



Appeal Decision Notice

Unaccompanied Planning Tribunal Site Visit held on 27th March 2012

Members: Mr. Stuart Fell (Presiding), Miss. Julia White, and Mrs. Sheelagh Evans

Appeal Site: Garage at Old Mill Road, St Martin.

Property Reference: J000490000-P03

Planning Application Reference: FULL/2011/1607

Planning Application Valid Date: 16th May 2012

Appeal Case Reference: PAP/002/2012

- The Appeal is made under the provisions of Part VI and Section 70 of The Land Planning and Development (Guernsey) Law, 2005.
- The Appeal is made by Mr. M Senner against the decision of the Environment Department dated 11th July 2011 to refuse planning permission on an application to demolish an existing building and erect a replacement garage/store for ancillary domestic use at Old Mill Road, St Martin.

Decision

1. The appeal is dismissed.

Background

2. The appeal premises comprise a single-storey building situated on the west side of Old Mill Road, which is set back from the road edge behind a concrete-surfaced forecourt. The building apparently serves as a garage and store for the house on the opposite side of Old Mill Road. The submitted survey drawings show that internally, the building is 5.2m wide and 10.5m long, and the external height to the eaves is around 2.6m, measured from the surface of the concrete forecourt at the north-eastern corner of the building. The roof pitch, measured from the survey drawing, is 43°.
3. The appeal proposal involves the replacement of this building with a new structure fulfilling the same functions. It would occupy a similar footprint to the existing building and would be of a similar overall height, but with a different roof configuration. An earlier scheme for a taller building was refused planning permission in 2008. Planning permission for the current proposal has also been refused, resulting in this appeal.
4. Whilst the question of whether a change of use might possibly be involved in this development has been firmly refuted on behalf of the appellant, this did not appear to be an issue for the Department in reaching its decision in this case. The Tribunal can see no reason to disagree with the Department's conclusion on this point.

Main Issue

5. From its assessment of the papers submitted by the appellant and the Department, and from what was seen and noted during the site visit, the Tribunal considers that the main issue in this case is whether the proposed building, by virtue of its design, form, and massing, would have an unacceptably harmful effect on the character or visual amenity of the surroundings, and would therefore be in conflict with the relevant policy objectives of the Rural Area Plan, 2005.

Policy Considerations

6. In refusing the application, the Department relied in particular on Policies RGEN5 and RGEN6, and Policy RCE12 of the Rural Area Plan. Policy RGEN5 obliges the Department, when considering development proposals, to take into account the need to respect and retain the general character and amenity of the rural environment. The preamble to this Policy explains that its underlying aims are to ensure that new development is consistent with the character and amenity of its setting, in order that such development can be readily assimilated into its surroundings.
7. The term 'amenity' is not defined in the Land Planning and Development (Guernsey) Law, 2005, but the Glossary at the end of the Rural Area Plan provides an explanation of some of the terms used within that document. The introduction to the Glossary points out that these are not necessarily legal definitions and that some of the terms may have other meanings in different contexts. The term 'amenity' is described as:

*“The ‘feel’ of a place in terms of it being pleasant or agreeable. In respect of residential property, **amenity** relates to the feeling of ‘homeliness’, which is a combination of pleasant living space within, provision of natural light, privacy, security, and where appropriate, pleasant space outside.”*

8. The Tribunal is satisfied that in the context of this appeal, the term ‘amenity’ is being used by the Department and in Policy RGEN5 in the sense described in the first part of the above extract, in other words, it is being used to represent the positive or congenial qualities of an area. It is widely accepted within the planning profession that the term ‘amenity’ when used in this way encompasses the concept of ‘visual amenity’, in other words the visual qualities, features or characteristics of a place that can give rise to attractive surroundings.
9. Policy RGEN6 deals with matters of design, and places the Department under an obligation to take into account the quality of design and the materials to be used, as well as the relationship of the development to the surroundings. The preamble to this policy includes the phrase:

“Development that has been designed to relate well to its surroundings can make a positive contribution to the character of an area, whereas visually obtrusive or poorly designed development can spoil the quality of the environment.”

10. Policy RCE12, which deals with design and local distinctiveness, states that proposals for development will only be permitted where they:
 - a) *achieve a good standard of design;*
 - b) *respect the scale and massing of other buildings in the locality;*
 - c) *avoid the introduction of obtrusive or discordant elements;*
 - d) *retain and respect features that contribute to local distinctiveness and the quality of the built heritage.*
11. In the light of these Policies, and the explanatory text that supports them, it seems to the Tribunal that successful development will normally be derived from a careful assessment or intuitive understanding of the qualities and features that give a sense of character to a specific area, and this will be reflected in a design that is responsive and sensitive to its particular setting.

The Tribunal’s Assessment

12. The Tribunal saw that for a number of reasons, the existing building has some visual importance within the local environment. First, it is a distinctive feature in the local scene for an observer travelling north along Old Mill Road, as the vertical gable of the building dominates an open space in an otherwise continuously planted frontage on the west side of the road. Because the building is set back behind an open forecourt, it tends to draw the eye, whereas the buildings on the opposite side of the road,

being built directly on the highway edge, can be seen only obliquely and therefore have a lesser impact.

