



## Appeal Decision Notice

Planning Tribunal Hearing held on 4<sup>th</sup> September 2012 at  
Les Cotils Christian Centre, St. Peter Port, followed by a visit to the Appeal site

Members: Mr. Jonathan King (Presiding), Mrs. Sheelagh Evans and Mr. John Weir

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<b>Appeal Site:</b>	<b>No. 1, York House, South Esplanade, St. Peter Port.</b>
<b>Property Reference:</b>	<b>A40175A001-P6</b>
<b>Planning Application Reference:</b>	<b>FULL/2012/0046</b>
<b>Appeal Case Reference:</b>	<b>PAP/022/2012</b>

- The Appeal is made under the provisions of Part VI Section 68 of The Land Planning and Development (Guernsey) Law, 2005.
- The Appeal is by Mr. Roger Martel against the decision of the Environment Department made on 30<sup>th</sup> March 2012 under Section 16 of the Law to refuse planning permission for a proposed garage at No 1 York House, South Esplanade, St. Peter Port.
- The appellant was represented at the Hearing by Mr. Peter Falla, with Mr. Martel also taking part.
- The Environment Department was represented by Mr. A J Rowles, Director of Planning Control Services for the Environment Department and the case officer, Mr. J Pentland.

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### Decision

1. The Appeal is dismissed.

## Main issues

2. From its assessment of the papers submitted by the appellant and the Department, and from what was given in evidence during the Hearing and seen and noted during the site visit, the Tribunal considers that there are two main issues:

*The effect of the proposed garage on:*

- (a) *The character and appearance of No 1 York House; and on*
- (b) *The wider area, including on a Conservation Area and on the setting of Protected Buildings.*

## Policy Considerations

3. The site lies in a Conservation Area. It also adjoins a Protected Building (Harbour House), and is situated opposite another (Castle Vaudin). Section 38(1) of the 2005 Law states that:

*“In the exercise, with respect to any buildings or other land in a conservation area, of [any functions] under this Law or any other enactment, special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that area.”. Section 34 additionally states: “It is the duty of any department of the States when exercising its functions under this Law:- to secure so far as possible that the special historic, architectural, traditional or other special characteristics of buildings listed on the protected buildings list (“protected buildings”) are preserved, and in particular, in exercising its functions with respect to a protected building or any other building or land in the vicinity of a protected building, to pay special attention to the desirability of preserving the protected building’s special characteristics and setting”.*

These requirements are broadly repeated respectively in Policies DBE7 and DBE8 in the Urban Area Plan (the UAP).

4. The reasons for refusal also refer to UAP Policies DBE1, DBE6, GEN5, and GEN6. The last says that locally distinctive features and characteristics of the environment will be taken into account in considering development proposals; with Policy DBE6 adding that development will not normally be acceptable if it adversely affects an important public view of a landmark, the skyline or sea. In addition to requiring a good standard of design, Policies DBE1 and GEN5 also emphasise the need for development to respect its surroundings, including existing buildings in the vicinity, the street scene and the character of the area generally.

## **Tribunal's Assessment of the Evidence and the Site Visit**

### *The effect on No 1 York House*

5. No 1 York House is situated on a steep slope, with its main façade overlooking the harbour. It has a low profile with a strong horizontal emphasis deriving from the ridge line of the greater part of the roof, and its eaves, balcony and patio. This is reinforced by the considerable amount of glazing. To the rear, only its roofs – the main horizontal elements and a taller double-hipped feature – are readily visible. On that frontage is a stone wall containing a timber gate and an open area used for parking, sloping slightly upwards. It is this area where the proposed garage would be situated.
6. In views from the front, from South Esplanade and the harbour area, the only part of the garage that would be visible in the context of the house would be the upper portion of the gable which would form its back wall, together with glimpses of the roof. Gables are not a characteristic feature of the house. However, in the Tribunal's opinion, it would not be "read" visually as part of the same structure. Rather we consider it would appear as part of a distinct building behind. From the rear, insofar as it would be seen together with the house, it would appear equally unrelated.
7. The Tribunal concludes on this issue that the proposed garage would not adversely affect the character or appearance of the house.

### *The effect on the wider area*

8. No formal description exists of the conservation area, nor has any character assessment been prepared. The Tribunal finds this disappointing, since it is only by reference to identified characteristics of the area that it is possible to assess the effect of proposed development on it in terms of the legal requirement and policy. However, at the Hearing there was broad agreement between the parties as to the main characteristics of the area. Important features include the small lanes and the tiered development down the slope to the waterfront. The consequent juxtaposition of the buildings provides glimpses of views, or cameos, especially towards the sea.
9. The area has a mixed character in terms of uses, scale, materials, orientation and design, so that the individual buildings which contribute to the character of the conservation area in the vicinity of the site – those that line South Esplanade and climb the hill behind – are diverse. They vary markedly in age and are in a mixture of residential and commercial uses. Many are tall, as much as five stories in the case of Harbour House, with a vertical emphasis deriving from their height and window design. But others, such as the flat-roofed buildings of modern style immediately adjoining, are characterised by their horizontality. Several, including Harbour House and those on the other side of the appeal property, have gables facing the sea. But there are also examples, such as Castle Vaudin, which have the opposite orientation.

