

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: Increase roof ridge height to accommodate additional accommodation and change of use from dwelling house (Use Class 1) to property of multiple occupation (Use Class 6) and replacement windows and doors.

LOCATION: Ave Maria, 6 Burnt Lane, St. Peter Port.

APPLICANT: Mr L Abbott

I refer to the application referred to below received as valid on 06/08/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 31/10/2024

Drawing Nos: JM Design Ltd: 2309-01 PD/01A & PD/02.

Application Ref: FULL/2024/1358

Property Ref: A301390000

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 site lies within a Conservation Area in which it is the duty of the Development & Planning Authority to pay special attention to the desirability of preserving or enhancing its character or appearance. In the Authority's opinion the proposed development, by virtue of the substantial changes proposed to the roof form and proportions of the building, by raising the eaves level resulting in a large wall space above the second-floor windows, the loss of swept eaves and chimneys, and dormers to the front and rear roofslopes that do not respect the vertical emphasis of the existing building, would detract from the special character of the St Peter Port Conservation Area. The scheme is therefore contrary to Policies GP4, GP8 a. and c., GP9 and, by extension, Policy GP13 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/2024/1358
Property Ref: A301390000
Valid date: 06/08/2024
Location: Ave Maria 6 Burnt Lane St. Peter Port Guernsey GY1 1HL
Proposal: Increase roof ridge height to accommodate additional accommodation and change of use from dwelling house (Use Class 1) to property of multiple occupation (Use Class 6) and replacement windows and doors.
Applicant: Mr L Abbott

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The site lies within a Conservation Area in which it is the duty of the Development & Planning Authority to pay special attention to the desirability of preserving or enhancing its character or appearance. In the Authority's opinion the proposed development, by virtue of the substantial changes proposed to the roof form and proportions of the building, by raising the eaves level resulting in a large wall space above the second-floor windows, the loss of swept eaves and chimneys, and dormers to the front and rear roofslopes that do not respect the vertical emphasis of the existing building, would detract from the special character of the St Peter Port Conservation Area. The scheme is therefore contrary to Policies GP4, GP8 a. and c., GP9 and, by extension, Policy GP13 of the Island Development Plan.

OFFICER'S REPORT

Site Description:

Ave Maria, 6 Burnt Lane is an existing three storey, detached dwelling with a pitched, pantile roof and rendered exterior. Due to changing land levels the ground floor is single aspect only and the garden area is accessed at first floor level. The windows are primarily PVCu sashes with planted glazing bars to form a two over two arrangement. The property is situated just off Mill Street in St Peter Port with a mix of commercial and residential properties in the vicinity of the site. A school, Notre Dame, is situated a short distance away to the west. A timber lean-to exists to the rear of the property along with a shed and a lean-to outbuilding to the west site boundary. The northwest site boundary is marked by a granite wall.

Ave Maria does not form a feature in the Hillside Town or in long views of the site but, by virtue of its height and proximity to the street, is prominent in short views from Burnt Lane.

The survey drawings indicate that the building is currently laid out with a kitchen and living room on the ground floor, two bedrooms and a bathroom on the first floor and two further bedrooms, shower rooms and kitchenettes on the second floor. The survey drawings do not accurately show the style/design of the existing windows. The agent in this case has confirmed that the building is being occupied as a dwellinghouse and not as a premise in multiple occupation (HMO).

The site is located in the Main Centre, Archaeological Area and Conservation Area as designated in the Island Development Plan. A number of nearby buildings are protected.

The site is located in the Old Town Character Area within the Conservation Area Appraisal for St Peter Port. Ave Maria fits the description given:

“Burnt Lane is a narrow, stone-surfaced pedestrian lane, accessed via steps and running with the contours on a valley side in the south part of Town. Traditionally and classically proportioned buildings are in close proximity to the edge of the street. Their height is heavily influenced by changes in level and provides enclosure to the street. A good number of historic buildings survive, some of which are protected. Pitched slate or clay pan-tile roofs predominate, as do stone or smooth rendered walls”.

Relevant History:

None.

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

In connection with the proposed change of use of this single dwelling to a premises in multiple occupation (Use Class 6) the existing pantile roof with associated chimney stacks, are to be removed in order for the building height to be increased with raised eaves and ridge level, to facilitate an additional level of residential accommodation served by flat roof dormers to the front/southeast roofslope and a single flat roof dormer and two conservation style rooflights to the rear/northwest roofslope. The new roof would have a natural slate finish.

Existing windows and doors are proposed to be replaced.

