

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 erect single storey extension, install rooflights to north-east (side) elevation, install Juliet balcony at second floor level to south-east (front) elevation, install rooflights to south-west elevation and alterations to fenestration - Create roof terrace at first floor level to east (side) elevation.

LOCATION: Coin De Lancy, Les Bas Courtils Road, St. Sampson.

APPLICANT: Mrs G Scott

I refer to the application referred to below received as valid on 24/12/2024 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: The Drawing Room: 399 C2B, C4B, C6B, C7B, C11

Application Ref: FULL/2025/0008

Property Ref: B000840000

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 roof terrace by virtue of its prominent siting, design and materials, is considered to introduce a discordant element into the street scene which would have a detrimental effect on the character and visual amenity of the surrounding area and would not achieve a good standard of design.

The proposal by virtue of its position and proximity would also cause harm to the reasonable amenities of neighbouring residents by reason of overlooking and overbearing effect.

The degree of harm to visual and neighbour amenity is sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met (Policy GP13). The development would be contrary to Island Development Plan Policies GP8 and GP13.

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/2025/0008
Property Ref: B000840000
Valid date: 24/12/2024
Location: Coin De Lancy Les Bas Courtils Road St. Sampson Guernsey
GY2 4BL
Proposal: Variation to previously approved plans to erect single storey extension, install rooflights to north-east (side) elevation, install Juliet balcony at second floor level to south-east (front) elevation, install rooflights to south-west elevation and alterations to fenestration - Create roof terrace at first floor level to east (side) elevation.
Applicant: Mrs G Scott

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed roof terrace by virtue of its prominent siting, design and materials, is considered to introduce a discordant element into the street scene which would have a detrimental effect on the character and visual amenity of the surrounding area and would not achieve a good standard of design.

The proposal by virtue of its position and proximity would also cause harm to the reasonable amenities of neighbouring residents by reason of overlooking and overbearing effect.

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OFFICER'S REPORT

Site Description:

The application site consists of a traditional 2.5 storey semi-detached property located on the corner between Route Des Bas Courtils and Delancey Lane. The property is served by a front garden to the south, and parking provision to the rear (north). The east of the site is bounded by a high granite wall.

The property is located in a Main Centre Outer Area as designated in the Island Development Plan. The property is not protected, nor is it situated within a Conservation Area.

Planning permission was granted in 2024 (FULL/2024/1642) to erect a single storey flat roof extension to the side (east) of the property, amongst other works.

Relevant History:

FULL/2024/1642	Erect single storey extension, install roof lights to north-east (side) elevation, install Juliet balcony at second floor level to south-east (front) elevation, install roof lights to south-west elevation and alterations to fenestration.	Granted
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Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to vary the previously approved permission FULL/2024/1642 to create a first-floor roof terrace.

The roof terrace will be finished with glass balustrading which will be set in from the front (south) and rear (north) of the flat roof, and project up to the east (roadside) boundary. The terrace will be finished with Porcelain paving and features a walk-on roof light, accessed by a new door at first floor level. The drawings show a seating area, set towards the rear (north) of the terrace area.

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

GP5 Protected Building (setting)
GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

None.

Consultations:

None.

Summary of Issues:

- 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.
- The effect on the setting of a protected building.

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 the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Area, Area of Biodiversity Importance, protected building or protected monument.

In this instance Policy GP8 (Design) is also relevant. In addition, the preceding text to this policy 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.

Design and impact on the character and appearance of the area:

As set out above, the application site comprises a traditional semi-detached two storey dwelling located on the corner between Route Des Bas Courtils and Delancey Lane. Whilst not a protected building, nor situated within a Conservation Area, the site is highly visible in the street scene from Route Des Bas Courtils and Delancey Lane, in close range and more distant views. The site is sensitive to change given its prominence in the street scene. In addition, the house to the east of the application site comprises a protected building.

As set out in the previous officer's report FULL/2024/1642, part of the reason for deferring the previous scheme was due to the creation of a first-floor roof terrace to the east of the property. The roof terrace was later omitted from the scheme. The officer's

report FULL/2024/1642 sets out the reservations with the design of the approved scheme which was approved as an 'on-balance' decision:

"Whilst not encouraged, the agent has decided to include a 1m projection of timber cladding above the boundary wall which runs along the east and south elevations of the proposed extension (circa 12m). The 1m projection of timber cladding above the boundary is likely to be highly noticeable and contrastive when read against the granite boundary wall in the foreground and the render exterior of the dwelling-house. The use of natural materials coupled with its relatively short extent above the boundary walls is not considered to cause unacceptable harm to reasonably rebut the general support in favour of householder development (Policy GP13) and justify refusal. Moreover, the site is located in a non-designated area where a degree of flexibility is given to householders to exert personal choice with regards to design matters. In this case, this flexibility takes the form of a natural timber cladding, as opposed to raising the height of the boundary wall."

Taken together with the previously approved extension, the proposed first-floor roof terrace would introduce a discordant element into the street scene. The proposal would be prominent in the locality given the siting and projection of the roof terrace off the north-east gable of the property, particularly when viewed from Delancey Lane. Moreover, the variety and change in materials between the boundary granite wall, timber cladding of the approved extension and glass balustrading, would accentuate the adverse visual impact of the development in the street scene. The introduction of domestic paraphernalia on the roof terrace, if approved, would add further to the incongruous nature of the development.

Overall, it is concluded that the proposal does not achieve a 'good' standard of design for the purposes of Policy GP8.

Neighbour amenity:

In addition, the creation of a first-floor roof terrace in close proximity to the east boundary would result in an unneighbourly relationship with the adjacent property to the east known as The Lindens.

Although positioned on the other side of a narrow road, the first-floor roof terrace would result in an unacceptable degree of overlooking and would be overbearing on the neighbouring dwelling, given its close proximity and fenestration, the attached glasshouse/conservatory on the west elevation of The Lindens and external amenity space to the side and rear of the dwelling. The proposal would result in a substandard relationship with the neighbouring property and would compromise the amenities of neighbouring residents.

Whilst incorporating a high obscure glass screen could mitigate those concerns, this would further detract from the character and appearance of the locality.

Setting of protected building:

The proposal is not considered to have a detrimental effect on the setting of the adjacent protected building.

Conclusion:

The proposed roof terrace is considered to introduce a discordant element into the street scene which would have a detrimental effect on the character and amenity of the surrounding area and would cause harm to the amenities of neighbouring residents. The degree of harm is sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met (Policy GP13). The development would be contrary to Island Development Plan Policies GP8 and GP13.

For the reasons set out above, it is recommended that planning permission is refused.

Date: 20/02/2025