ONLINE VERSION

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Extend and alter existing dwelling to provide two separate units of accommodation.

LOCATION: The Lodge, Rue Des Pointes, St. Andrew.

APPLICANT: Mrs H Levin

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 09/09/2014

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/06/2014 as subsequently amended on 08/08/2014 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 6408-01/B/1A, 2A, 3A & 4A

Application Ref: FULL/2014/1676

Property Ref: K00242B000

Conditions and reasons:-

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Environment Department under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Environment Department and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Environment Department when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. The proposed car parking, new hedge and planted/landscaped areas and the proposed screen privacy wall between the units, all as indicated on the approved plans, shall be provided in accordance with the approved details prior to either of the two units of accommodation hereby approved being first occupied.

Reason - To ensure that a satisfactory form of development is achieved in the interests of amenity.

5. The existing outbuilding shall be used only for purposes incidental to the enjoyment of the dwelling house presently known as unit 2 and shall not be used separately or for any other purpose.

Reason - To protect the character and amenity of the locality and/or neighbour amenity.

Expiry Date: This permission will cease to have effect on 08/09/2017 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

(1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).

(2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.

(3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.

(4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

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, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. 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 Department made this decision. The official Appeal Notice Forms are available on the Department's website at www.gov.gg/planning-appeals and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Department took into account any written representations arising from consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any representations made to the Department under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

You should note that any work which abuts or affects the public highway requires prior approval by the Public Services Department (PSD). You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with PSD requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES
Director of Planning

ENVIRONMENT
A STATES OF GUERNSEY GOVERNMENT DEPARTMENT

PLANNING APPLICATION REPORT

Application No:	FULL/2014/1676
Property Ref:	K00242B000
Valid date:	10/06/2014
Location:	The Lodge Rue Des Pointes St. Andrew Guernsey GY6 8UH
Proposal:	Extend and alter existing dwelling to provide two separate units of accommodation.
Applicant:	Mrs H Levin

RECOMMENDATION - Grant: Planning Permission with Conditions:

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dwelling house presently known as unit 2 and shall not be used separately or for any other purpose.

Reason - To protect the character and amenity of the locality and/or neighbour amenity.

OFFICER'S REPORT

Site Description:

The Lodge is a large 2½ storey Victorian dwelling-house situated to the west of Rue Des Pointes. The site also contains a large packing shed to the rear with its own separate access. The dwelling, known as 'The Lodge', is a pre 1900 building and is situated in a Non-Designated Area in the Rural Area Plan.

Relevant History:

PAPP/2004/4400	Demolish garage and erect a dwelling.	REFUSED
PAPP/1999/1098	Demolish garage and erect a dwelling.	PIPREJ

Existing Use(s):

Residential.

Brief Description of Development:

The application proposes to extend and alter the existing dwelling to create two separate units of accommodation.

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

RAP Policies:
RGEN6 – Design.
RGEN7 – Safe and convenient access.
RGEN8 – Parking and open space.
RGEN11 – Effect on adjoining properties.
RH3 – Subdivision of dwellings to provide additional housing units.
RH6 – Extensions and alterations to dwellings.

Representations:

None.

Consultations:

Traffic Services Unit comments that an access should:

a) Enable a driver 2m from the edge of the carriageway to see a minimum of 33mm in the direction of oncoming traffic.
b) Not have any obstructions or planting greater than 900mm high above the road surface within the visibility splays.
c) Have sufficient width to enable cars and light vehicles to exit and enter the drive without crossing into the path of vehicles on the opposite side of the carriageway.
d) Be square to the carriageway
e) Be sited at a distance not less than 20m from a junction.

A site visit has been undertaken by a Traffic Services Officer and the following observations have been made as a result.

Current Access
Rue des Pointes is a one-way road from north to south. The sightline for approaching traffic to the north is in excess of the minimum requirement of 33m and the access is over 5 metres wide which exceeds the minimum width standard for this type of access.

Proposed Access Unit 1
The sightline remains unchanged and there are no Road Safety or Traffic management grounds on which to oppose the application with regard to Unit 1.

Proposed Access Unit 2
The width of the proposed access is 3.5m, which meets the recommended standard for this type of access. The sightline was unable to be measured; however, calculations have been made using the supplied plans and Digimap. The sightline for approaching traffic to the north is estimated to be 4m, which is substantially below the recommended standard of 33m. The sightline is obscured by the existing 2m high hedge.

