

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 existing dwelling and erect 2 dwellings including raise roof ridge height to create first floor accommodation (Revised Scheme).

LOCATION: Wolfsburgh, Vauvert, St. Peter Port.

APPLICANT: Mr S Taylor

I refer to the application referred to below received as valid on 08/10/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 27/01/2025

Drawing Nos: PF+A Ltd: 7757-01 B1B, B2B & B3B

Application Ref: FULL/2024/1596

Property Ref: A30282A000

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 standard of the living environment for the proposed dwellings has a number of deficiencies. In particular the limited internal space which would not meet Guernsey Technical Standards minimum internal space standards for the kitchen, living, dining and bathing space is a significant deficiency. In addition, the potential for alterations to be required to the extent of glazing could result in further deficiencies. As a result, the proposed dwellings would not provide a satisfactory living environment and do not accord with Island Development Plan Policy GP8 and Annex I.

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/2024/1596
Property Ref: A30282A000
Valid date: 08/10/2024
Location: Wolfsburgh Vauvert St. Peter Port Guernsey GY1 1NB
Proposal: Demolish existing dwelling and erect 2 dwellings including raise roof ridge height to create first floor accommodation (Revised Scheme).
Applicant: Mr S Taylor

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The standard of the living environment for the proposed dwellings has a number of deficiencies. In particular the limited internal space which would not meet Guernsey Technical Standards minimum internal space standards for the kitchen, living, dining and bathing space is a significant deficiency. In addition, the potential for alterations to be required to the extent of glazing could result in further deficiencies. As a result, the proposed dwellings would not provide a satisfactory living environment and do not accord with Island Development Plan Policy GP8 and Annex I.

OFFICER'S REPORT

Site Description:

The application property is a single storey flat roofed dwelling situated on the eastern side of Vauvert, accessed via a hard surfaced courtyard, which also serves Trinity Court. The immediate locality is largely residential of differing scale and form, but predominantly in excess of that of the application site, notably Salem Apartments, which stand directly to the north of the application site and occupy three storeys. A protected building, No.1 Vauvert, stands immediately adjacent to the south.

The site is within the St Peter Port Conservation Area and Main Centre Inner Boundary as defined in the Island Development Plan.

Relevant History:

02/05/2024 – FULL/2023/1210 – Application refused to demolish existing dwelling and erect 2 dwellings including raise roof ridge height to create first floor accommodation (revised).

01/12/2015 – FULL/2015/2416 – Permission granted to demolish existing single storey dwelling and erect two storey replacement dwelling, and alter boundary wall.

11/01/2010 – FULL/2011/3837 – Permission granted to erect first floor extension with 2 rooflights in south elevation and gable window with Juliet balcony in west elevation.

29/07/2010 – FULL/2010/1282 – Permission granted to erect first floor extension and alter dwelling to create two flats, install rooflights and create a balcony to west elevation.

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested for a revised scheme to demolish the existing single storey flat roof dwelling and to erect a replacement two storey pitched roof building comprising of 2, one-bedroom dwellings. The replacement building would be finished with smooth rendered and an unspecified material for the walls, aluminium fenestration and a natural slate roof.

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

Policy MC2: Housing in Main Centres and Main Centre Outer Areas

Policy GP4: Conservation Areas

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport Infrastructure and Support Facilities

Policy IP7: Private and Communal Car Parking

Representations:

Five objections were received, main points as follows:

- Concerns raised about the height of the building and the resultant loss of natural light to the adjacent Salem Apartments and the negative effect on the living environment of the neighbouring properties.
- The height of the roof would seriously diminish the light to Apartments 1 and 2 which are located on the level immediately adjacent to the exterior building access. Apartments 3, 4 and 7 on the level above Apartments 1 and 2 would also be adversely affected by the height of the roof.
- The proposal will not provide adequately spacious accommodation.
- Concerns raised about the effect on the value of neighbouring properties.
- Unclear how the building would be constructed without using neighbouring land.
- Concerns raised about noise, dust and mess during the construction phase and the impact on neighbouring properties.
- Loss of daylight to flats 3 and 5 in Trinity Court.
- It is understood that there is a requirement for 1 parking space per dwelling.

- It is understood that all development must have ramps for wheelchair access, in this case the ramps would need to be internal.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Whether the principle of new housing is acceptable.
2. Design, scale, bulk and impact of the development on the character and appearance of the Conservation Area.
3. The impact of the development on the amenity of people living in the area.
4. Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.
5. Parking provision.

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).**

Whether the principle of new housing is acceptable

As set out in Policy MC2, the majority of the Island's housing supply is to be provided within and around the Main Centres. The site is located in a Main Centre Inner Area and does not form Important Open Land. Policy MC2 therefore supports the development of the site for housing where it accords with all other relevant policies of the Island Development Plan and where able to the site provides an appropriate mix and type of dwellings.

Current evidence regarding private market housing suggests a need for homes of 1-3 bedrooms, with an emphasis on 2 bedrooms. However, due to the limited size and characteristics of the site and the nature of the development, in principle there would be no objections to the erection of two, 1-bedroom dwellings provided that the proposal accords with all other relevant policies of the Island Development Plan.

Design, scale, bulk and impact of the development on the character and appearance of the Conservation Area

The existing building is not considered to make any particular positive contribution to the character and appearance of the Conservation Area. The replacement building would represent a significant increase in the scale and mass of the existing building. However, given the scale of neighbouring properties and the dense urban grain of the locality, the proposed increase in the scale and mass of the building would not have an adverse effect on the character and appearance of the Conservation Area. The pitched

roof design of the replacement building generally achieves a good standard of design. No details of the external wall finish to the ground floor of the west elevation have been provided. The design of the fenestration on the south elevation has been enhanced since the previously refused scheme and as a whole the proposal would conserve the character and appearance of the Conservation Area and would have no adverse effects on the setting of the adjacent protected building, in accordance with Policies GP4 and GP8.

