

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, alter roof ridge form and height to create accommodation at first floor level, extend and alter at ground and lower ground floor levels including balconies to south-east (rear) elevation.

LOCATION: Silver Seas, Les Cotils, St. Peter Port.

APPLICANT: Mr & Mrs Wilms

I refer to the application referred to below received as valid on 27/11/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 21/02/2025

Drawing Nos: JG Architecture: 2332 02.01, 02.02, & 02.03

Application Ref: FULL/2024/1937

Property Ref: A11085A000

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 proposed development, by virtue of its design, bulk and use of materials, fails to integrate with the surroundings in terms of context and local character, fails to preserve the special character of the Conservation Area, and fails to achieve a good standard of design. The application also fails to demonstrate that it is sustainable in terms of its orientation, appearance, form of construction or materials used. The application therefore fails to accord with Island Development Plan Policies GP4, GP8 a) and c), and GP9.

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/2024/1937
Property Ref: A11085A000
Valid date: 27/11/2024
Location: Silver Seas Les Cotils St. Peter Port Guernsey GY1 2LY
Proposal: Raise, alter roof ridge form and height to create accommodation at first floor level, extend and alter at ground and lower ground floor levels including balconies to south-east (rear) elevation.
Applicant: Mr & Mrs Wilms

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed development, by virtue of its design, bulk and use of materials, fails to integrate with the surroundings in terms of context and local character, fails to preserve the special character of the Conservation Area, and fails to achieve a good standard of design. The application also fails to demonstrate that it is sustainable in terms of its orientation, appearance, form of construction or materials used. The application therefore fails to accord with Island Development Plan Policies GP4, GP8 a) and c), and GP9.

OFFICER'S REPORT

Site Description:

The application relates to a detached property within Les Cotils, St Peter Port. The dwelling occupies a prominent position below the skyline, but forms part of the upper layer of built development visible above the northern townscape of St Peter Port. To the seaward side the property appears over 3 storeys although the property only appears as single storey from Les Cotils.

Les Cotils rises steeply from north-east to south-west with development mainly on the south-eastern side with a large granite retaining wall enclosing the north-western side of the road. Trees on the eastern boundary of Les Cotils complex appear in an elevated position behind and above the property when viewed from the east. The application site and adjoining dwellings enjoy commanding seaward views above the town.

The site falls within the St Peter Port Conservation Area and Main Centre Inner Area boundary.

Relevant History:

FULL/2017/1981 - Demolish existing and erect replacement dwelling.

FULL/2012/3053 - Demolish existing and erect replacement dwelling.

Existing Use(s):

01 Dwelling houses

Brief Description of Development:

Planning permission is requested to introduce a two-storey rear extension to provide a first-floor balcony and alterations to the existing building to form a flat roof, increasing the head height and useable floor area of the first floor. The dwelling is proposed to be a two-storey flat roof, modern design from Les Cotils although due to the change in levels it will appear as 3 storeys from the seaward side. It is proposed to finish the dwelling with rendered walls with light brown stone and millboard cladding, brown aluminium fenestration and a dark grey Alkor roof.

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

Island Development Plan Policies:-

Policy GP4: Conservation Areas

Policy GP8: Design

Policy GP9: Sustainable Development

Policy GP13: Householder Development

Representations:

N/A

Consultations:

N/A

Summary of Issues:

The main issues in deciding this application are:

1. The design and impact of the development on the character and appearance of the Conservation Area and locality,
2. The impact of the development on the amenity of people living in the area

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Policy GP13 indicates that proposals for the demolition of existing dwellings and the erection of replacement dwellings will be supported subject to certain criteria being met including with regards to the impact on the amenities of neighbouring properties, taking into account the surrounding character and where they accord with all the relevant policies of the Island Development Plan. In this instance the site is in a Conservation Area and Policies GP4, GP8 and GP9 are also relevant.

As the site is within a Conservation Area, it is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting Conservation Areas, to secure so far as possible that the special historic, architectural, traditional or other special characteristics are preserved. This is reflected in Policy GP4 which supports development that conserves, and where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.

Policy GP8 seeks to ensure that new development achieves a good standard of design making effective use of land whilst respecting the character of the open landscape concerned. Development should also give consideration to the amenities of occupiers and surrounding neighbours and provide accessibility for all. In addition, Policy GP8 sets out that some parts of the Island are more sensitive to building design than others, such as where development is situated within a Conservation Area, or relates to protected buildings, and in these cases development is expected to achieve a particularly high standard of design which should respect the character of the particular environment concerned.

In addition, the preceding text of Policy GP13 refers to the need to consider the material planning considerations as specified in Part IV, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007. These include the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used, as well as its likely effect on the character and amenity of the locality in question and its likely effect on the reasonable enjoyment of neighbouring properties.

