

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: Variation to previously approved plans to demolish dwelling and erect 3 dwellings (FULL/2023/1382) - alterations to roof form and fenestration (unit 3, east elevation), fencing and parking and outbuildings. Inclusion of porch canopies (all units) and external cladding (units 2 and 3) and lighting details. Vary condition 9 (omission of solar panels) and rescind condition 10 (obscure glazing unit 2).

LOCATION: La Grande Lande Vinery, La Grande Lande, St. Saviour.

APPLICANT: Mr & Mrs J De Garis

I refer to the application referred to below received as valid on 15/10/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 20/11/2024

Drawing Nos: Strategic Planning & Property Ltd - 2203/RL, 2203/4C, 5C, 6C, 7C, 8C

Application Ref: FULL/2024/1353

Property Ref: E00619B000

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 solar panels form an integral part of the sustainable design approach for this development and contribute towards how the development would significantly enhance sustainable design which, in turn, had supported the volume of development proposed. The increase in volume now proposed through the inclusion of a pitched roof to part of unit 3 would not represent a development that is of broadly the same volume as the approved conversion scheme, the omission of the solar panels and enlarged hardstanding for parking and turning would comprise a reduction in the quality of the development. As proposed, the requirements of Policy GP9a. and OC1 iv. would no longer be met. As a result the scheme would fail to comply with Policy GP9 and OC1 ii. and iv. of the Island Development Plan.

2. The proposal, to rescind condition 10 regarding the obscure glazing of the south facing window serving bedroom 2 in unit 2, would by virtue of its proximity to and relationship with unit 3, result in an unacceptable degree of overlooking and subsequent loss of privacy to the garden area to the immediate rear of that unit detrimental to the amenities that can reasonably be expected to be enjoyed by occupiers. The scheme is therefore contrary to GP8 d., GP9 b. and OC1 vi. 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/2024/1353
Property Ref: E00619B000
Valid date: 15/10/2024
Location: La Grande Lande Vinery La Grande Lande St. Saviour Guernsey GY7 9YY
Proposal: Variation to previously approved plans to demolish dwelling and erect 3 dwellings (FULL/2023/1382) - alterations to roof form and fenestration (unit 3, east elevation), fencing and parking and outbuildings. Inclusion of porch canopies (all units) and external cladding (units 2 and 3) and lighting details. Vary condition 9 (omission of solar panels) and rescind condition 10 (obscure glazing unit 2).
Applicant: Mr & Mrs J De Garis

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The solar panels form an integral part of the sustainable design approach for this development and contribute towards how the development would significantly enhance sustainable design which, in turn, had supported the volume of development proposed. The increase in volume now proposed through the inclusion of a pitched roof to part of unit 3 would not represent a development that is of broadly the same volume as the approved conversion scheme, the omission of the solar panels and enlarged hardstanding for parking and turning would comprise a reduction in the quality of the development. As proposed, the requirements of Policy GP9a. and OC1 iv. would no longer be met. As a result the scheme would fail to comply with Policy GP9 and OC1 ii. and iv. of the Island Development Plan.

2. The proposal, to rescind condition 10 regarding the obscure glazing of the south facing window serving bedroom 2 in unit 2, would by virtue of its proximity to and relationship with unit 3, result in an unacceptable degree of overlooking and subsequent loss of privacy to the garden area to the immediate rear of that unit detrimental to the amenities that can reasonably be expected to be enjoyed by occupiers. The scheme is therefore contrary to GP8 d., GP9 b. and OC1 vi. of the Island Development Plan.

OFFICER'S REPORT

Site Description:

The bungalow at La Grande Lande Vinery was situated set back from and to the east of La Grande Lande but has now been demolished. The roadside boundary is marked by an earthbank. The front and side garden (north) are lawned with various trees to the north of the dwelling. There are ancillary domestic outbuildings within the site.

Vehicular access is to the south of the dwelling and is shared with the former vinery site. Access is via the south boundary and hardstanding and turning exist within the site. The south boundary with the vinery access is marked by a fence.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

FULL/2021/2139 - Sub-divide dwelling to create 3 dwellings and associated parking and landscaping – granted

FULL/2022/1717 - Variation to previously approved plans to sub-divide dwelling to create 3 dwellings and associated parking and landscaping - erect single storey extensions and solar panels and alter boundary fencing to east (rear) of property of all 3 units – granted

The extent of domestic garden associated with the existing dwelling was defined in 2018. It incorporates the land to the north of the dwelling and the land between the walled garden of the dwelling and access driveway to the east.

FULL/2023/0102 - Demolish dwelling, erect 3 dwellings with associated landscaping and parking – refused

FULL/2023/1382 - Demolish dwelling, erect 3 dwellings with associated landscaping and parking (revised scheme) – granted

Pre-application advice was sought in this case but did not address the matter of the omission of solar panels from the scheme.

