

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 1/2 storey garage/studio/pool house to east boundary. Alter existing vehicle access to create pedestrian access and create new gated vehicle access to north boundary.

LOCATION: Vacarme, Rue Du Gele, Castel.

APPLICANT: Mr P Davidson & Miss S L Norrie

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: 04/11/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room drawing no's: 279 C1, C2, C3, C4 & C5

Application Ref: FULL/2021/2112

Property Ref: D005780000

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 new access being brought into use, the existing access shall be reduced in width in accordance with the plans hereby approved.

Reason - The granite wall surrounding this site forms part of the character and appearance of the locality and the closure of the existing vehicular access will preserve the character and appearance of the locality.

Expiry Date: This permission will cease to have effect on 03/11/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed garage, studio/office and gym 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.

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/2021/2112
Property Ref: D005780000
Valid date: 21/09/2021
Location: Vacarme Rue Du Gele Castel Guernsey GY5 7LU
Proposal: Erect 1 1/2 storey garage/studio/pool house to east boundary.
Alter existing vehicle access to create pedestrian access and
create new gated vehicle access to north boundary.

Applicant: Mr P Davidson & Miss S L Norrie

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 new access being brought into use, the existing access shall be reduced in width in accordance with the plans hereby approved.

Reason - The granite wall surrounding this site forms part of the character and appearance of the locality and the closure of the existing vehicular access will preserve the character and appearance of the locality.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed garage, studio/office and gym 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.

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:

Vacarme, Rue du Gele is a detached one and a half storey dwelling situated on the corner of Rue de Gele and the coast road, Vazon Road.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2017/0684 - Demolish existing extensions and outbuildings, erect pitched roof extension with first floor balcony (north facing elevation) and glazed link (east elevation), raise height of main dwelling, raise ridge height and install rooflights and fenestration, erect detached pitched roof double garage, remove section of front boundary wall and install timber sliding gate – granted

FULL/2017/1783 - Variations to works previously approved to erect a detached pitched roof double garage - erect a pool room/gym and sauna to rear of garage - granted

FULL/2018/2199 - Variations to plans previously approved to Demolish existing extensions and outbuildings, erect pitched roof extension with first floor balcony

(north facing elevation) and glazed link (east elevation), raise height of main dwelling, raise ridge height and install rooflights and fenestration, erect detached pitched roof double garage, remove section of front boundary wall and install timber sliding gate - Further raise height of main dwelling, install additional dormer window (north elevation), alter and install additional rooflights and fenestration (south elevation), change roof covering on north facing extension to natural slate, and extend and alter detached garage (east elevation) – granted

FULL/2019/0882 - Variations to plans previously approved to Demolish existing extensions and outbuildings, erect pitched roof extension with first floor balcony (north facing elevation) and glazed link (east elevation), raise height of main dwelling, raise ridge height and install rooflights and fenestration, erect detached pitched roof double garage, remove section of front boundary wall and install timber sliding gate - Relocate extension 0.5m to the east and south (retrospective) – granted

FULL/2019/1941 - Demolish chimney on west elevation (retrospective) - granted

Existing Use(s):

01 Dwelling houses

Brief Description of Development:

The application relates to the erection of a pitched roof building along the east site boundary to provide a garage and swimming pool with associated facilities with an office/studio and gym at first floor level above the garage. The scheme also relates to the formation of a new vehicular access in the north site boundary and the partial infilling of the existing vehicular access to form a pedestrian access to the site.

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

Island Development Plan policies:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

Two letters of representation from a single household have been received objecting to the application and raising the following points:

- The proposed two-storey building would block light from the patio of the adjoining property, L'Horizon during the afternoon and evening

- The building would be as tall as the houses
- The applicant indicated that the building could be reduced in height which would help alleviate concerns regarding overshadowing and loss of light
- There is a very high water table in this location and a concrete swimming pool would have a negative effect on the drainage
 - there is a plan in place to ensure that the adjoining property does not suffer from surface water, subsidence and poor drainage
 - consideration has not been given to the drainage issue by the architect or engineer in this case which could be catastrophic for both properties
- The property deeds conflict regarding the ownership of the hedge and wall between the application site and L'Horizon
- Building so close to the boundary could have a long term detrimental effect

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the design and appearance of the outbuilding and its likely effect on the character and appearance of the locality and the potential impact on residential amenity with regard to sunlight and daylight and loss of privacy.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

The design and appearance of the detached one and a half storey outbuilding proposed represents a good standard of design that will be viewed in the context of the existing built development set back from Vazon Road. The proposed building will respect the character and appearance of the built environment and meets the aims of Policies GP8, GP9 and GP13 in this respect.