The alterations are unlikely to have a significant impact on the existing levels of amenity experienced by surrounding neighbours. The existing rear of the building includes a large terrace which is elevated above the buildings to the rear (southeast) and allows unrestricted views into the neighbouring properties, and gardens below, along with large first floor dormer windows. Similarly the neighbour to the south west has a similar lower ground level terrace.

Although the proposed rear extension introduces a new first-floor level balcony with full width windows across the ground floor level, this is unlikely to significantly change the level of overlooking possible and this is largely unavoidable due to the topography of the land.

The St Peter Port Conservation Area Appraisal considers the application site as being within Tier 3 of the hillside town, and in this location is framed by the 'green bookend' of the open gardens and land at Les Cotils above (to the north west). The Conservation Area Appraisal notes the key characteristics of the Conservation Area are the buildings and materials, including the unity of building forms, proportions with tall, narrow buildings under steeply pitched roofs, a high solid: void ratio, the use of small-scale dormers, the vertical emphasis of buildings and fenestration, and the typical use of materials including walls typically of natural stone, white/cream render and slate or pan tiles roofs.

In consideration of the impact on the Conservation Area, the location of the site and context of the dwelling are significant. Silver Seas does not share the classical proportions or fenestration pattern, or the characteristics of the wider Conservation Area, and so it is not considered to contribute to the character, architectural or historic interest of the Conservation Area. As such, its remodelling or demolition would be supported by Policy GP4. There is a mix of size and style of properties along Les Cotils and in principle, a contemporary approach could respect the character of the local built environment.

The proposed replacement dwelling is of a contemporary style, featuring a design with a strong horizontal emphasis through the design and fenestration proposed. This emphasises the width of the dwelling, and the solid to void ratio is particularly low to the highly visible south-eastern elevation.

The proposed materials include a combination of render, light brown stone cladding, and millboard with a large expanse of flat roof. These materials are not considered to be of a particularly high quality, the stone cladding is unrelated to any material in the area and the cladding is not natural and is likely to appear conspicuous. The millboard cladding is a composite made to resemble wood, and is not a feature of the Conservation Area, and is likely to detract from the wider Conservation Area. Natural materials such as slate or natural timber would be preferred or more contemporary metal sheet cladding. The proposed glass balustrade is also not characteristic in the setting.

The proposed creation of the flat roof results in an overall height increase of only 55cm, however the introduction of the flat roof has a considerably greater bulk and mass than the existing pitched roof.

The design and use of materials are not considered to respect the character of the local built environment, as required by Policy GP8c and GP4.

When viewed in the street scene from Les Cotils, the design has a fairly limited impact as the lane is relatively narrow allowing only limited views of the site due to the tight road and with open land opposite. However, the views from the south and east of the site are the most significant due to the prominence of the site in the hillside town and wider Conservation Area setting. In these views, the design is seen over three levels, with wide patio doors, balconies and horizontal design emphasis. The composition of this elevation is poor, the ground floor steps out awkwardly over the basement level,

there is a lack of window alignment, and the blocky render breaks up the curved balcony details. The building therefore fails to achieve a good standard of design, in terms of Policy GP8 a).

Policy GP9 is wide-ranging and includes requirements for sustainable design and construction with reference to the design, layout and orientation of buildings, flood risk and surface water run-off, renewable energy, the use of materials and the management of waste. Paragraph 19.10.4 of the preceding explanation of Policy GP9 states that *“In order to encourage high standards of sustainable construction the Authority will apply a flexible approach to the design, location and orientation of development where this would not have unacceptable impacts on the character or amenity of an area or an adverse effect on the special interest of a Conservation Area or protected building or protected monument”*.

In terms of this policy, it is noted in the application that the design will meet the standards of GTS part L1, and that as the extension is excessively glazed they intend to offset this by insulating better than the minimum in other areas. The design will therefore meet the minimum standards by insulating other elements, which is not a demonstration of good, or sustainable design in terms of the requirements of GP9.

In summary, the proposed development, by virtue of its design, bulk and use of materials, fails to integrate with the surroundings in terms of context and local character, fails to preserve the special character of the Conservation Area, and fails to achieve a good standard of design. The application also fails to demonstrate that it is sustainable in terms of its orientation, appearance, form of construction or materials used. The application therefore fails to accord with Policy GP4, Policy GP8 criteria a) and c), and Policy GP9.

3 - General material considerations set out in the General Provisions Ordinance.

The matters to be considered under Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 have been assessed as part of the section dealing with policy issues set out in 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on protected trees, monuments or buildings.

It is recommended that the application is refused.

Date: 21/02/2025