The impact of the development on the amenity of people living in the area

The proposal includes a number of windows at ground and first floor level in the south elevation which would cause a degree of overlooking and intervisibility with neighbouring properties. However, given the dense urban grain of the locality, the relationships between the proposed building and neighbours to the east and south are acceptable in terms of the separation distance and the degree of intervisibility between windows.

The relationship of the application site to the adjacent building to the north, Salem Apartments, remains a concern due to the close proximity of the two sites, the siting of the replacement building to the south of the adjacent apartments and the position of habitable room windows to the south elevation of Salem Apartments, particularly No.2 Salem Apartments where the main living area is served solely by two south elevation windows. This is further highlighted by a number of representations from occupiers of Salem Apartments.

The two sites are divided by a pedestrian pathway which is enclosed by a boundary wall dividing the sites which currently extends just above the cill height of the first-floor windows of the adjacent apartments. The eaves and ridge height of the proposed building has been reduced by approximately 0.5m from the previous scheme which was refused in May 2024 (FULL/2023/1210) and is now similar or lower than the building approved in 2015 (FULL/2015/2416). On the north site boundary, the proposed eaves level of the north elevation of the replacement building would replicate the height of the existing boundary wall. Consequently the neighbouring windows to Salem Apartments would face the plane of the roof and not the external wall of the extension. No windows are proposed to this elevation and the slope of the roof would allow a degree of natural light to reach the adjacent windows on the neighbouring properties. In addition, the existing outlook from the south elevation windows of No. 2 Salem Apartments is of limited quality and the partial blocking of this limited outlook with the plane of the roof is unlikely to have a significant additional detrimental effect. Although the proposal will have an adverse effect on the amenities of neighbouring residents within Salem Apartments, the degree of overshadowing/overbearing impact that is likely to result would not be unacceptably harmful and the proposal is unlikely to have a material adverse effect on the amenities of neighbouring residents.

Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings

The health and well-being of the occupiers of the development requires consideration as set out in part (d) of Policy GP8 and explained in more detail in Annex I (Amenities). The objective to build at high densities is to be balanced with, but not override, the

need to create acceptable living environments. Although there are no rigid standards for amenity provision, the factors to be considered include internal space provision, privacy, aspect/outlook, access to external open space and daylight/sunlight.

The proposal would create small single person one-bedroom dwellings over 2 floors (the width of the bedrooms do not meet minimum Guernsey Technical Standards for a 2-person unit). Although notes on the submitted drawings indicate that both units 1 and 2 meet the Guernsey Technical Standards minimum internal space standards with regards to the kitchen, living, dining and bathing space (minimum required of 22m²), measurements taken of the plans confirm that neither unit 1 nor unit 2 would meet the minimum 22m² requirement. The dwellings include glazing in the south elevation and unit 1 would also have glazing in the west elevation which would provide adequate daylight and sunlight. However, Building Control advise that the maximum amount of unprotected area to the boundary is exceeded in both units and therefore the glazing areas would need to be reduced or fixed fire rating glazing units would need to be installed to reduce the unprotected area which do not compromise the need to achieve the necessary minimum rapid ventilation requirement. In this respect, if the areas of glazing are reduced this could potentially have an adverse effect on the light and outlook of the dwellings. The ground floor accommodation has the potential to have a reduced level of privacy due to the nature of the windows at street level and facing into the communal parking area. However, this would be a similar arrangement to neighbouring properties and would be adequate given its central town location and the character of built development in the area. Both of the flats would have a limited outlook over the street or the communal parking area. No private or communal open space is provided on-site but it is acknowledged that there is communal open space within a reasonable walking distance.

As a whole, there are a number of deficiencies with the proposed dwellings. In particular the limited internal space which would not meet Guernsey Technical Standards minimum internal space standards for the kitchen, living, dining and bathing space is a significant deficiency. In addition, the potential for alterations to be required to the extent of glazing could result in further deficiencies. As a result, the proposed dwellings would not provide a satisfactory living environment and do not accord with Policy GP8 and Annex I.

Parking provision.

No on-site car parking is provided but considering the nature of the development and the proximity to the services and amenities of St Peter Port (within walking distance), on-site car parking would not be necessary in this instance.

No storage for bicycles is indicated. A storage unit for bicycles was previously indicated within the parking area marked right of access but it is unclear whether the applicant could obtain permission to install a bicycle storage unit on the land. As the proposal is not otherwise acceptable, further clarification has not been sought at this stage.

The proposal is unlikely to result in any significant impact on road safety and traffic management.

Other Matters

With regards to the concerns raised about noise, dust and mess during the construction phase, a degree of disturbance is an inevitable but temporary consequence of most building operations and separate controls exist under Environmental Health legislation to deal with any statutory nuisance that may arise. In this case, due to the relatively modest scale of the development, it would not be reasonable to place any additional controls on the construction phase of the development.

Concerns raised about the effect on the value of neighbouring properties and whether the building could be constructed without using neighbouring land are not material planning considerations. All decisions made by the Authority are without prejudice to third party rights, and the Authority is not able to address civil matters such as boundary, third party disputes or other related matters of ownership. Where necessary such cases should be resolved by seeking legal advice. There is no planning requirement for all new dwellings to be wheelchair accessible.

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.

It is recommended that the application is refused.

Date: 23/01/2025