13. Second, the building is substantial in bulk considering its modest purpose as a garage with a storage loft, and this impression arises from the relatively high eaves, the steep roof pitch, and the vertical gables.
14. Third, the building clearly has a different function from the residential properties around it, and as a result of its use, the absence of windows, and the materials employed in its construction, it is different in its external appearance from the neighbouring properties. What distinguishes the building is its green colouring, the decorative bargeboard on the steep gable verges facing the road, and the cladding materials used, being a mixture of corrugated metal sheeting and timber boarding. This combination of features and visual attributes gives the property a distinctive vernacular character which, in the Tribunal's mind, contributes positively to the amenity of the surroundings.
15. When seen along Old Mill Road from the north, through gaps in the roadside planting, the building is dominated by its slate roof, as little of the wall area can be seen above the roadside boundary wall. From the private access lane to the south of the garage, the roof of the building is again dominant, as the greater part of the walls are hidden by rising ground levels. From the pub garden of the neighbouring Queens Hotel, and from the approach road and footpaths to the retail premises further to the west, the building forms part of the backdrop to the open land associated with the pub. In this context the traditional form and subdued colouring of the building are apparent.
16. It is the Tribunal's assessment that the existing building accordingly plays a not insignificant visual role in the local surroundings, as it makes a positive contribution from many vantage points, the most important being the view northwards along Old Mill Road.

The Appeal Proposal

17. The appeal proposal envisages a building marginally wider and longer than the present structure, with walls built of rendered concrete blockwork save for a panel of timber boarding over the garage door on the elevation facing the road. In order to maintain the same ridge height as the existing building, but provide reasonable headroom in the store at first floor level, the eaves are raised to a height of 4.1m, an increase in the eaves height of 1.5m. The result of raising the eaves is to reduce the roof pitch to 23°. The eastern end of the roof is hipped, and there is a pair of boarded doors at first floor level over which is a low-pitched and gabled roof dormer.
18. During its site visit the Tribunal made a careful assessment of the likely impact of the proposed building in the context of the local surroundings, keeping in mind the objectives of the policies outlined above. The Tribunal saw that the buildings that

make up the setting of the appeal site are of various ages and they display a variety of forms, roof pitches, and materials. With this in mind, the Tribunal considers that the proposed design gives rise to three areas of concern.

19. The first is that by raising the eaves of the building, the visible wall surfaces would become substantially larger and more dominant, and the roof surface less so, as can be seen from the submitted elevational drawings (Ref G47-9047-S1-01, revision C). On the north elevation, which is seen in views from Old Mill Road and other vantage points described in paragraph 15, the side wall of the building visible above the existing granite boundary wall would more than double in height, giving the impression of a substantially bulkier building. The same impression would be obtained when approaching along Old Mill Road from the south, and from within the access lane next to the appeal site. The pale colouring of the building, which is indicated on the submitted drawings, would draw attention to the increased mass of the building up to eaves level. This change in proportion and visual emphasis between the wall and roof areas, when compared to the existing building, creates a building form that, in the Tribunal's opinion, would be unacceptably bulky and ungainly. The result would be to diminish the positive qualities of variety, distinctiveness and traditional character that the present building contributes to the surroundings.
20. The second concern is the low roof pitch of 23° that is proposed. In the Tribunal's experience, the range of roof pitches that have been traditionally employed within the Island, in response to climatic conditions and the materials available, tend to be in the range of 35° to 50°. Roof pitches lower than this became more prevalent in the 20th century, and this change can be taken to represent a departure from local traditional building forms. Buildings in the area around the appeal site reflect these trends. Steeper roof pitches continued to be widely employed on modest properties built within the local vernacular tradition, and the existing building on the appeal site is an example of this. It is precisely the traditional shape and form of the existing building that gives rise to its positive visual role in these surroundings, including its dominant roof form, particularly as many other properties in the vicinity are relatively modern and visually unremarkable. It is the Tribunal's view that to replace the existing building in the manner intended would diminish the sense of local distinctiveness, especially bearing in mind the relatively prominent location of the appeal site.
21. The final concern is the treatment of the eastern end of the building, with its hipped roof and low-pitched dormer. The effect of the hipped gable would be to further reduce the visual impact of the slated roof, which is one of the positive aspects of the present building, whilst the dormer, which is a feature normally associated with steeper roofs, would draw attention to the uncharacteristically low roof pitch.
22. It is the cumulative effect of these three aspects of the building design that leads the Tribunal to its conclusion that the appeal proposal would appear somewhat incongruous in these surroundings, resulting in visual harm, and would therefore

conflict with the objectives of Policies RGEN5, RGEN6 and RCE12 of the Rural Area Plan referred to above.

23. Much is made in the submissions for the appellant to refute the Department's assertion that the proposed low-pitched roof is not 'of a traditional pitched roof design'. However, the question of whether a roof pitch of 23° can properly be described as a traditional roof seems to the Tribunal to be peripheral; the point at issue is whether a roof of the relatively low pitch proposed, when coupled with the raised eaves, hipped gable and dormer structure, will result in a building that is appropriate and complementary in this particular setting, so as to be consistent with the character and amenity of its setting. For the reasons explained above, the Tribunal has concluded that it will not, thereby resulting in a diminution of the visual amenity of the area as perceived by residents and visitors. In this context, the interpretations of the term 'traditional roof' that are cited by the appellant's advisors in Building Regulations, the Exemptions Ordinance and other documents have little bearing on the Tribunal's conclusion.

Conclusion

24. The Tribunal It has considered all other matters raised in the written submissions, and seen during its site visit, but these do not affect its conclusions under the provisions of Part V1 Section 69 of The Land Planning and Development (Guernsey) Law, 2005, that the Department's decision to withhold planning permission in this case was reasonable, and that the Appeal cannot be upheld.

**Stuart Fell DipArch RIBA IHBC
Presiding Member**

Date: 20th April 2012