

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 dwelling, erect replacement dwelling and associated works.

LOCATION: Maygrove, La Rochelle Road, Vale.

APPLICANT: Mr M De La Rue

I refer to the application referred to below received as valid on 14/11/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 15/01/2025

Drawing Nos: Strategic Planning & Property Ltd - MDLR-22-1077-03B

Application Ref: FULL/2024/1864

Property Ref: C002370000+ C00236A000

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 clearly demonstrate that the new building will be constructed in such a way as to significantly enhance its sustainable design, as required by Policy GP16(B); as a result the repositioning of the dwelling on the site is not justified on sustainability grounds. The revised location would also have greater impact on the open landscape and would represent an undesirable form of backland development in this rural environment, and is considered to result in an unacceptable adverse impact on the landscape character and openness of the area. The scheme is therefore contrary to Policy GP16(B) criteria d. and e. of the Island Development Plan.

2. In addition, the proposed dwelling is not considered to achieve a high standard of design. The proposal lacks in articulation and detail, providing a two-storey rectangular block with blank 5.5m x 10m north elevation on the approach to the dwelling which is unsightly and detracts from the rural character and appearance of the area. This is exacerbated by the use of high-level glazing and minimal fenestration and the lack of architectural interest and poor design is therefore considered contrary to Policy GP8, criterion a, of the Island Development Plan and this, in combination with

the proposed location, will result in a dwelling which fails to assimilate into the landscape.

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/2024/1864
Property Ref: C002370000+ C00236A000
Valid date: 14/11/2024
Location: Maygrove La Rochelle Road Vale Guernsey GY3 5DW
Proposal: Demolish dwelling, erect replacement dwelling and associated works.
Applicant: Mr M De La Rue

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The application fails to clearly demonstrate that the new building will be constructed in such a way as to significantly enhance its sustainable design, as required by Policy GP16(B); as a result the repositioning of the dwelling on the site is not justified on sustainability grounds. The revised location would also have greater impact on the open landscape and would represent an undesirable form of backland development in this rural environment, and is considered to result in an unacceptable adverse impact on the landscape character and openness of the area. The scheme is therefore contrary to Policy GP16(B) criteria d. and e. of the Island Development Plan.
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OFFICER'S REPORT

Site Description:

The application site is located Outside of the Centres and within a Conservation Area as defined in the Island Development Plan (IDP). The application site is located to the rear of the dwelling-house known as 'Maygrove'.

Consent was granted in 2023 for the conversion of the existing redundant non-domestic building to the rear to a separate dwellinghouse (FULL/2023/0845). This single storey building is located to the rear of Maygrove.

Permission was also granted in 2021 for the change of use of the large area of land to the south of the dwelling, for use as domestic garden in association with the residential use of Maygrove.

Relevant History:

FULL/2023/0845- Convert outbuilding to residential dwelling with associated landscaping and parking – granted.

FULL/2021/0296 - Change of use of agricultural land to domestic garden (3,650sqm)- granted.

Existing Use(s):

01 Dwelling houses

Brief Description of Development:

The application relates to the demolition of the existing building and the erection of a replacement dwelling, in a revised location on the site. The proposed dwelling is 2 storey with open plan living, kitchen and dining room, with snug on the first floor and 3 x double bedrooms, each with ensuite, a utility and a separate study/store at ground floor. The dwelling design is a flat roof cube with a first-floor balcony across the southern elevation, and vertical weatherboard cladding to the exterior walls and a GRP membrane flat roof.

The submission includes information relating to the sustainable construction including EV charging points, thermal efficiency to meet Building Regulation standards, potential for solar panels and ASHP, and SUDs compliant hard surfacing.

The proposed dwelling is located within the existing residential curtilage of Maygrove.

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

Island Development Plan policies:

GP1: Landscape Character

GP4: Conservation Area

GP8: Design

GP9: Sustainable Development

GP16(A): Conversion of Redundant Buildings

GP16(B): Conversion of Redundant Buildings - Demolition and Redevelopment

OC1: Housing Outside the Centre

OC3: Offices, Industry and Storage and Distribution Outside the Centre

IP7: Private and Communal Car Parking

IP6: Transport infrastructure and support facilities

IP9: Highway Safety, Accessibility and Capacity

Representations:

None received.

Consultations:

N/A

Summary of Issues:

The key issues in this case relate to the principle of the development, its position on the site, the floorspace and volume of the proposed building, and its impact on the wider open landscape.

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.

As planning permission has previously been granted for the conversion of a redundant building to the rear of Maygrove, Policies OC1, OC3 and GP16(A) have been satisfied and the scheme must now be considered with regard to Policy GP16(B) and other relevant policies of the Island Development Plan.