Given the above observations, the Traffic Services Unit does not oppose the sub-division of the property; however it considers there are good Road Safety grounds on which to oppose the application in its current form in relation to the access for Unit 2.

In order to achieve the recommended sightline from the proposed access for Unit 2 it is estimated that the hedge would need to be reduced to a maximum height of 900mm over a distance of approx. 12m to the north of the proposed access.

Summary of Issues:

1. Principle of subdivision
2. Amenity issues
3. Impact on the character and appearance of the area
4. Access and parking issues

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).**

Principle of subdivision

The application seeks planning permission to subdivide the property to create two separate units of accommodation by altering and extending the existing dwelling.

Policy RH3 states that the subdivision of a dwelling into two or more self contained units or into a house of multiple occupation will only be permitted where:

a) The density of occupation is compatible with the character and residential amenity of the surrounding area.
b) The proposal would not result in an excessive concentration of such uses in the locality; and,
c) The development would be acceptable in terms of provision of a satisfactory living environment and amenity.

Proposals must adequately demonstrate methods for addressing intensification of ancillary domestic fixtures and features and include these as part of the integral design of the development.

Schemes to subdivide dwellings may be accompanied by a modest extension under Policy RH6, provided that the extension is not of such scale or significance that a new-build unit would be created contrary to Policy RH1.

Policy RH3 provides a policy gateway for the proposal and the principle of subdivision is therefore acceptable.

Amenity issues

Initial concerns were raised over the proposed amenity provisions at the rear of the property due to the different patio levels and potential activity around the upper patio area which was likely to result in overlooking between the units.

Revisions have addressed the Department's initial concerns. The rear patio area of Unit 2 has been partially omitted and will now form an extended landscaping area. A screen wall is also proposed between the units at the rear to prevent overlooking.

As amended, the proposed development will protect the amenities of prospective residents and create satisfactory living conditions for both Unit 1 and Unit 2.

The proposed density of occupation is compatible with the character and residential amenity of the surrounding area. The proposal will not negatively impact on neighbour amenity.

Impact on the character and appearance of the area

The application proposes to demolish the existing conservatory located on the southern elevation and replace this with a pitched roof single storey extension. It is considered that the extension is proportionately designed and subservient in scale to the main building. The extension relates satisfactorily to the main building, is acceptable in design terms and would have no adverse impact on the character and visual quality of the area. The fenestration alterations to the rear (west) elevation are also acceptable.

The initial proposals included the creation of a new access to the front of the site. A combination of unsatisfactory sightlines and the adverse effect on the character and appearance of the area led to an amendment being sought to omit this new access. This has been agreed and revised plans submitted accordingly. The revised scheme retains the existing hedge and earth bank at the front which positively contributes to the character and appearance of the area.

Access and parking issues

As noted above, the initial proposal for a new access has been omitted from the scheme. The Traffic Services Unit opposed this access on grounds of inadequate sight lines and consequent harm to highway safety. The creation of a second access would also have had a detrimental impact on the character of the area as noted above.

The revised proposal indicates a shared access arrangement for the two units, which overcomes the previous concerns and is acceptable. The existing access will be able to adequately serve the two self contained units having regard to its width and sight lines, which exceed the normal minimum standards as confirmed by Traffic Services.

The proposed planters at the front will act as a buffer for the residential units, providing privacy and protecting the reasonable enjoyment of amenity with regard to vehicular traffic entering and exiting the site.

Satisfactory parking provision has been incorporated into the design. Parking provision for two vehicles for both units is in accordance with Rural Area Plan Parking Standards. The parking will be screened from public view by mature hedging and therefore will not adversely impact on the character or amenity of the area.

Summary

In summary, the existing dwelling has the capability to form two independent units within the terms of Policy RH3. A modest extension is proposed, which is acceptable in terms of its design and impact. As amended, the proposed development will protect the amenities of prospective residents and create satisfactory living conditions for both Unit 1 and Unit 2. The density of occupation is compatible with the character and residential amenity of the surrounding area and there would be no adverse effects on neighbour amenity.

The application complies with Policy RGEN6, RGEN7, RGEN8, RGEN11, RH6 and RH3. The proposal is considered an acceptable form of subdivision and will make a useful addition to the Island's housing stock in an area where new build housing is precluded.

It is therefore recommended that the application be approved.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

Date: 09/09/2014