

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: Subdivide dwelling into 2 dwellings.

LOCATION: Seaplane Bungalow, La Moye Lane, Route Du Jerbourg, St. Martin.

APPLICANT: Mr & Mrs A McLaren

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: 28/10/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room - 285 B1, B2, B3, B4 & B5.

Application Ref: FULL/2021/1971

Property Ref: J015830000

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 new hedge shall be planted in the first planting season following the first occupation of Unit B (both as shown on Dwg. No. 285 B1). Any hedge plants which die, are removed or become seriously damaged or diseased, within 5 years of planting shall be replaced in the next planting season with plants of a size and species similar to those originally required to be planted, unless the Authority gives written approval to any variation.

Reason - To make sure that the appearance of the completed development is satisfactory, and in the interests of future residential amenity.

5.Before the first occupation of Unit B, and notwithstanding the information submitted, the existing window serving the 'sitting area' located on the south elevation of Unit B shall be blocked up and finished in render to match as closely as possible to the existing building.

Reason - In the interests of good design and residential amenity.

Expiry Date: This permission will cease to have effect on 27/10/2024 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



PLANNING APPLICATION REPORT

Application No: FULL/2021/1971
Property Ref: J015830000
Valid date: 02/09/2021
Location: Seaplane Bungalow La Moye Lane Route Du Jerbourg Route
Du Jerbourg St. Martin Guernsey GY4 6BN
Proposal: Subdivide dwelling into 2 dwellings.

Applicant: Mr & Mrs A McLaren

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.

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OFFICER'S REPORT

Site Description:

The site known as 'Seaplane Bungalow' comprises a detached bungalow, located on the southern tip of La Moye Lane, St. Martin. The property, together with the surrounding properties to the north, make up a small cluster of residential properties, set on a plateau at the top of a cliff face.

The dwelling-house has been extended and altered over the years. Permission was granted in 1999 to extend and alter the dwelling to create a dower unit. Permission was later granted in 2004 to convert part of the dwelling to a self-catering unit. It is not clear from the information submitted whether the self-catering unit was ever implemented. Based on the drawings submitted, it appears that the unit is used as a dower unit.

The property is served by car parking area to the front, and is bounded by a hedgebank along La Moye Lane. The property is served by a garden to the front and side (west) of the dwelling. A small courtyard exists to the rear due to the close proximity to neighbouring land to the west.

The site is located Outside of the Centres as defined in the Island Development Plan. The property is not protected, nor located within a Conservation Area. The cliff face to the east and south of the site is recognised as a Site of Special Significance.

Relevant History:

PAPP/2004/0594	Convert part of dwelling to a self-catering unit	Granted
PAPP/2000/0524	Create a basement.	Granted
PAPP/1999/1246	Extend and alter dwelling to provide a dower unit.	Granted

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to sub-divide, extend and alter the dwelling to create two independent units of accommodation. The new unit will utilise the existing vehicular access point.

Based on the drawings submitted, the proposed 1 bedroom dwelling-house (Unit B) will be served by a basement, bedroom, utility, bathroom, kitchen, living room, ensuite and garage.

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

Policy OC1	Housing Outside of the Centres
Policy GP8	Design
Policy GP9	Sustainable Development
Policy IP6	Transport Infrastructure and Support Facilities
Policy IP7	Private and Communal Car Parking

Representations:

None received.

Consultations:

None generated.

Summary of Issues:

- Whether the principle of the development is supported under policy and the impact of the development on the character and appearance of the area.
- Whether the development provides a satisfactory living environment and amenities and if it would impact on the amenities 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).

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.

Whether the proposal complies with Policy OC1 (Housing Outside of the Centres):

The principle of new housing Outside of the Centres is supported under the provisions of Policy OC1 provided this is achieved through the subdivision of an existing dwelling or the conversion of an existing redundant building.

The subdivision of a dwelling into two or more self-contained units or into a house for multiple occupation will only be supported where:

“a. the resultant development would be compatible with the character and amenities of the surrounding area; and,

b. the development would be acceptable in terms of provision of a satisfactory living environment and amenities; and,

c. the subdivision would not involve more than a modest extension to the existing building to create adequate accommodation and the extension is not of such a scale that it forms a significant part of any new unit”.

The surrounding built environment is characterised by detached properties of varying scales, forms, and designs.

It is acknowledged that the proposed unit would not be similar to other building sizes and types in the locality and therefore will be different to the surrounding built environment. However, being different when compared to the surrounding built environment by virtue of its size and housing type, would not result in the excessive concentration of residential properties in the locality to reasonably warrant refusal. Consequently, for the purposes of Policy OC1, the proposal would be compatible with the character and amenities of the surrounding area.

Whilst the footprint of certain rooms of the dwelling such as the kitchen is limited, the overall floor space, of which includes a basement, is considered acceptable as it is understood to comply with the minimum space standards as set out in section G7 of the Building Regulations.

Whilst some concerns arise with regards to the limited internal amenity space of certain rooms of the proposed dwelling together with the limited external amenity space to the rear of the dwelling, these concerns would not be so substantial to

warrant refusal. In addition, the applicant could potentially rearrange the internal layout of the property in the future to improve the layout of the dwelling.

Whether the development provides a satisfactory living environment and amenities for future occupiers and whether the development would impact on the amenities of people living in the area:

Careful consideration has been given to the following factors in assessing the health and well-being of the occupiers of the development including; adequate daylight, sunlight, aspect/outlook, privacy, internal space provision and private/communal open space as set out in Policy GP8 and Annex 1: Amenities.

The façade of the proposed dwelling faces east, therefore the level of daylight and sunlight is considered to be sufficient when taking into account existing fenestration to the front (east) and rear (west) of the property. In addition, outlook and aspect have been taken into account and are acceptable for the purposes of Policy GP8 and Annex 1 Amenities.

Concerns are raised with regards to the relationship between Unit A and B by virtue of the existing fenestration on the south elevation of the sitting room which if approved, is likely to result in overlooking and intervisibility issues. It is therefore necessary and reasonable that a condition be attached to the decision to ensure that this window is blocked up in order to protect the amenities of occupants of both units.

The proposal is not considered to adversely affect privacy towards neighbouring properties to the north or west of Unit B.

Despite some concerns being raised over the external amenity of Unit B when taking into account the limited courtyard area to the rear and proposed area of garden to the front, the level of outside private amenity space for the proposed unit is considered to be sufficient for the purposes of Policy GP8 when taking into account; the ease of access to the south cliffs and the amenity benefits that they provide, and that it is not overly disproportionate to the size of habitable accommodation created. The external amenity for the original dwelling-house is sufficient when taking into account the proposed development.

Overall, some concerns are raised with the size of certain rooms within the proposed unit (internal space standards) together with the limited external amenity space, however when balanced against other amenity matters such as daylight, sunlight, aspect/outlook and privacy, together with the close proximity to the south cliffs, these elements of the design are on balance considered to be acceptable.

The proposal includes a shared access and turning point with the original dwelling (unit A) which will enable a vehicle to egress from the property in forward gear.

In addition, there is capacity for the storage of bicycles within the private amenity space of both dwellings. Consequently, this element of the proposal is supported under the provisions of Policy IP6 (Traffic Infrastructure and Support Facilities) and Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment.

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

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.

Date: 27/10/21