Existing Use(s):

01 dwellinghouse
28 agriculture

Brief Description of Development:

Permission has been granted for the redevelopment of the site and the construction of one pair of semi-detached two-storey dwellings and one detached single-storey dwelling with a number of outbuildings retained for use as ancillary storage and secure and covered cycle stores.

Unit 1 and 2 – kitchen/diner, shower room, plant room and lounge on the ground floor and three bedrooms and a large family bathroom on the first floor

Unit 3 – open plan kitchen, dining, lounge, WC/plant room, bathroom and two bedrooms

This application seeks to vary this previous approval and proposes the following changes to the scheme:

- alterations to roof form and fenestration (unit 3, east elevation)
- alterations to fencing
- alterations to parking
- alterations to outbuildings
- Construction of porch canopies (all units)
- Installation of external cladding (units 2 and 3)
- lighting details
- Vary condition 9 to omit solar panels
- Rescind condition 10 relating to obscure glazing, unit 2

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

OC1: Housing Outside of the Centres

GP8: Design

GP9: Sustainable Development

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issue in this case relates to the position of the development on the site having regard to the previously refused scheme.

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 principle of redeveloping the existing dwelling has been established through the previous grant of planning permission (see History above) and will not therefore be revisited. Only the aspects of Policy OC1 that would be relevant in relation to the proposed changes will be reassessed in this case.

OC1 ii – broadly the same floorspace and volume

The approved scheme deviated from the requirements of Policy OC1 ii. because the volume was 25.6% larger than the approved subdivision scheme. This increase beyond the generally accepted figure of 20% increase as broadly the same was satisfactorily justified in relation to “overriding sustainable benefits” (Policy OC1 iv. and GP9 (Sustainable Development)). The proposed development would however, now introduce a new pitched roof to unit 3, further increasing the volume of this aspect of the development. It remains the case therefore, that when assessed in isolation the scheme would not represent a scheme of broadly the same volume as the approved conversion scheme contrary to Policy OC1. The matter was previously also assessed against significant enhancements to sustainable design and this is assessed in relation to the current revised scheme elsewhere in this report.

OC1 iv – significant enhancement to sustainable design

The current proposals seek to vary condition 9 of the previously approved scheme in order to omit the solar panels from the development.

The approved scheme was supported by a Sustainable Construction Appraisal highlighting the intention to construct using Hansehaus construction, that dwellings would have principal accommodation facing south, east and west thereby providing access to natural light and solar gain. Permeable paving was to be incorporated into the scheme, a matter controlled by condition. It was concluded that the information in the Appraisal document would address how the scheme represents sustainable design in relation to Policy GP9 but in relation to OC1 iv and achieving significant enhancement to sustainable design it was the Hansehaus construction and engineering design that, in addition to the GP9 aspects (solar panels, electric charging points, permeable paving etc.), ensured the proposal was compliant with this aspect of Policy OC1. In view of these factors an increase in floorspace/volume beyond the accepted 20% was also permitted.

The proposal would see a reduction in the level of sustainable development features and no supporting justification or alternative sustainability enhancements that could compensate for the changes proposed have been put forward. This would see a weakening of the approved scheme in terms of significant enhancement to sustainable design with a further increase to the volume of unit 3. Given the concessions permitted in the approved scheme, namely not of broadly the same volume as that approved under the conversion application which was accepted because of the sustainable design of the scheme, the stripping back of these features means that the increase in floorspace/volume would no longer be justified.

The scheme is therefore contrary to both OC1 ii and iv of the Island Development Plan.

Obscure glazing (unit 2) – condition 10

Condition 10 states:

The bedroom window (bedroom 2) in the south elevation of unit 2 shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) which shall thereafter be retained in perpetuity.

Reason - To minimise the effect of the development on the privacy and amenities of occupiers of unit 3.

The submission argues that this window does not need to be obscure glazed given the distance separation (at least 4m), height, and parallel nature of the buildings.

The impact of this window was considered in the original application report and is set out in the reason for imposing the planning condition. Although the views from the window may be somewhat oblique due to the relatively close relationship between buildings (4m) and parallel nature of the buildings, the height of the window above the bungalow would result in a greater impact, looking down into the adjoining garden area. The condition is required in order to secure privacy to the immediate rear of the bungalow, unit 3, where it is generally accepted that the space immediately adjacent to a property is considered to be the most private and it remains the case that it is reasonable and necessary to impose a condition.

Design

The revisions to the scheme will not have any increased adverse impacts on the character of the area nor undermine the openness of the area.

The design and appearance of the proposed extension and other external changes represent a good standard of design that is in character with the buildings proposed and would not have an adverse impact on the character of the area or on residential amenity.

