. 23m away from the neighbouring dwellings to the north. The proposed block is elevated due to the ground level being approx. 2m higher than the rear section of the dwelling shown, however this cross-section is believed to not clearly represent the relationship with these neighbouring dwellings which are three storey from street level immediately to the north and not single storey as displayed in the cross section. However, this distance is considered, on balance, sufficient to overcome concerns regarding overlooking and overshadowing of these northern neighbours.

The western side elevations of the terraced block (specifically units 12 and 18) is blank, preventing harmful overlooking to the neighbours located to the north west of the site. The physical impact of this part of the development has been considered in the Conservation Area section above.

The eastern side elevation to the terrace has a number of windows which appear to serve stairwells, these are approx. 10-14m from the boundary and are unlikely to result in harmful overlooking.

Despite some inconsistencies in the elevation plans, the floor plans indicate that there are no windows proposed to the west elevation of Unit 6, with a number proposed to the east side elevation of Unit 1, and these are located approx. 10m from neighbouring dwellings to the east, which is unlikely to result in a harmful level of interface with the adjoining properties, and the distance is comparable to other locations in the Town area where properties face each other across an intervening highway and any interface arising would not be sufficient to warrant refusal of the application.

The impact of this part of the development in close proximity to the Protected Monument is however, of concern, and this has been considered in the relevant section above.

Sustainable Development

The submitted information includes a brief statement confirming that the design, including drainage, water efficiency, materials, waste storage and the conservation of fuel and power, will meet the requirements of the Building Regulations. Whilst not specifically stated, it is assumed that at least parts of the proposed areas of surfacing could be constructed of permeable material, and this could be managed by condition.

The submitted information also states it is intended to investigate use of photovoltaic panels on the south facing slopes of units 13-19. There is however no commitment to

this provision, and it is not possible to assess potential visual impacts of such an installation.

The submitted information does not however demonstrate that the buildings have been designed to take into account the use of energy and resources and any adverse impact on the environment through paying particular regard to the location, orientation and appearance of the building, the form of construction or the materials used and does not therefore fully address the requirements of Policy GP9a).

A Site Waste Management Plan has been provided and update and implementation can be controlled by condition. Whilst the submitted Design Statement notes masonry would be crushed on site, the Office for Environmental Health and Pollution Regulation should be contacted to ensure there would be no adverse impacts on the amenity of the surrounding properties.

Provision of access and parking

All dwellings have adequate parking provision, meeting the requirements as set out in the Parking Standards. However, the proposed garage doors for units 2-6 are only 2.1m wide and so they are unlikely to be used for parking a car. Despite this loss of a space per unit, the standards applied are maximum standards and so the development would still be acceptable in relation to Policy IP7 (Private and Communal Car Parking).

Neighbours have raised concern regarding the lack of allocated visitor spaces, and these are included onsite where necessary for Units 1-6, although the loss of the garage space means that no on or off plot visitor parking is provided. There is no specific requirement for visitor parking for units 7-18 as they are smaller units. The submission explains how excess parking can be accommodated in surrounding roads. There is no requirement for additional visitor spaces within the Parking Standards and the town centre location means there may be less reliance of the use of cars and that there is residential parking and public car parks within walking distance.

The access road provided doesn't include a turning head to the south, and the plans demonstrate turning utilising one of the proposed parking spaces. Although not a reason for refusal of planning permission, this may not be acceptable under the building regulations which requires full turning provision for developments of this size with a single point of access.

Cycle storage is required under the Parking Standards at a rate of 2 secure and covered spaces per dwelling, with 2 additional spaces for visitors to the site. Further information on the design of such storage is set out within the recently published Bicycle Parking Advice Note. The supporting information states that cycle storage could be provided within the associated garages/stores of Units 1-6.

While external cycle storage is indicated in the floor plans of units 7-18, no elevations of the proposed store have been provided. In any case, the space shown is approx 1.5m by 0.9m and may not be large enough for two cycles, depending on the design. The design would also be important in assessing if it is appropriate to be located at the front of

each dwelling and further details would be required. No visitor cycle parking is provided but could be incorporated into some of the soft landscaped areas.

