

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: Demolish dwelling and outbuilding, erect new dwelling and widen existing vehicular access

LOCATION: Charmaine, Jerbourg Road, St. Martin.

APPLICANT: Mr & Mrs Harvey

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: 16/11/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/08/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Grey Bear Chartered Architect Ltd: 084-3-300, 301, 302A, 303B & 304A.

Application Ref: FULL/2021/1525

Property Ref: J016420000

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.Within four weeks of the enlarged access being brought into use, the ends of the enlarged opening shall be finished off using materials and a method of construction which match the remainder of the roadside boundary.

Reason - To secure the satisfactory appearance of the completed development.

5.The development shall not be occupied until all sustainable design features set out in the submitted Planning and Design and Statement, including the solar thermal panels, have been installed/completed/made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

6.The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason - To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

Expiry Date: This permission will cease to have effect on 15/11/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

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



PLANNING APPLICATION REPORT

Application No: FULL/2021/1525
Property Ref: J016420000
Valid date: 12/08/2021
Location: Charmaine Jerbourg Road St. Martin Guernsey GY4 6BG
Proposal: Demolish dwelling and outbuilding, erect new dwelling and widen existing vehicular access

Applicant: Mr & Mrs Harvey

RECOMMENDATION - Grant: Planning Permission with Conditions:

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. Within four weeks of the enlarged access being brought into use, the ends of the enlarged opening shall be finished off using materials and a method of construction

which match the remainder of the roadside boundary.

Reason - To secure the satisfactory appearance of the completed development.

5. The development shall not be occupied until all sustainable design features set out in the submitted Planning and Design and Statement, including the solar thermal panels, have been installed/completed/made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

6. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason - To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

INFORMATIVES

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

OFFICER'S REPORT

Site Description:

The application property comprises a detached single storey hipped roof dwelling which forms part of a ribbon development of residential properties to the north-east of Route de Jerbourg and is slightly elevated above the highway. The site is located Outside of the Centres.

Relevant History:

None

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to demolish the existing dwelling and outbuilding, to erect a replacement 4 to 5 bedroom dwelling and to demolish a section of roadside bank and pillars in order to widen the vehicular access from 3m to 4.5m. The replacement dwelling is proposed to be of a 1½ storey pitched roof designed orientated gable end to the highway and finished with a mix of rendered and timber or composite horizontal clad walls, PVCu or aluminium fenestration and a natural slate roof.

The application is supported by a Planning and Design Statement and a Waste Management Plan.

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

GP1 - Landscape Character and Open Land
GP8 - Design
GP9 - Sustainable Development
GP13 – Householder Development
IP6 - Transport infrastructure and support facilities
IP7 - Private and Communal Car Parking
IP9 - Highway Safety, Accessibility and Capacity

Representations:

Two letters of objection were received, main points as follows:

- Loss of daylight for the neighbours to the north-west.
- Loss of private view of the Doyle Column from the neighbouring property to the north-west.
- Loss of privacy and light pollution for the neighbouring property to the north-east.
- Services for the neighbouring property to the north-east come from Jerbourg road via the application site. The extension of the footprint of the dwelling to the south-east will disrupt access rights to maintain and replace these services.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Design, scale and impact of the development on the open character and appearance of the area.
2. The impact of the development on the amenity of people living in the area.

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).**

Policy GP13 indicates that proposals for the demolition of existing dwellings and the erection of replacement dwellings on a one for one basis will be supported subject to certain criteria being met including with regards to the impact on the amenities of neighbouring properties, taking into account the surrounding character and where they accord with all the relevant policies of the Island Development Plan. In this instance the proposal includes alterations to the access and Policies GP1, GP8, GP9, IP6, IP7 and IP9 are also relevant. In addition, the preceding text of Policy GP13 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.

Policy GP1 sets out that development will be supported where it respects the relevant landscape character type within which it is set, where development does not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area, and takes advantage where practicable of opportunities to improve visual and physical access to open and undeveloped land.

