

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 extensions and detached garage. Extend and alter at ground floor and first floor level including balcony to north (rear) elevation, erect detached garage to west boundary - Alter roof covering material to west (side) extension.

LOCATION: Heaton Moor, Forest Road, Forest.

APPLICANT: Mr A Corbin

I refer to the application referred to below received as valid on 22/10/2024 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: ArcTECH: AC-21-1034-02D & 03D and Annex 1: Catnic Colourcoat HPS200 Ultra details.

Application Ref: FULL/2024/1593

Property Ref: H002740000

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 and appearance. The proposed change to the roof covering of the approved, traditional two-storey side extension (west elevation) from a slate to a standing seam roof, would not represent a high standard of design, in sympathy with its setting, attached to and viewed in the context of the traditional building, currently known as Heaton Moor. The proposal would detract from the special character of the Conservation Area contrary to Policies GP4, GP8 a. and c., GP9 b. 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/2024/1593
Property Ref: H002740000
Valid date: 22/10/2024
Location: Heaton Moor Forest Road Forest Guernsey GY8 OAB
Proposal: Variation to previously approved plans to demolish extensions and detached garage. Extend and alter at ground floor and first floor level including balcony to north (rear) elevation, erect detached garage to west boundary - Alter roof covering material to west (side) extension.
Applicant: Mr A Corbin

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 and appearance. The proposed change to the roof covering of the approved, traditional two-storey side extension (west elevation) from a slate to a standing seam roof, would not represent a high standard of design, in sympathy with its setting, attached to and viewed in the context of the traditional building, currently known as Heaton Moor. The proposal would detract from the special character of the Conservation Area contrary to Policies GP4, GP8 a. and c., GP9 b. and, by extension, Policy GP13 of the Island Development Plan.

OFFICER'S REPORT

Site Description:

Heaton Moor is a detached, two-storey dwelling with a vehicular access to the west site boundary. A detached outbuilding is situated to the rear/north of the dwelling. Work has commenced on site in terms of demolition in connection with approved works to the main house.

The west and east boundaries are marked by established landscaping. Access to the field to the north of the property is via a gate in the north site boundary.

The site is located Outside of the Centres and within a Conservation Area and Airport Consultation Zone as designated in the Island Development Plan. The house and domestic garden falls outside the Agriculture Priority Area whilst the land to the north is located within it.

Relevant History:

FULL/2021/1742 – Demolish extensions and detached garage. Extend and alter at ground and first floor level including balcony to north (rear) elevation, erect detached garage to west boundary – granted (expires 26/01/2025)

Existing Use(s):

01 dwellinghouse
28 agriculture

Brief Description of Development:

The application seeks to vary the approved scheme, specifically in relation to the roofing material for the two-storey side extension (west) which has been designed with a render exterior, sliding sash windows and, as approved, a slate roof. The variation application relates to the change from a slate roof to a standing seam roof as per the approved rear extension.

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

Island Development Plan policies:

GP4: Conservation Areas
GP8: Design
GP9: Sustainable Development
GP13: Householder Development

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issue in this case relates to the effect of the proposed change in roofing material on the design and appearance of the extension and its effect on the character and appearance of the Conservation Area.

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 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,

IDP policies GP4 and GP8 do not seek to restrict the architectural style of new development in Conservation Areas, instead making clear that providing the scale, mass, detail and special interest of the surrounding built form has been considered, and that a particularly high standard of design is achieved, then either contemporary or traditional design approaches that respect and complement the character of the surrounding area may be appropriate.

Heaton Moor is a traditionally designed and detailed dwelling situated at the entrance to the Conservation Area and it is a prominent building on Forest Road. As approved, the pitched roof extension to the side/west of Heaton Moor was described as being

traditional in its appearance, in keeping with the dwelling and represents a high standard of design within the Conservation Area.

The submission sets out that the use of slate on the side extension would not be harmonious with the rest of the architecture of the extension, nor the rear extension and it is considered that it would be more appropriate to keep “the new properly distinct from the traditional in the use of materials”.

Notwithstanding the submission comments and justification, when seen from Forest Road, the approved extension would be perceived as a traditional extension, matching and complementing the existing, traditional dwelling. To introduce a standing seam metal roof would introduce a modern material onto an extension with a traditional form which then would not have a coherent architectural composition. The scheme therefore fails to comply with Policies GP4, GP8 (a. design) and c. (respect the character of the local built environment) and GP9 b. (adverse effect on the special interest of the Conservation Area).

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

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

