

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: Raise and alter roof ridge height and extend and alter at lower ground, upper ground and 1st floor level to west (front) elevation and alter fenestration to east elevation.

LOCATION: Birchwood House, Rue De La Hougue, Castel.

APPLICANT: Mr & Mrs C Wilkinson

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: 02/11/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne AA48-10470-S1- 02, 03, 04, 05, 06, 07A, 08A, 09 & 10

Application Ref: FULL/2021/1884

Property Ref: D00736B000

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.

Expiry Date: This permission will cease to have effect on 01/11/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The Authority does not recognise all of the land outlined on the submitted plan(s) as forming the domestic curtilage associated with the dwelling presently known as Birchwood House.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The existing building may be used by bats or other wildlife for roosting and nesting. Measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

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/2021/1884
Property Ref: D00736B000
Valid date: 13/09/2021
Location: Birchwood House Rue De La Hougue Castel Guernsey GY5 7EA
Proposal: Raise and alter roof ridge height and extend and alter at lower ground, upper ground and 1st floor level to west (front) elevation and alter fenestration to east elevation.
Applicant: Mr & Mrs C Wilkinson

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.

INFORMATIVES

The Authority does not recognise all of the land outlined on the submitted plan(s) as forming the domestic curtilage associated with the dwelling presently known as Birchwood House.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The existing building may be used by bats or other wildlife for roosting and nesting. Measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

OFFICER'S REPORT

Brief Description of the site:

Birchwood House is a substantial two-storey dwelling that occupies a sloping site and has a terrace area to the rear/east of the dwelling. The property is accessed from Rue De La Hougue via a driveway/road shared with a number of other properties.

The application proposes to increase the roof height of gable to the west of the dwelling incorporating a replacement dormer to the north elevation, the demolition of the existing conservatory to the west elevation and the erection of a two-storey flat roof extension incorporating first floor terrace to west and north elevations. A single-storey flat roof extension with flat roof dormer and roof terrace over is proposed to the west elevation.

The application was deferred to address discrepancies between the floor and elevation plans. As part of the submission of revised plans the overall height of the height was reduced.

The site is located Outside of the Centres as designated in the Island Development Plan and was once the site of a quarry.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

01 Dwelling house

Assessment: *(Tick as appropriate)*

no representation	☒
accords with policy	☒
within curtilage	☒
design acceptable	☒

visual amenity acceptable	☒
no material neighbour impact	☒
traffic not affected	☒

Policies considered most relevant:

GP8: Design
GP9: Sustainable Development
GP13: Householder Development
IP7: Private and Communal Car Parking

Representation:

La Societe Guernesiaise – highlight that buildings of this type can be used by roosting bats. This likelihood increases when the property is located within a variable landscape with habitats such as large gardens or woodland nearby. It is recommended that the building be inspected for current or recent use by bats or other wildlife by a suitably qualified person prior to any demolition or building works. This would reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012. It would also be beneficial to include suitable measures to support roosting bats and nesting birds within the development proposal. It is also recommended that an informative note is placed on any planning permission regarding these matters.

Conclusion/Brief comment:

The scheme has been designed to reflect the design and appearance of the existing dwelling. The proposed development represents a good standard of design that respects the local built environment. The proposal will not have an adverse impact on the wider open landscape. The scheme gives consideration to the health and well-being of the occupiers of the dwelling with large areas of glazing to utilise natural light and offers flexible and adaptable accommodation that can respond to the needs of occupiers over time. The site and development offers a satisfactory level of parking to meet the needs of the property.

The position of the dwelling in the site is such that the proposed extensions and alterations will not result in overshadowing or loss of light to the occupiers of any surrounding dwellings. The extensions to the west of the dwelling will reduce the distance separation between Birchwood House and Le Colombier to the west. The development would be 15m from the common boundary with a further c. 34m to the east elevation of the adjoining dwelling.

The west boundary between the two properties is not substantially landscaped as there are views from garden level of the gable windows serving this property however Le Colombier benefits from gardens to the east and north of the dwelling. The extensions and alterations proposed will not result in a significant change to the extent of glazing facing west and therefore the potential for overlooking and loss of privacy is kept within acceptable limits in this respect. The first floor terraces to the west of Birchwood House are approximately 1.5m deep and although in excess of 7m in length would not lend themselves to large gatherings/entertaining. As such, the terraces will not result in unacceptable overlooking or loss of privacy to the occupiers of surrounding dwellings.

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

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.

The development therefore accords with the aims of Policies GP8, GP9 and GP13 of the Island Development Plan. In view of the above it is recommended that planning permission is granted for the extensions and alterations proposed.

Recommendation:

Grant with Conditions



Date: 02 November 2021