The changes to outbuildings proposed appear to indicate that an existing shed previously shown to be removed will be retained (described as log shed on the application drawings). This would sit adjacent to the south boundary of unit 2 and would not impact on the amenities of the occupiers of other dwellings within the development nor the character and appearance of the locality.

The proposals now indicate that off-road parking will be pushed back, adjacent to the rear/east wall of the retained shed/garden room. The number of designated parking spaces has not altered (two per semi-detached dwelling) however the level of hardstanding would increase by c. 126sqm. This would facilitate visitor parking but would also increase the potential for parking associated with the approved three-

bedroom dwellings significantly. The Island Development Plan requires parking provision to be considered on a case-by-case basis in Outside of Centre locations and the extent of hardstanding/parking now proposed is generous. The key issue in this case however, is how the proposed change would increase hardstanding, resulting in a reduction in soft landscaping on the site and contributing to the reduction in sustainable design when considering Policies GP9 and OC1.

Fencing

As approved the scheme showed paddock fencing to divide garden areas with an existing low earthbank to mark the east/rear boundary. An existing boundary wall to the rear was shown to be removed but is now indicated to be retained in connection with changes to the extent of amenity space divided between the properties.

Two planning conditions were attached relating to these aspects of the development:

5. Prior to the commencement of any work in connection therewith details of the approved paddock style fencing, including its height and appearance, the gate accesses shown on the approved plans and any other means of boundary enclosure proposed for the eastern site boundary adjacent to the access road shall be submitted to and agreed in writing by the Authority. No use or occupation of the buildings hereby permitted shall begin until the agreed scheme for boundary treatment has been fully completed and shall thereafter be retained.

6. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no gate, fence, wall or other means of enclosure more than 1m high (other than any hereby expressly permitted) shall be erected, constructed or placed along the east boundary of the gardens hereby approved, adjacent to the development access road leading to the approved parking area and agricultural land beyond.

This submission appears to seek amendments to the approved scheme through the introduction of Venetian fencing, often on a dwarf wall, but does not provide sufficient detail to discharge condition 5 as currently worded.

As amended through this scheme an additional fencing type (Venetian) would be introduced on top of a dwarf wall. This is shown to be introduced:

- to the immediate rear of units 1 and 2 (1.8m overall) (F to G)
- in between/to the immediate rear of units 2 and 3 (1.8m overall) (C to D)
- to the side of unit 2 (2m high no wall proposed) (C to E)
- along the access road adjacent to unit 3 (1.8m overall) (A to B)

The introduction of the dwarf wall and fencing in locations F to G would be satisfactory in terms of its design, impact on the locality and in order to afford privacy to occupiers of the development. Reservations exist regarding the position of the 2m high fence and

gate (no details of appearance provided) in location C to E given its position forward of unit 3 and a very small element of fencing position C to D. If the scheme were acceptable in all other respects the application could have been deferred in order to adjust the position of the fence and gate (C to D and C to E) to be set back, in line with or behind the front elevation of unit 3.

Concerns also exist regarding the introduction of a domestic and urbanising fence along the access road for the development and leading to the agricultural land beyond (A to B). The need for some form of enclosure along this boundary to provide privacy to occupiers of unit 3 is understood however, if a high fence/wall is proposed the impact of this could be reduced if it were situated inside a boundary hedge. Again, if the scheme were considered acceptable in all other respects this matter could have been revisited.

The paddock fencing is shown to be retained further from the dwellings to provide boundary separation between the dwellings and between unit 3 and the access road, details of this fencing would still be required in order to discharge condition 5 of the original permission.

Other matters

Although the submission refers to external lighting, this is a matter that is already brought within the control of the Authority through the previously imposed planning condition:

4. Prior to the commencement of any work in connection therewith details of all external lighting for the access road and parking area shall be submitted to and approved in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include details of the proposed lighting. This condition is imposed to make sure that the external lighting scheme does not have a detrimental impact on the open, rural landscape character.

The position of lighting bollards along the access road is shown on the current drawings and, if the scheme were acceptable in all other respects it might be possible to either discharge condition 4 during the course of this application or to rescind the condition if this revised scheme were approved incorporating the proposed lighting bollards.

A number of proposed changes to the exterior of the buildings would represent exempt works once approved or could be considered as minor amendments to the previously approved scheme. They represent a good standard of design that respects the local built environment and open landscape concerned having regard to Policy GP8.

Conclusions

The omission of the solar panels and to significantly enlarge the hardstanding for parking/turning area would not comply with the aims of Policy GP9 and OC1 iv. and the

introduction of a pitched roof to unit 3 would further increase the volume of the development contrary to Policy OC1 ii.

The reason for imposing condition 10 regarding obscure glazing is considered reasonable and necessary, to omit this glazing would have a detrimental impact on the future occupiers of unit 3.

In view of these matters it is recommended permission is refused.

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, buildings or sites.

Date: 20/11/2024

