

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 outbuilding and erect dwelling with associated parking. Erect 1.5 storey garage and store for Ferrari House (south of new dwelling), erect single storey flat roof extension to rear (north) of Ferrari House, install swimming pool and erect poolhouse/garden shelter (north site boundary).

LOCATION: Ferrari House, 3 Ferrari Drive, Lowlands Road, Vale.

APPLICANT: Mr P Murphy

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: 20/01/2022

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 drawing no's: 090-3-001, 002, 003, 004, 005, 006 & 007

Application Ref: FULL/2021/1540

Property Ref: C008110000&C008110003

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. The south facing upper floor window within the proposed garage shall be glazed with obscure glass to a minimum level of Pilkington 3 obscurity or equivalent which shall thereafter be retained at all times. Details of the glazing specification shall be previously agreed in writing by the Authority. No changes shall be made to these windows nor shall any additional windows be inserted in this elevation.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

Expiry Date: This permission will cease to have effect on 19/01/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed garage to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

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/2021/1540
Property Ref: C008110000&C008110003
Valid date: 12/08/2021
Location: Ferrari House 3 Ferrari Drive Lowlands Road Vale Guernsey GY3 5SX
Proposal: Demolish outbuilding and erect dwelling with associated parking. Erect 1.5 storey garage and store for Ferrari House (south of new dwelling), erect single storey flat roof extension to rear (north) of Ferrari House, install swimming pool and erect poolhouse/garden shelter (north site boundary).
Applicant: Mr P Murphy

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. The south facing upper floor window within the proposed garage shall be glazed with obscure glass to a minimum level of Pilkington 3 obscurity or equivalent which shall thereafter be retained at all times. Details of the glazing specification shall be previously agreed in writing by the Authority. No changes shall be made to these windows nor shall any additional windows be inserted in this elevation.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed garage to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

OFFICER'S REPORT

Site Description:

The application site straddles between both the Main Centre Inner Boundary and Main Centre Outer Area as designated in the Island Development Plan.

The site comprises a small terrace of residential properties sited north of Ferrari Drive, with a detached outbuilding sited towards the north-west corner of the site.

Relevant History:

Pre application advice was sought in respect to this proposal.

Existing Use(s):

Residential.

Brief Description of Development:

Planning permission is sought to demolish a two storey granite outbuilding and erect a dwelling with associated parking.

Permission is also sought to erect a 1.5 storey garage and store for Ferrari House (south of new dwelling), erect single storey flat roof extension to rear (north) of Ferrari House, install swimming pool and erect pool house/garden shelter to the north of the site for the benefit also of Ferrari House.

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

MC2 Housing in Main Centres and Main Centre Outer Areas

GP5 Protected Buildings
GP8 Design
GP9 Sustainable Development
GP13 Householder Development
IP7 Private and Communal Car Parking
IP9 Highway Safety, Accessibility and Capacity

Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment.

Representations:

None received.

Consultations:

None generated.

Summary of Issues:

The main issues in deciding this application are:

1. Whether the principle of a new dwelling is appropriate in this location;
2. The impact of the development on the character and appearance of the area;
3. The impact of the development on the amenity of people living in the area, including the residents of the existing and new house;
4. Parking and access issues, taking into account the above planning policies.
5. The impact of the development on the setting of nearby protected building.

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).**

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Whether the principle of a new dwelling is appropriate in this location

Policy MC2 makes clear that development for new housing will only be supported in Main Centres and Main Centre Outer Areas where they accord with all other relevant policies of the IDP and where the dwelling type, mix and size is appropriate.

The site is not identified as Important Open Land and a Development Framework and Waste Management Plan is not required. Criterion C) of Policy MC2 is therefore not relevant in this instance.

The outbuilding itself is within a Main Centre Outer Area therefore the principle of housing development is acceptable. Further consideration as to whether the development would be in character with its surroundings, would be of satisfactory design and would comply with other relevant policies, is assessed below.