In terms of road safety, the proposal would represent an intensification of use of the existing access. Notwithstanding the assessment in respect of parking provision above, the level of intensification could be significant, with approx. 25 more vehicles access and parking within the site. Despite the removal of the existing pillars, widening the access to approx. 7m, the sightlines from the single access point would remain below standard. However, the adjacent road is one way in a north-easterly direction, limiting the directions from which traffic might approach the access. On balance therefore the proposal is considered acceptable in respect of Policy IP9 (Highway Safety, Accessibility and Capacity) and the material considerations in respect of roads.

Other matters

Neighbours have raised concerns regarding drainage, as local properties have suffered from flooding at times of heavy rain. This would be assessed at the Building Regulations stage, where the site's ability to drain would be tested and suitable SUDs could be installed where necessary.

Neighbours have also drawn attention to the site notice not being displayed correctly. Although the site notice is positioned on the gate, it remains visible from the public highway and it was displayed in accordance with The Land Planning and Development (General Provisions) Ordinance, 2007.

A number of existing trees are proposed to be removed from the site, however, none of these are protected and so these can be removed without consent. The biodiversity value of the existing garden has also been raised and its use as a nature corridor within the town centre, however there is no requirement to consider the existing biodiversity value of the site in this type of application.

Conclusion

The proposed dwellings by virtue of the scale, massing, form, and bulk proposed are not considered to represent a high standard of design, respect the character of the local built environment or to conserve or enhance the character of the Conservation Area particularly in short-range views of the site. The proximity of the proposed dwellings to the site boundaries, associated loss of hedging, and elevated nature of the site, is considered to result in a form of development which would appear inappropriate in scale and mass, overly dominant above the boundary walls and likely to dominate the surrounding buildings which are more traditional, subservient in scale and set at lower land levels due to the topography of the site. The proposals would not therefore meet the terms of Policies GP4 (Conservation Areas), GP8 (Design), GP9b (Sustainable Development) or the relevant statutory duties of the Land Planning and Development (Guernsey) Law, 2005.

The application does not clearly demonstrate the relationship of the proposed development with the nearby protected buildings to the north west, and it is not

therefore possible to fully assess the impact of the proposal on the special interest of the protected building or whether the proposal accords with Policies GP5 (Protected Buildings), GP8 (Design) or GP9b) (Sustainable Development) or the relevant statutory duties of the Land Planning and Development (Guernsey) Law, 2005.

The application does not clearly demonstrate the relationship of the proposed Unit 1 with the nearby protected monument, and it is not therefore possible to fully assess the impact of the proposal on the special interest of the monument or whether the proposal accords with Policies GP6 (Protected Buildings), GP8 (Design) or GP9b) (Sustainable Development) or the relevant statutory duties of the Land Planning and Development (Guernsey) Law, 2005.

The proposed development, due to the proposed scale, mass, proximity to site boundaries, form and bulky proportions fails to demonstrate a good standard of architectural design which respects the character of the local built environment. The northern terrace in particular has a blocky and bulky appearance which, due to its elevated position will appear incongruous, and this is contrary to the requirement of GP8 a) and c).

The submitted information does not demonstrate that Units 7-18 would be accessible for people of all ages and abilities or that the accommodation would be flexible and adaptable to people's needs over time and the proposal does not therefore meet the terms of Policy GP8 f) and g) (Design).

The submitted information does not demonstrate that the buildings have been designed to take into account the use of energy and resources and any adverse impact on the environment through paying particular regard to the location, orientation and appearance of the building, the form of construction or the materials used, and the proposal does not therefore meet the terms of Policy GP9 a) (Sustainable Development).

As the proposal is not in accordance with all relevant policies of the Island Development Plan, it fails to meet the terms of Policy MC2 (Housing in Main Centres and Main Centre Outer Areas).

Whilst it may have been possible to defer the application a second time to attempt to address elements of these issues, the cumulative extent to which the application fails to meet the terms of policy is such that the application is recommended for refusal.

Should a revised scheme be submitted it is strongly recommended that additional sections be provided through the site, extending to include the site boundaries, adjacent roads and adjacent buildings/properties, particularly demonstrating the relationship of any new buildings with adjacent properties to the south, north and north-west and the visibility of the proposals within the surrounding area. Photographic montages may help with the latter, particularly in respect of the Hillside Town.

Date: 18/10/2024