A driveway exists along the west boundary of L'Horizon, to the east of the application site. The adjoining dwelling is therefore set away from the application site. The proposed development is also shown to be set off the common boundary and the combined effect provides separation between the adjoining dwelling and outbuilding proposed. Concerns have been raised however, regarding the proposed

development and its impact on the amenities enjoyed by the occupiers of this dwelling, particularly in terms of overshadowing and loss of light.

The scheme has been designed to consider the health and well-being of the occupiers of the adjoining dwelling in relation to overshadowing and loss of light. The taller, one and a half-storey element (approximately 6.3m high) is proposed in between the one and a half storey main house at L'Horizon and the application property in order to limit the potential for overshadowing to occur. A single-storey pitched roof pool building (approximately 5.3m high) is proposed to the south of the garage which is to the west of the patio and most private garden area of L'Horizon and the reduced height as shown will further limit the potential for overshadowing to the garden of L'Horizon. Given its position in its own plot, separation from the adjoining dwelling and garden and its height in relation to the adjoining dwelling to the east the proposed outbuilding will not result in an unacceptable loss of sunlight or daylight to the occupiers of the adjoining dwelling. The scheme therefore accords with the aims of Policies GP8, GP9 and GP13 in this respect.

The scheme will not result in unacceptable loss of privacy to the occupiers of the adjoining property. The first-floor accommodation proposed is to be served by high-level rooflights which primarily offer light and ventilation rather than outlook. The gable window facing north will provide views of the open land and coastline beyond, whilst glazing in the south facing gable is at ground floor level and faces into the rear garden. The proposal therefore considers the health and well-being of the occupiers of adjoining dwellings with regard to loss of privacy in accordance with Policies GP8, GP9 and GP13 of the Island Development Plan.

The proposal relates to the provision of two garaged parking spaces and revised site layout for further off-road parking and turning. The hardsurfacing within the application site does not require the specific grant of planning permission, but in any event the level of off-road parking indicated complies with Policy IP7.

The site is not situated in a Conservation Area and although a section of the boundary wall would be lost, a large proportion will remain intact and will continue to provide an adequate boundary feature, including the partial infilling of an existing vehicular access. In this particular instance it is considered therefore that any adverse impact on the character of the area as a result of the development would not be so substantial to warrant the refusal of planning permission. This conclusion is reinforced by the preceding text to Policy IP9, which notes that, "the Authority will balance any impact on the character of the locality concerned with affording a significant degree of flexibility so that reasonable development aspirations can be met." It is reasonable however, to require the existing access to be reduced in line with the approved plans within a reasonable timeframe following the formation of the new access and for details regarding the proposed gate to be provided, a condition also imposed on earlier permissions for alterations to the access arrangements on this site.

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. Concerns have been raised through the public consultation process regarding site drainage and the effects of installing a swimming pool in this location. The development will need to be constructed to accord with current Building Regulations which will include surface water run-off etc. and ensure that appropriate measures are in place to deal with water associated with the development and pool.

The comments made through the public consultation process have been noted. Matters relating to site boundaries/ownership are a private civil matter that cannot prevent the determination of a planning application. Although discussions may have been held between the applicant and neighbour regarding a reduced scheme the Planning Service must consider the application before them. In this case, the scheme satisfies the requirements of the Island Development Plan and it would be unreasonable for the Planning Service to defer the application for amendments.

In view of the above it is recommended planning permission is granted for the proposed development.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

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

Date: 03 November 2021