

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: Erect 1.5 storey garage/home office to south-west boundary.

LOCATION: Land Opposite, Ocean Echoes, Rue De La Rocquette, Castel.

APPLICANT: Mr & Mrs S Holland

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: 22/11/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTech Freelance Architecture: SH-21-1023-02D & 03D.

Application Ref: FULL/2021/2107

Property Ref: D005530000

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 decision permits the domestic outbuilding hereby approved to be used only for purposes incidental to the principal dwelling presently known as Ocean Echoes. It does not permit the creation of a separately occupied annex or an independent dwelling, or use of the building for any other purpose. This would require a separate grant of planning permission and involve different planning policy considerations.

Reason: To ensure that the building is used only for purposes incidental to the principal dwelling.

5. The outbuilding hereby permitted shall only be used for domestic purposes and not for use in conjunction with a business.

Reason - To ensure the structure is only used for domestic purposes.

6. The ground floor windows in the south-west (rear) elevation shall be fixed closed and glazed with obscure glass 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.

7. The roof lights hereby approved to the south-west (rear) elevation shall be set at high level with the cills positioned at not less than 1.7 metres above the finished first floor level.

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 21/11/2024 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/2021/2107
Property Ref: D005530000
Valid date: 22/09/2021
Location: Land Opposite Ocean Echoes Rue De La Rocquette Castel
Guernsey
Proposal: Erect 1.5 storey garage/home office to south-west boundary.
Applicant: Mr & Mrs S Holland

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).

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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 decision permits the domestic outbuilding hereby approved to be used only for purposes incidental to the principal dwelling presently known as Ocean Echoes. It does not permit the creation of a separately occupied annex or an independent dwelling, or use of the building for any other purpose. This would require a separate

grant of planning permission and involve different planning policy considerations.

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

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OFFICER'S REPORT

Site Description:

The site comprises of a detached dwelling with a detached garage and associated domestic land situated to the north-west of Rue De La Rocquette and an area of open domestic land situated to the south-east of Rue De La Rocquette which is physically separated from the dwelling by the access road Rue De La Rocquette. Planning permission was granted in August 2019 to erect a detached garage, home office/studio and outdoor kitchen to the south-west of the dwelling and the north-west of Rue De La Rocquette, works have not commenced yet but the permission remains extant.

The land to the south-east of Rue De La Rocquette is bounded on 3 sides by neighbouring residential properties, the fourth side is bounded by the access road, Rue De La Rocquette. The site is Outside of the Centres.

Relevant History:

29/07/2021 – FULL/2021/0585 – Permission refused to erect detached 1.5 storey garage/workshop and home office, alter vehicular access and erect gate and earthbank.

30/07/2020 – FULL/2020/0238 – Permission granted for the change of use of agricultural land to domestic garden.

06/08/2019 – FULL/2019/1259 – Permission granted for the temporary change of use of agricultural land to storage and parking (retrospective).

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23/08/2019 – FULL/2019/1372 – Permission granted to erect garage, home office/studio and outdoor kitchen to west of dwelling.

23/11/2018 – FULL/2018/2578 – Permission granted for the change of use of agricultural land to domestic garden.

10/01/2017 – FULL/2016/2890 – Permission granted for variations to plans previously approved to extend domestic curtilage and erect rear extension - Revised extension.

06/10/2016 – FULL/2016/0922 – Permission granted to extend domestic curtilage and erect rear extension.

16/05/2016 – FULL/2016/0628 – Application refused to extend domestic curtilage and erect rear extension.

25/04/2014 – FULL/2014/0864 – Permission granted to erect an oak framed car port to front of property.

26/09/2013 – FULL/2013/2316 – Permission granted to extend domestic curtilage and erect earth banks and gate to front of property and remove existing greenhouse wall to rear of property (retrospective).

01/05/2012 – FULL/2012/0669 – Permission granted to demolish existing and erect replacement dwelling.

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to erect a detached 1½ storey garage/workshop and home office with a total floor area of approximately 150sqm, alter vehicular

access and erect earthbanks on the parcel of domestic land to the south-east of Rue De La Rocquette.

In support of the proposal the applicant advises that the outbuilding will be used for a multitude of uses including workshop and hobby space for woodworking and the restoration of classic cars, home office and storage. In addition, it is advised that the home office in the previously approved outbuilding will be used as a children's games room, should this application be approved.

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

Representations:

One letter of representation has been received and the main points are as follows:

- This proposal is not very different to the first
- It is a very large building for a domestic workshop and office arrangement proposed on open land
- The lane is in unknown ownership

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

- Whether the proposal is ancillary to the existing dwelling.
- Design and impact of the development on the character and openness of the area.
- The impact of the development on the amenity of people living in the area.

Assessment against:

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 as set out in 2 below.

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

The previous application FULL/2021/0585 was refused primarily due to the fact the structure proposed appeared tantamount to a separate dwelling which is precluded in this location under adopted planning policy.

The current proposal has been reduced somewhat in scale and the design and materials are now commensurate with its intended function as an ancillary domestic building. In the location proposed which is within the recognised domestic curtilage there will be minimal impact on the open character of the area and subject to the rooflights to the south-west (rear) elevation being set at high level and rear windows being fixed and obscure glazed to prevent overlooking there would be no adverse impact on the reasonable amenities of neighbours. The ownership of the lane is a private civil matter which is not a material planning consideration in this context.

Policy GP9: Sustainable Development seeks to ensure all new development takes into account the use of energy and resources and any adverse impacts on the environment. There has been sufficient information provided with the application to comply with the requirements of this policy.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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

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. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

For the reasons set out within this report, it is recommended that planning permission be granted, subject to conditions.

Date: 22/11/2021