Criterion a. of Policy GP16(B) has been met as the conversion received planning permission under FULL/2023/0845. When considering applications in relation to Policy GP16(B) the development should be of broadly the same floorspace and volume as the approved conversion scheme. Although no specified figure has been included in the IDP in relation to what constitutes broadly the same the Planning Service has consistently adopted a figure of up to 20% increase for schemes such as this, (unless there has been significant environmental benefits in allowing a slight increase beyond this) and as such this has become a legitimate expectation of applicants and agents applying for developments under Policy GP16(B) of the IDP. The approved conversion scheme had a floor area of approx. 120m² and a volume of 440m³ whilst the proposed redevelopment scheme proposes a floor area of 179 sqm and a volume of 499m³. This represents a c. 13% increase in volume which may be acceptable in policy terms as it can be considered as broadly the same.

The application has been supported by information relating to Policy GP9 setting out sustainability measures that will be incorporated into the development and how the scheme will meet the Building (Guernsey) Regulations for energy efficiency and thermal upgrading, with SUDs indicated for hard surfaced areas. The scheme is considered satisfactory in relation to the requirements of Policy GP9 alone however, Policy GP16(B)

requires a scheme to incorporate substantial enhancements in terms of sustainable design.

Paragraph 19.17.14 of the Island Development Plan states that consideration can be given to *“the potential to relocate a structure on the site or to the use of sustainable building and construction techniques to achieve enhancements not possible through the conversion alone. ... in order to support such proposals the Authority will need to be satisfied that there is a significant enhancement in terms of sustainable design and construction of the new building and that there are no increased impacts on ... the character or openness of an area.”*

The scheme proposes to reposition the dwelling on the site from being tight to the eastern boundary, facing west, to within the area which was previously agricultural land, prior to the 2021 application. This previous agricultural land measures approx. 84m by 46m and extends from the rear of the original garden area, up to a designated Area of Biodiversity Importance at Blanche Carriere to the rear. This parcel of land is surrounded by other areas of open land to either side, none of which appear to be lawfully used as domestic gardens.

The proposal is to extend the existing access, creating a car parking area and relocating the dwelling within the north-eastern corner of the site, facing south.

As outlined elsewhere in the report the submission seeks to address the matter of sustainable design however, it fails to identify, demonstrate or commit to any clear significant enhancement to sustainable design beyond those which would generally be expected, which could, in line with the extract of the IDP above, provide justification to reposition the building on the site. The scheme as submitted introduces EV charge points, and proposes an area of SUDS compliant parking. The suitability of the roof for solar panels is mentioned in the supporting information, but no solar panels are actually proposed. The proposed dwelling has a south facing open plan living area and limited window openings to the west, and east, with no north facing windows. Nonetheless, the sustainability benefits of the new build as set out by the applicant could easily be achieved in the existing location, with south and west facing windows and roof slopes.

It is an expectation of the IDP that development proposals comply with the current Building Regulations and Technical Standards as set out in paragraph 16.1.6; *“The relevant requirements of the Building (Guernsey) Regulations, 2012 and the practical guidance on those requirements in the associated Guernsey Technical Standards will be taken into account in determining whether a proposed unit offers an adequate standard of accommodation”*. As a result a development which meets, but which does not exceed the Regulations would not represent a benefit in terms of GP16(B) and its requirement for a substantial enhancement to sustainable design. As a result the repositioning of the dwelling on the site is not justified on sustainability grounds.

As submitted the scheme demonstrates that it would meet the Building Regulations but this would not represent a significant enhancement to sustainable design to justify the relocation and orientation of the building on the site, as required by Policy GP16(B). The scheme is therefore contrary to Policy GP16(B) criterion d. of the Island Development Plan.

The revised location of the proposed dwelling would push built development further south, away from the ribbon development and Conservation Area along La Moye Road which is generally characterised by frontage, roadside residential development which exists in this area. There are a small number of dwellings which extend to the south, in Rainbow Clos to the west, however these are small flat roof dwellings, which are not considered characteristic of the area or a desirable form of development to replicate.

This revised location would have greater impact on the open landscape concerned and would be visible from the road through the gaps between the dwellings, and would represent an undesirable form of backland development in this rural environment. This is considered to result in an unacceptable adverse impact on the landscape character and openness of the area, and is therefore contrary to Policy GP16(B) criterion e.

In addition, while internal space standards are generally adequate, and the impact on neighbours is acceptable, the proposed dwelling is not considered to achieve a high standard of design. The proposal lacks in articulation and detail, providing a two-storey rectangular block with blank 5.5m x 10m north elevation on the approach to the dwelling which is unsightly and detracts from the rural character and appearance of the area. This is exacerbated by the use of high-level glazing and minimal fenestration to the east elevation, and also the west elevation which is most visible from the access and contains the main front door. The lack of architectural interest and poor design is therefore considered contrary to Policy GP8 criterion a, and this, in combination with the proposed location, will result in a dwelling which fails to assimilate into the landscape.

The scheme does not address all the requirements of Policy GP16(B) and fails to achieve a high standard of design required by Policy GP8, and is therefore recommended for refusal. The application submission refers to a Waste Management Plan although this has not been formally submitted and should be included in any revised application.

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: 15/01/2025

