

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: Raise and alter ridge height to create accommodation at 1st floor level, extend at ground floor level to east of property/wing.

LOCATION: Tragina, Rue Des Reines, Forest.

APPLICANT: Mr J R Brouard

I refer to the application referred to below received as valid on 01/10/2024 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: Paul Vaudin & Associates - 18-021-08D, 09D & 10A.

Application Ref: FULL/2024/1580

Property Ref: H000950000

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 fails to satisfactorily demonstrate that the proposed 'wing'/dower unit would be ancillary, well-related or dependent upon the main house. The increase in primary living accommodation (dower unit) would be disproportionate and 'compete' with the main house and does not represent an ancillary or subservient relationship, for the purposes of Policy GP13. The proposed extension would if approved, be tantamount to a new dwelling-house which would be precluded under Policy OC1 given its location Outside of the Centres and is against the Spatial Policy of the Island Development Plan. The application is therefore contrary to the clear aims and objectives of Policy GP13 of the Island Development Plan, and Supplementary Planning Guidance Note 1 - AN1 (Ancillary /Associated Living Accommodation Units a Guide to Development).

2. As shown on the drawings submitted, the first-floor pitched roof projects above the ridgeline of the main house and has been designed in such a way that is a continuous mass which extends from the projecting gable end to the front of the house, and up to the south gable end, extending some 16m. The roofline is interspersed with roof

lights and a dormer window on each side. Consequently, the scale, mass and bulk of the proposed roof is not subservient to the main house and would introduce a competing element to the property, creating a jarring effect in the street scene. The proposal would have a negative effect on the character and appearance of the property and surrounding area and does not represent a 'good' standard of design for the purposes of Policy GP8.

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/2024/1580
Property Ref: H000950000
Valid date: 01/10/2024
Location: Tragina Rue Des Reines Forest Guernsey GY8 0JB
Proposal: Raise and alter ridge height to create accommodation at 1st floor level, extend at ground floor level to east of property/wing.
Applicant: Mr J R Brouard

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The application fails to satisfactorily demonstrate that the proposed 'wing'/dower unit would be ancillary, well-related or dependent upon the main house. The increase in primary living accommodation (dower unit) would be disproportionate and 'compete' with the main house and does not represent an ancillary or subservient relationship, for the purposes of Policy GP13. The proposed extension would if approved, be tantamount to a new dwelling-house which would be precluded under Policy OC1 given its location Outside of the Centres and is against the Spatial Policy of the Island Development Plan. The application is therefore contrary to the clear aims and objectives of Policy GP13 of the Island Development Plan, and Supplementary Planning Guidance Note 1 - AN1 (Ancillary /Associated Living Accommodation Units a Guide to Development).

2. As shown on the drawings submitted, the first-floor pitched roof projects above the ridgeline of the main house and has been designed in such a way that is a continuous mass which extends from the projecting gable end to the front of the house, and up to the south gable end, extending some 16m. The roofline is interspersed with roof lights and a dormer window on each side. Consequently, the scale, mass and bulk of the proposed roof is not subservient to the main house and would introduce a competing element to the property, creating a jarring effect in the street scene. The proposal would have a negative effect on the character and appearance of the property and surrounding area and does not represent a 'good' standard of design for the purposes of Policy GP8.

OFFICER'S REPORT

Site Description:

The application site consists of a detached dwelling-house located to the south of Rue Des Reines, Forest. The site is located Outside of the Centres as defined in the Island Development Plan. The site is bounded to the south and west by agricultural land.

Planning permission was approved in 2019 (FULL/2018/2962) to erect an extension to the rear of the Wing, amongst other works. Permission was later granted in 2020 (FULL/2020/2061) to vary the permission in order to enlarge the footprint of the extension serving the wing to the rear, as well as removing the bay window and altering the fenestration to the north (front) elevation.

It was noted as part of application FULL/2018/2962 that the extensions to the wing were to provide additional habitable accommodation for the applicant's daughter.