Impact on the character and appearance of the area

The application site is within a predominantly residential area. There is a mix of building scales, styles and forms in the locality. In the vicinity there is a variety of detached and semi-detached single storey, 1.5 storey and 2 storey dwellings. The proposed 1.5 storey, 2 bedroom dwelling-house is considered to respect the surrounding built environment. The proposed dwelling will be of a different style and appearance to the original structure, although the proposed dwelling itself is considered to achieve a high standard of design that would not lead to any undue effect on the character and appearance of the surrounding area, especially when considering the popularity of two storey rendered properties and the degree of flexibility with regards to design matters (Policy GP8).

The area of land is not highly visible from main road due to the existing high granite wall forming the north boundary of the site, and therefore development of this land which includes other elements such as the detached garage/store and pool house facilities would not be detrimental to visual amenity.

In addition, the proposed dwelling, garage and attic store satisfactorily demonstrates the most effective and efficient use of the land available due to the multi-storey nature of these developments, whilst respecting the surrounding local built environment (Policy GP8, Design).

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Impact on the amenity of people living in the area

Careful consideration has been given to the effect of the development on the amenities of neighbouring residents and when taking into account the scale, form, mass, orientation and relationship of the proposed dwelling to neighbouring properties, the resultant development is not considered to lead to any significant harm with regards to overshadowing, overlooking or overbearingness.

The proposed dwelling is considered to satisfy the amenity standards set out in Annex 1 (Amenities) of the IDP, therefore a satisfactory level of amenity is afforded to future occupiers as a result of the proposed development.

There would be no significant detrimental impacts arising in relation to amenity from the other proposed elements of the development, including the garage/store and pool house/garden facilities. The use of obscure glazing has been incorporated into the attic storage to prevent overlooking towards the dwellings on Ferrari Drive and alterations to the boundary walls of the adjacent properties on this clos will seek to protect amenity.

Parking and access issues

The SPG seeks to limit the number of car parking spaces to 2 per dwelling in the Main Centres and Main Centre Outer Areas as part of new housing development in order to reduce the dependency on the car.

The proposed development is served by one car parking space and therefore is in accordance with the maximum car parking limits set out in the SPG: Parking Standards and Traffic Impact Assessment. Consequently, the extent of parking provision is acceptable with regards to Policy GP8 and IP7.

Given that the proposed dwelling will be served by an existing access off Ferrari Drive (west of Mews Cottage), the proposal is not considered to result in any serious road safety or traffic management concerns. The proposal is acceptable with regards to Policy IP9.

The impact of the development on the setting of nearby protected building.

Whilst it is acknowledged that the position of the proposed development will be set closer to the adjacent protected building when compared to the existing structure, the proposed dwelling and garage will be setback further into the site (south of the roadside wall) and therefore the ability of the pair of adjacent protected buildings to be 'read' as a whole in the street scene would not be unduly compromised.

In addition, the distance between the proposed development and that of the neighbouring building (known as 'La Colliche'), flanking the pair of protected buildings to the west is comparable to that of the existing structure. Consequently, the proposed development is considered to respect the rhythm and limited spaces between buildings in the locality and therefore is akin to the density and nature of the surrounding built environment.

Overall, the proposed development would not have a significant detrimental effect on the setting of the nearby protected building.

Conclusions

The principle to construct a 2 bedroom dwelling in this location is appropriate under the provisions of Policy MC2 and is considered to respect the character and appearance of the surrounding area.

The proposed dwelling, garage/store and pool house/garden facilities are all acceptable in terms of their individual design, scale, mass, form, siting, layout and materials under Policy GP8, which also demonstrates the most effective and efficient use of land whilst respecting the surrounding built environment.

The new dwelling would satisfy the amenity standards providing a reasonable living environment set out in Annex 1 (Amenities).

The proposal is not considered to cause significant harm to neighbouring residents or impact on the protected buildings within the close vicinity, all access requirements have been carefully considered and are supported in light of the relevant policies and supplementary planning guidance.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

3 - General material considerations set out in the General Provisions Ordinance.

The matters to be considered under Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007 have been assessed as part of the section dealing with policy issues set out in 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The outbuilding is not of sufficient architectural or historic interest to warrant retention and its loss would not harm the setting of the protected building.

The design and relationship of the proposed development and the adjacent protected building has been discussed and is set out above.

The proposal would have no impact on protected trees or sites.

Date: 10/01/22