Policy GP8 seeks to ensure that new development achieves a good standard of design making effective use of land whilst respecting the character of the local built environment concerned. Development should also give consideration to the amenities of occupiers and surrounding neighbours and provide accessibility for all.

The existing dwelling is not of any particular architectural or historic value and does not make a significant positive contribution to the character of the area. There is therefore no objection to the demolition of the existing dwelling.

Policy GP8 requires development to make the most effective and efficient use of land. In this respect, it highlights that multi-storey buildings are a more efficient use of land than single storey buildings and it states that development proposals should consider a multi-storey design from the outset, unless there are overriding reasons why this design approach would be unacceptable within a particular locality.

Properties within the area are of a mixed size and design. The replacement dwelling would have a similar ridge height to the existing dwelling but would result in a substantial increase to the scale and mass of the dwelling due to the change in the form of the roof and the extension of the footprint to the rear. However, despite the increase to the scale and mass of the dwelling, the size of the dwelling would be proportionate to the size of the plot as a whole and it would not be dissimilar to other neighbouring properties within the vicinity. The overall design of the dwelling is good and it is concluded that the replacement dwelling would have no significant adverse effects on the character and appearance of the area, in accordance with Policies GP1, GP8 and GP13.

With regards to the amenity of neighbouring residents, the proposal represents a significant increase to the rear and the roof overhang would extend 1m closer to the boundary with the neighbouring property to the north-west, which would result in some loss of light for the neighbouring property. However, by virtue of a combination of the pitched roof design (including a low eaves height, the roof sloping away from the neighbouring property and the shallow pitch of the roof), its orientation relative to the neighbouring property (to the south-east) and the ridge height of the dwelling (no increase compared to the existing), the proposed dwelling is unlikely to have a significant adverse effect in terms of overshadowing. There is currently no boundary treatment along a section of the north-west boundary between the dwellings. The proposed dwelling includes obscured glazing to ground floor windows and all rooflights to have a minimum cill height of 1.7m in the north-west elevation. These measures would be adequate to prevent undue privacy issues and a boundary treatment could be installed in future under the exemptions if a greater level of privacy is desired.

To the south-east, the ground floor window serving the bedroom is situated in a similar position to an existing window and the kitchen/dining area would be served by a high level window. Rooflights would have a minimum cill height of 1.7m, other than the rooflight over the stairs which faces directly towards the roof of the neighbouring property to the south-east. To the north-east, the distance to the neighbouring property (approximately 22m to the boundary and 42m between the dwellings) would be sufficient to prevent any significant loss of privacy or light pollution.

As a whole, the proposal is unlikely to harm the amenities of neighbouring residents to such an extent as to warrant the refusal of the application.

The existing access is relatively narrow. A substantial length of roadside boundary would remain and the proposed access would have no significant effect on the sense

of enclosure along the street. The increased width of the access is reasonable and is similar to the width of accesses on neighbouring properties. The design of the access respects the character and appearance of the area and the proposal would have no significant adverse effects on the landscape character of the area, in accordance with Policies OC8(A), IP9, GP1 and GP8.

Policy GP9 is wide-ranging and includes requirements for sustainable design and construction with reference to the design, layout and orientation of buildings, flood risk and surface water run-off, renewable energy, the use of materials and the management of waste. The application is supported by a Planning and Design Statement which sets out how the development has been designed to take into account sustainable design principles. The agent advises that the intention is to use an insulated structural timber frame or SIPs construction which would comply with and exceed Building Regulation thermal requirements with solar thermal panels situated on the south-east elevation. The overall layout and form of the development and the information submitted is sufficient to demonstrate that the development has been designed to take into account the use of energy and resources, in accordance with Policy GP9. A Waste Management Plan has been submitted which sets out how construction waste is to be minimised and dealt with.

With regards to comments in the representations received, the loss of a private view of the Doyle Column and access rights for services to neighbouring properties are not material planning considerations. All decisions made by the Authority are without prejudice to third party rights, and the Authority is not able to address civil matters such as boundary, third party disputes or other related matters of ownership. Where necessary such cases should be resolved by seeking legal advice.

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.

It is recommended that the application is approved.

Date: 16/11/2021