Relevant History:

FULL/2024/1812	Erect single storey outbuilding/dower unit (annex) to south boundary	Pending
FULL/2020/2061	Variation to previously approved plans to erect extension to south (rear) and west (side) elevation - Enlarge extension footprint to south (rear), remove bay window and alter fenestration to north (front) elevation.	Granted
FULL/2018/2962	Erect extension to south (rear) and west (side) elevations, demolish, excavate and erect wall to east boundary and install solar panels to south (rear) elevation.	Granted
PAPP/2004/2518	Change garage door to a bay window and install new window	Granted

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is now sought to raise and alter the ridge height of the 'Wing' to create habitable accommodation at first floor level.

As set out in the agent's letter of 9th September that *the proposed alteration to the approved works will allow two bedrooms to be created improving the level of accommodation previously approved (FULL/2018/2962 and FULL/2020/2061). As noted previously my client's son has returned to the family home and now my client's daughter who has special needs requiring assisted living also requires accommodation within the family home.*

The approved ground floor of the Wing equates to an area of approximately 84sqm. The proposed first floor accommodation equates to approximately 61sqm.

No information has been provided by the agent in order to take into account 'Planning Advice Note – AN1. Ancillary /Associated Living Accommodation Units a Guide to Development', or the former Dower Unit advice note.

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

OC1 Housing outside the centres
GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Planning Advice Note – AN1. Ancillary /Associated Living Accommodation Units a Guide to Development.

Representations:

None.

Consultations:

None.

Summary of Issues:

- Whether the proposed accommodation is ancillary or incidental to the existing dwelling.
- Whether the design, scale, mass, siting, form and materials of the proposed development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

Policy GP13 (Householder Development) states that proposals for dower units will be supported provided the additional accommodation is demonstrably ancillary and well-related to the existing dwelling and there are no significant adverse effects on the amenities of neighbouring properties.

Paragraph 19.14.14 states that:

“Dower units can be acceptable in circumstances where a completely independent unit of accommodation would not comply with the normal criteria regarding access, space about dwellings and residential amenities. Proposals

usually take the form of extensions to the main dwelling but can also include conversion of existing or the construction of new outbuildings within the recognised domestic curtilage where these are well related to the principal dwelling. Proposals to create dower units will be assessed sympathetically and will be supported where the proposal is acceptable in terms of the impact of the development on the amenities of neighbouring residents”.

Physical relationship and associated use with the main house:

The size of the dower unit/ ancillary living accommodation would ‘compete’ with the main house in terms of both its size, functionality and facilities, which itself (the main house) has 4 bedrooms, kitchen, living and dining room etc. It is therefore regarded that the proposal does not demonstrate a clear ancillary or subordinate relationship for the purposes of Policy GP13, and Planning Advice Note – AN1.

In this regard, the creation of 4 bedrooms within the ‘Wing’, together with 3 bathrooms, kitchen and lounge/diner (totalling an area of approx. 145sqm), and separate main door (which could easily be separated from the main house) would be tantamount to a new dwelling.

The justification for creating two additional bedrooms upstairs with two approved bedrooms downstairs is also unclear, especially as the main house has 4 bedrooms as shown on the drawings submitted. Moreover, the site is served by two vehicular access points (albeit partially over agricultural land) and could easily be subdivided in terms of creating a front and rear garden through the installation of fencing (exempt development) or planting, whilst blocking up the internal link.

Whilst there is scope for members of a shared household to have a degree of independence under Policy GP13, the proposed extension to the dower unit/ancillary living accommodation, has the capability of being a self-contained unit of accommodation by virtue of its size, functionality and limited association with the main dwelling. Consequently, the proposal would be tantamount to a new dwelling-house which would conflict with Policy OC1 where the creation of a new dwelling Outside of the Centres is precluded and would conflict with the Spatial Policy of the Island Development Plan.

Design:

As shown on the drawings submitted, the first-floor pitched roof projects above the ridgeline of the main house and has been designed in such a way that is a continuous mass which extends from the projecting gable end to the front of the house, and up to the south gable end, extending some 16m. The roofline is interspersed with roof lights and a dormer window on each side.

Consequently, the scale, mass and bulk of the proposed roof is not subservient to the main house and would introduce a competing element to the property, creating a jarring effect in the street scene. The proposal would have a negative effect on the

character and appearance of the property and surrounding area and does not represent a 'good' standard of design for the purposes of Policy GP8.

Conclusion

Given the identified conflict with Policy GP13, GP8 and Planning Advice Note – AN1, it is recommended that the application be refused.

Date: 30/10/2024.