

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 section of wall, erect outbuilding/garden room and flag pole to north of site.

LOCATION: Fort Le Crocq, Route De La Marette, St. Saviour.

APPLICANT: Mr P Morris

I refer to the application referred to below received as valid on 16/09/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 17/10/2024

Drawing Nos: The Drawing Room: 348 G1, G2, G3.

Application Ref: FULL/2024/1508

Property Ref: E004670000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The application site is situated on a headland which retains a predominantly open and undeveloped character. The proposal would place built development to the outer edges of the site, close to the beach (intertidal rocks) and would be highly visible in public views. The proposed detached domestic garden room, by virtue of its siting and design would erode the openness of this part of the headland and be detrimental to the character of the open landscape concerned. The scheme is therefore contrary to Policies GP1 and GP8 c., and therefore 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/2024/1508
Property Ref: E004670000
Valid date: 16/09/2024
Location: Fort Le Crocq Route De La Marette St. Saviour Guernsey GY7 9XB
Proposal: Demolish section of wall, erect outbuilding/garden room and flag pole to north of site.
Applicant: Mr P Morris

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The application site is situated on a headland which retains a predominantly open and undeveloped character. The proposal would place built development to the outer edges of the site, close to the beach (intertidal rocks) and would be highly visible in public views. The proposed detached domestic garden room, by virtue of its siting and design would erode the openness of this part of the headland and be detrimental to the character of the open landscape concerned. The scheme is therefore contrary to Policies GP1 and GP8 c., and therefore Policy GP13 of the Island Development Plan.

OFFICER'S REPORT

Site Description:

Fort Le Crocq is a detached flat roof dwelling with turret features to the west elevation. The property is accessed via a long driveway from Route De La Marette to the west. There are glimpsed views of the property from the lane. The property is situated on an open headland and the site is visible from Richmond Kiosk, Vazon Road, Vistas, Vazon Road and Fort Hommet to the east. The detached outbuilding is currently largely screened from long distance views by established landscaping, with only the pitched roof visible. The west and south boundaries are landscaped whilst the northern boundary and much of the east of the site is open to the beach.

The site is located Outside of the Centres and a Protected Monument is situated to the west of the dwelling, to the north of the access driveway.

Relevant History:

FULL/2018/2273 - Demolish existing conservatory and extend dwelling at ground and first floor levels (east and west elevations), erect single storey flat roof double garage

and glazed link to dwelling (south elevation), demolish chimney stacks, and alter fenestration – granted

FULL/2019/2108 - Install external steps to north-west boundary – granted

FULL/2019/2174 - Erect a garden studio to east of site – granted

FULL/2022/2157 - Install solar panels to flat roofs - granted

FULL/2023/1525 - Erect extension at first floor level to south (side) elevation with balcony to front and rear elevations – granted

FULL/2024/1508 - Erect single storey extension to east elevation of domestic outbuilding and alter fenestration (retrospective). Erect enclosed pergola to east elevation of dwelling – granted

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application relates to the removal of an existing section of low wall within the garden area of the property in connection with the erection of a detached garden room, c. 5.5m high, with granite exterior and crenelated style roof. A flagpole is shown to be attached to the northwest elevation of the building projecting to a height of c.8m.

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

Island Development Plan (IDP) policies:

GP1: Landscape Character and Open Land

GP6: Protected Monuments

GP7: Archaeological Remains

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Annex V Landscape Character: Western Bays (Headlands)

Representations:

None.

Consultations:

Agriculture, Countryside and Land Management Services (ACLMS) - note the area of the proposed development is not a designated Site of Special Significance or Area of

Biodiversity Importance (ABI) but is in close proximity to the Foreshore ABI, circa 12m from the boundary.

To reduce the risk of pollution or disturbance to the foreshore ABI the Authority may wish to include an advisory in the planning consent, if provided, which recommends that;

- precautions are taken to ensure that no materials are allowed to enter the ABI,
- works should be undertaken during daylight hours to avoid introduction of light pollution, and;
- where possible, works should be undertaken outside of bird breeding season.

Summary of Issues:

The impact of the proposed detached outbuilding on the open landscape character.

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.

Policy GP13 offers householders, particularly in non-designated areas, with a degree of flexibility to make changes to their property whether that be in a traditional or contemporary design. In a domestic setting the proposed outbuilding represents a good standard of design that reflects aspects of the design and character of the main dwelling. This policy sets out that a scheme must accord with all other relevant policies in the IDP. Although not normally applicable within more domestic settings, in this instance Policy GP1 would also be relevant given the headland setting of the site with clear views of the site from the slipway to the west, Fort Hommet to the east and the coast road/coastal car parks to the southeast. The key consideration in this case, therefore, is the effect of the outbuilding on the open landscape concerned.

The supporting text to Policy GP1 recognises the importance of Guernsey's rural, open landscape and, in part, this is protected through the spatial strategy to focus new development to the Main Centres and Local Centres. The supporting text also recognises there are few large areas of open land that are completely free from development, with housing development across the Island; and that existing uses will be supported to enable them to operate and expand.

Development should not result in the unnecessary loss of open space, natural landscape or erosion of the character of the particular landscape of the locality concerned (para. 19.2.12)

The IDP summarises the landscape character of this location:

The Headlands along the west coast create a rhythm of rocky, exposed land jutting out into the Atlantic between the Bays. Each headland is marked by a fortification, either Napoleonic or German or sometimes both. The Headlands provide pedestrian access to the inter tidal rocks and beaches, as well as car parks and viewing points. The car parks have tended to extend further and further out onto headlands, although improvements have been carried out to a number of the car parks with the effect of reducing to some extent their impact. With the exception of these car parks and isolated clusters of development, particularly at Richmond, the Headlands still retain a rough, semi-natural and exposed character.

In this case, the fortification marking this headland is Fort Richmond, a protected monument/building. This is prominent at the top of the headland, with the application site below, which has been substantially altered and has never been statutorily protected. There is a car park/viewing point to the northwest of the application site and despite the cluster of houses at Richmond, the character of headland is rough and exposed and retains its openness.

Although IDP para. 19.2.13 states: “...a development need not be hidden from public view” it continues to state “...but will be required to avoid undermining the wider landscape character and/or openness of an otherwise undeveloped area.”. This paragraph also needs to be read in light of the supporting paragraph which explains the rationale behind the policy and the need to avoid unnecessary loss of character or erosion of openness.

The building proposed, in the location proposed, will be visible from numerous long range public views (e.g. Hommet Headland, Richmond Kiosk and coast road) as well as short and medium range views when approaching the public car park.

In some respects the design of the proposed garden structure seeks to reflect the known fortification features of headland locations such as this but this must be balanced against the otherwise semi-natural and exposed character of the headland. The proposal would place built development to the outer edges of the site, close to the beach (intertidal rocks).

Regarding Policy GP1 it is also appropriate to consider whether a development is necessary. The proposal is for private use and to enjoy the sea views. This means that there is no public benefit from the development and nor would it contribute to the rural economy.

The proposed detached domestic garden room, by virtue of its siting and design would erode the openness of this part of the headland and be detrimental to the character of the open landscape concerned. The scheme is therefore contrary to Policies GP1 and GP8 c., and therefore Policy GP13 of the Island Development Plan.

In view of the above, it is recommended that planning 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: 15/10/2024