The building would be laid out with shared kitchen and living room facilities on the ground floor, two bedrooms and a shared shower room on the first floor with access to the communal utility/laundry room in the attached outbuilding to the rear. Two further bedrooms and shared shower room are proposed at the existing second floor level. The proposed third floor would mirror the layout of the two floors below. The scheme would offer six double bedrooms.

A timber cycle store (for four bikes) and separate bin store are proposed within the front garden area of the property and the existing shed is indicated as being replaced and relocated within the garden area for garden maintenance/storage purposes although the drawings do not show the new location for this shed.

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

Island Development Plan policies:

MC2: Housing in Main Centres and Main Centre Outer Areas

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

IP6: Transport infrastructure and support facilities

Annex I

Annex VII

Conservation Area Appraisal: Old Town (incl. Sections 4, 5, 7)

Bicycle Parking Advice Note

Representations:

Two letters of representation have been submitted commenting on the application and raising the following matters:

- No objection to the proposed extension to the attic space
- Objects to the installation of dormers to the rear of the property and raising the ridge line
- The effect of the roof extension on the quality and enjoyment of neighbouring house and garden – there would be an unacceptable loss of privacy to the neighbouring garden and windows of the neighbouring property
- Concerns exist regarding noise as currently the noise from occupants is considerable and would be increased with increased occupancy
- It is requested that a condition be imposed requiring the wall between the application site and the neighbouring property at Morning Star to be increased to provide privacy and noise attenuation
- The unkempt garden encroaches onto the neighbouring property regularly
- The preferred option is that the development is not permitted
- Alternatively, instead of the roof extension could current outbuildings be extended and used for more space to provide extra bedrooms
- Any construction should take place within the hours specified within the Office of Environmental Health and Pollution Regulation's "Construction Site Noise Guidance".

Consultations:

Office of Environmental Health and Pollution Regulation – There are a number of issues where additional information is needed, primarily in relation to the space and facilities that will be provided to the residents for cooking and eating and the size of the bedrooms. So that I may provide a detailed response I should be grateful if the applicant could provide details of the following;

- Maximum number of occupants in each sleeping room
- Total number of occupants in the dwelling (maximum)
- The number of ovens, cooking rings, sinks and amount of workspace in the kitchen.

I should like to draw the applicants attention to <https://www.gov.gg/housingstandards> which details the current minimum standards for rental accommodation. It should be noted that the States of Guernsey passed the Housing (Standards and Regulation) (Enabling Provisions) Law in 2021. The purpose of this law is to enable the drafting of legislation which will improve rental property housing standards, including houses in multiple occupation. The applicant is advised to consider the applications in relation to future legal requirements.

Commented on the revised drawings/further information:

OEHPR do not wish to raise any objections to the proposals.

Summary of Issues:

The key issues in this case relate to the design and appearance of the proposed changes to the building, the effect of these alterations on the character and appearance of the locality, within the Conservation Area, how the changes to the building and the change of use proposed will impact on the amenities of surrounding buildings and the health and well-being of future occupiers of the building.

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.

It is noted that although through the public consultation it is indicated that the building is already being used as an HMO, the agent has confirmed the building is occupied by a single household. In the Use Classes Ordinance (2017) a household is defined as:

- (a) a person living alone,
- (b) any number of people living together as a family, or
- (c) up to six people living together as a single household,

The IDP supports new housing development in Main Centre locations, such as this. The property is already in residential use but would introduce a premises in multiple occupation thereby contributing towards the mix and type of accommodation available in this central and sustainable location. In this regard therefore, the scheme complies with Policy MC2.

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 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,

Developments in a Conservation Area must conserve and, where possible, enhance the special character, interest and appearance of that Conservation Area.

Wholesale replacement of windows and doors and the conversion of the rear building to a laundry and replacement of the roof pan-tiles with slate accord with the requirements of Policies GP4, GP8, GP9 and GP13.

Section 7 of the Character Appraisal identifies that the roofscape, including changes in level and presence of dormer windows, are a strength of this part of the Conservation Area and that potential for unsympathetic alterations is a threat. The Appraisal notes an opportunity to *“Design new and replacement developments to respond positively to the context: ensure that established building and roof lines and form, materials and underlying landscape are respected; seek creative adaptation rather than demolition.”*

The changes proposed to Ave Maria would result in a substantial change to the roof form and proportions of the building. This would arise from raising the eaves, creating an imbalance in the architectural composition of the façade as a result of the large wall space above the second-floor windows. Furthermore, the swept eaves and chimneys, both characteristic features in the Conservation Area, would be lost.

