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 domestic curtilage and erect a double garage (Revised)

LOCATION: Le Grand Pre, Route de St Andre, St. Andrew.

APPLICANT: Mr & Mrs P Retz

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: 10/02/2017

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/12/2016 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTECH Freelance Architecture: PR-16-743-02E

Application Ref: FULL/2017/0033

Property Ref: K00518A000

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 Authority 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 Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority 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.This permission confers authority for the erection of the garage; notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no extensions, and no other sheds, greenhouses, outbuildings or other buildings or structures shall be erected or constructed within the extension of the curtilage of the dwelling to which this permission relates.

Reason - The carrying out of development of this type may cause harm in terms of the overall appearance and character of the area and its impact on the amenity of neighbouring dwellings.

5.Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no fences, walls, gates, earth banks or other structures shall be erected or constructed within the curtilage of the dwelling to which this permission relates.

Reason - The carrying out of development of this type may cause harm in terms of the overall appearance and character of the area and its impact on the amenity of neighbouring dwellings.

Expiry Date: This permission will cease to have effect on 10/02/2020 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 Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel 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 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 under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their 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
Planning Service

States of Guernsey
Planning Service

PLANNING APPLICATION REPORT

Application No:	FULL/2017/0033
Property Ref:	K00518A000
Valid date:	30/12/2016
Location:	Le Grand Pre Route de St Andre St. Andrew Guernsey GY6 8UL
Proposal:	Extend domestic curtilage and erect a double garage (Revised)
Applicant:	Mr & Mrs P Retz

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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 Authority 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 Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority 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. This permission confers authority for the erection of the garage;

notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no extensions, and no other sheds, greenhouses, outbuildings or other buildings or structures shall be erected or constructed within the extension of the curtilage of the dwelling to which this permission relates.

Reason - The carrying out of development of this type may cause harm in terms of the overall appearance and character of the area and its impact on the amenity of neighbouring dwellings.

5. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no fences, walls, gates, earth banks or other structures shall be erected or constructed within the curtilage of the dwelling to which this permission relates.

Reason - The carrying out of development of this type may cause harm in terms of the overall appearance and character of the area and its impact on the amenity of neighbouring dwellings.

OFFICER'S REPORT

Brief Description:

The application is a revised scheme for the extension of domestic curtilage and erection of a double garage for a two storey detached dwelling. The property is set above and accessed from St Andrews Road.

The application site is defined within the Island Development Plan as Outside the Centres and within an Agriculture Priority Area (APA)

Relevant History:

PREA/2016/2671	Erect timber frame building comprising; garage, shed and wood store. (Alternative scheme).	Pre-application in relation to the revised application
FULL/2016/0276	Extend domestic curtilage and erect a double garage.	Refused 06/07/2016

Existing Use(s): Residential use class 1 and Agricultural use class 44

Assessment: *(Tick as appropriate)*

no representation	✓	visual amenity acceptable	✓
accords with policy	✓	no material neighbour impact	✓
within curtilage	✓	traffic not affected	✓
design acceptable	✓		

Conclusion/Brief comment:

The application is a revised application following the refusal of permission in July 2016 for the extension of the domestic curtilage and erection of a double garage. The application was refused on the grounds that the bulk, massing and form of the garage in the location as proposed would have a significant adverse impact on the visual amenity and landscape character of the area, contrary to the Planning Policies at that time.

Since the application was refused, the Island Development Plan was adopted on 2nd November 2016. The adoption of this Plan brought with it new policies and land designations.

The application site is defined within the Plan as Outside of the Centres and as an Agriculture Priority Area (APA) as such and given the nature of the application, policies contained within the General Policies sections will be the most relevant in this instance.

The extension of the domestic curtilage to include all of the land to the north and west of the house would fall to be considered under policy GP15: Creation and extension of curtilage. The preceding text to this policy refers to land falling within an Agriculture Priority Area supporting extensions of curtilages where it can be demonstrated that the land cannot positively contribute to the commercial agricultural use of an APA or cannot practically be used for commercial agriculture within an APA. However where a proposal can be supported, it must also comply with a number of other criterion including (but not exclusive), not having an unacceptable impact on landscape character or result in the unacceptable loss of established boundary features that have a positive contribution to the character of the area, unless that proposed to be replaced makes an equal or enhanced contribution and that there would be no adverse effect on the amenities of the neighbouring properties.

The area of land subject to this application rises steeply from the road and due to the size; topography and configuration of the land its practical use for agricultural purposes would be extremely limited. Access to the land is also restricted to the existing domestic driveway, roadside hedging and an earth bank separating the land from the road. The creation of a new access to serve this area would as such be

impractical. The application doesn't involve the removal of any significant boundary features, however given the elevated position of the site above the road and the prominent views of the site from public vantage points; the land does have a significant contribution to the visual character of the area although no practical or useful contribution to the provision of agricultural land. In this regard policy GP15 acknowledges that a balance needs to be struck between reasonably protecting open land, the requirements of the agricultural industry and the reasonable expectations of landowners to extend their domestic curtilages. Assessment of any proposal in this instance must also have regard to the wider landscape character.

On-balance therefore whilst it is considered that the land subject to this application is open and undeveloped in nature, and the future development of this land in terms of ancillary structures would impact on the landscape character, it is not considered that, subject to the use of conditions limiting exemption rights, the inclusion of this area into domestic garden use would be so significant to the wider landscape context to warrant refusal. Providing therefore that exemption rights for future development are limited, the change of use of this land is considered acceptable and would not detrimentally impact on the provision of agricultural land within the APA.

Turning now to the siting, bulk, massing and form of the proposed garage, which has been significantly revised since the refusal of the application in July 2016, the erection of this structure would be considered under GP8: Design and GP13: Householder Development.

GP13 provides householders with a significant degree of flexibility in how they wish to develop their property, particularly in less sensitive areas that have no restricted land designations. However notwithstanding the provision in favour of development proposals mustn't raise significant adverse issues in respect to neighbour amenity or detract from the open character of open locations through its design, scale, mass or form, the latter also being considered under GP1: Landscape character and open land and GP8: Design. In addition as stated within the preceding text, development should also be assessed against the material planning consideration as detailed within The Land Planning and Development (General Provisions) Ordinance, 2007.

The garage would be sited with 1m of the neighbouring boundary to the west of the site on a north to south axis. Necessitating the removal of a small section of hedge to this boundary, the remaining hedge and fence which forms the boundary between the site and the neighbour would remain. The garage, pitched roof in form would be constructed of timber above a brick plinth. Proposed to be 4.7m x 6.6m and 3.7m high the garage would accommodate a single car in an open frontage section with an enclosed store and open fronted mono pitch log store to the south. Featuring a pan tile roof the pitch of the roof would slope away from the neighbour, however the proposed garage would be set against a flat roof single storey rear projecting extension at the neighbouring property. The omission of any windows within the east facing wall of this extension means that the impact on neighbour amenity would be extremely limited.

Although the garage is proposed to be pushed back to the western boundary of the site, it is forward of the building line of the host property and the prominent location of the site above the road means that the garage will be evident from public views particularly east to west along St. Andrews Road. However the garage is of a modest size and although set forward of the host property, it is set against the neighbouring property to the west and as such the visual impact would be reduced by this. The bulk and massing of the building will be evident from the road but the use of timber to construct the majority of the building and the open frontage to the garage and log store would help reduce its impact. Overall the impact of the building on the visual character of the area will be satisfactory and would not have a significant adverse impact.

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

For the reasons above, the application is considered acceptable and subject to conditions the application is recommended favourably.

Recommendation:
Grant with Conditions ☑

Date: 8th February 2017