In terms of materials, the majority have walls of either painted render or stone, in white or other pale shades. Roofs are of slate or tile.

10. From the seaward side the garage wall would be viewed simply as another rendered gable amongst many. Its roof slope would be similar to others nearby, and the small, high window in this elevation is also a feature found elsewhere in the locality. On this basis, we consider that from the seaward side the development would have little or no impact on the character or appearance of the conservation area or on the setting of the nearby Protected Buildings.
11. From views towards the sea, however, we consider that the impact would be much greater. The proposed garage, with its double-width doors, would possess a distinctly suburban character, which would be out of keeping with this old part of the town. We acknowledge that the appellant is prepared to finish it using materials typical of the area, including granite, render and slate, and to consider alternative designs for the door as a way of making it visually compatible with the appeal property and surrounding buildings. We also note the intention to replace the concrete surface to the front with cobbles. Such small improvements to the design are welcomed, but insufficient in our view to disguise the fundamental incongruity of what is proposed.
12. Although there are other buildings further south, including No 2 York House, which have single-storey gabled elevations to the back lane, the garage would not be comparable either in character or appearance. First, the gables contain only pedestrian doors rather than the large vehicular door proposed for the garage; and second, they are significantly less prominent, being a short way down a narrow and unprepossessing cul-de-sac. We do not feel that these provide an appropriate model to follow.
13. In contrast, the garage would occupy a prominent position at the bottom of Cliff Street, where it would form a focal point or visual full-stop, and increase the sense of enclosure. The incongruity of the design would consequently be especially apparent. When proceeding down this steeply-sloping and narrow roadway, views are constrained by the buildings to either side, so that the eye is naturally drawn towards the site and what lies beyond. The view over the harbour to Castle Cornet, the sea and the islands presently provides a good example of the kind of interesting and attractive glimpse which the old part of the town affords, and which Policy DBE6 seeks to protect. The proposed garage would directly block the view from only a fairly small length of the street, but would nonetheless create a distracting foreground feature over a greater distance, thereby diminishing the quality of the view and detracting from its value. The Tribunal places great emphasis on the important contribution that such views make to the essential character of the town. Once lost, they cannot be replaced. The screening effect of the tree which grows on the appellant's terrace has a negligible impact by comparison.

14. Cliff Street leads on to a set of steps, a venelle, just before the site. This provides pedestrians with a means of making their way down to the sea front. On the site visit, the Tribunal members observed that, from the venelle, the proposed garage would be seen as a prominent elevated building of discordant appearance. Though it would not affect any views, it would detract from the visual and historic character of the route.
15. There are a number of Protected Buildings in the vicinity of the site, notably Harbour House and Castle Vaudin. As with the conservation area, no formal statement is available to indicate the reason why they were included in the list; and the Department is unable to identify which features of these buildings should be regarded as “*special historic, architectural, traditional or other special characteristics*”. This too is disappointing and again makes the task of assessing the impact of the development on these characteristics impossible. The Tribunal has therefore relied on its own assessment of the value of these buildings to the character of the locality.
16. Harbour House, or at least its rear elevation, makes a lesser contribution to the conservation area than does Castle Vaudin. It is a large building that possesses some historic interest when viewed from the seaward side, but adjoining the site it has been altered in a fairly unsympathetic manner, incorporating many flat-roofed dormers on two levels, giving it a modern appearance. Castle Vaudin, though having been converted into flats, is a substantial building of some age and character. Owing to its proximity, the proposed garage would form an important part of their setting, but the harm by reason of its incongruous appearance would be similar in nature to that identified in relation to the wider conservation area.
17. The Tribunal appreciates Mr. Martel’s wish to garage his vehicles, which presently have to be parked on the site in the open. We acknowledge that the site as it presently stands, and its use for parking, is itself fairly unattractive and does nothing to preserve or enhance the character or appearance of the area. But in our opinion it is not as harmful as what is proposed: it has a lesser impact on its surroundings and does not interrupt or detract from the important view. We also appreciate that the appeal proposal represents the latest in a series of alternative designs for the garage, all of which have been rejected by the Department, but we make no comment on the appropriateness or comparative merits of the earlier designs. Our task is solely to determine the acceptability of the present proposal.

## **Overall Conclusions**

18. For the reasons given above, and notwithstanding its conclusion with respect to the first issue, the Tribunal concludes that the proposed garage would fail to respect its surroundings, including existing buildings in the vicinity, the street scene and the character of the area generally, contrary to Policies DBE1 and GEN5. More particularly, it would adversely affect an important public view of a landmark, the skyline and sea, contrary to Policy DBE6. Finally it would neither preserve nor

enhance the character or appearance of the conservation area or the setting of protected buildings within it, contrary to Policies DBE7 and DBE8.

19. The Tribunal has considered all other matters raised in the written submissions and during the Hearing. It has also considered all matters pointed out at the site visit and its own observations. However these do not affect its conclusion under the provisions of Part VI Section 69 of the Land Planning and Development (Guernsey) Law, 2005 that the Appeal is dismissed.

Jonathan G King BA (Hons) DipTP MRTPI  
Presiding Member

1<sup>st</sup> October 2012