Although the principle of introducing dormer windows would not be unacceptable in design and Conservation Area terms, the proportions and form of the dormer are important. The proposal would see the introduction of a horizontal dormer on the front elevation which would not respect the vertical emphasis of the building. This would be another contributory factor to the imbalance in the architectural composition of the façade.

The proposal has a poor architectural composition which fails to achieve a good or high standard of design (GP8 a.). The development would also fail to respect the character of the local built environment (GP8 c.). The proposed scheme does not respect the detail and special interest of the surrounding built form that complements the local character. As a result the scheme fails to achieve a high standard of design that would conserve or enhance the Conservation Area and the scheme therefore also fails to comply with Policies GP4 and GP9 of the Island Development Plan.

The amenities of occupiers of the proposed development would be reasonable in terms of aspect/outlook, privacy, access to open space and internal space standards for lodgings (Part G of the Building Regulations). Sunlight and daylight would be reasonable due to the set back nature of the building in its own plot, thereby creating greater separation to the tall properties to the south. It is also noted that upper floor accommodation is dual aspect for the purpose of sunlight/daylight and aspect/outlook purposes (GP8 d. and Annex I).

It is noted that all floors are currently served by a staircase only and which would not alter as a result of the development. This would likely preclude access for wheelchair users however, the staircase would offer access to the upper floors by ambulant disabled. The existing building presents some barriers to accessibility for people of all ages and abilities. The internal layout of the building could be changed in future or an extension added (subject to relevant permissions) thereby allowing for changes and adaptation in future having regard to access for people of all ages and abilities. The scheme therefore addresses GP8 criteria f. and g.

The development is situated to the north of properties in Mansell Street and separated from them by a path and the frontage area of Ave Maria itself. The existing building

already casts shadow across the frontage area of Mayflower, to the north east and the proposed roof extension would increase this however, the impact on amenity in terms of sunlight/daylight would remain within acceptable limits.

Concerns have been raised through the public consultation process regarding the potential for overlooking and loss of privacy to occur. It is noted that this is currently a multi-storey building with fenestration to the front and rear. Due to the topography of the area the first-floor bedrooms (two windows) would be situated at garden level, screened from other properties by existing/exempt boundary treatments. As such it is the two bedroom and landing windows (proposed to be reduced in size) to the rear that would be visible from neighbouring properties, generating a degree of overlooking/mutual overlooking between properties in this area where properties are situated very close to one another.

The fenestration to the northwest roofslope is shown as a staircase dormer to provide headroom to the accommodation and could reasonably be required to be obscure glazed, a matter controlled by planning condition. The two rooflights, one per bedroom, could also be required to be situated a minimum of 1.7m above the finished floor level so as to provide light not outlook. This would not undermine the amenities of occupiers with conventional windows proposed in the dormers to the front/southeast elevation. The two additional bedroom windows in the front roofslope would not unacceptably increase overlooking to properties to the south and the third dormer, serving a bathroom, can be required to be obscure glazed.

The relationship of the bin store and bike shed to the roadside wall and changes in level is not clear, as they are not shown on a site section nor in elevation terms set against the existing front boundary wall. The effect of this aspect of the development on the character and appearance of the locality, within a Conservation Area, cannot be fully assessed against Policies GP4, GP8, GP9 and GP13 of the Island Development Plan. Had the scheme been acceptable in all other respects further information/revised plans could have been sought regarding this aspect.

The site is located in a highly sustainable location, within walking distance of local services and facilities. The scheme incorporates a degree of shared, covered cycle parking. It is acknowledged however, that given the stepped access to the building and to the rear garden area, which could offer further space for cycle parking, this will not be particularly convenient for this purpose. Nonetheless, the scheme has sought to address this matter so as not to preclude occupiers from using bicycles. It is also noted that the site will be within ready access of public cycle stands. On balance the scheme is considered satisfactory with regard to Policy IP6.

There are no exemption rights relating to HMOs therefore the erection of a new shed or the dismantling and re-erection of the existing shed within the garden area of an HMO would require planning permission. This matter could be highlighted by way of an informative note if the scheme were acceptable in all other respects.

The position of Ave Maria is such that it is viewed in isolation from the majority of neighbouring buildings and is not prominent in the setting of nearby protected

buildings. A change in height of the roof would not alter this and the proposals accord with Policy GP5 and the requirements of the Law in relation to Protected Buildings.

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

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

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

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

Date: 28/10/2024