

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 dwelling and erect two dwellings, sheds and bin store.

LOCATION: Everest, Clos Des Petites Maisons, Vale Road, St. Sampson.

APPLICANT: Mr M P V Le Noury

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: 10/05/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/11/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: 1010/1a LN & shed and bin store plan/elevations.

Application Ref: FULL/2021/2129

Property Ref: B006400000

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 development hereby permitted shall be carried out in accordance with the Site Waste Management Plan which shall be submitted to and approved in writing by the Authority prior to any development, including demolition, being commenced on the site, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

Expiry Date: This permission will cease to have effect on 09/05/2025 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/2021/2129
Property Ref: B006400000
Valid date: 18/11/2021
Location: Everest Clos Des Petites Maisons Vale Road St. Sampson
Guernsey GY2 4DN
Proposal: Demolish dwelling and erect two dwellings, sheds and bin
store.
Applicant: Mr M P V Le Noury

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.

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Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

OFFICER'S REPORT

Site Description:

The property known as 'Everest' is a pre-1900 semi-detached one and a half storey dwelling, which is set back from and faces west onto Vale Road. The other semi is adjacent to the north boundary, to the south are two storey dwellings set closer to the road, there are neighbouring properties to the west across the road and to the east beyond the garden is an access road and more neighbouring properties. The property is located in the St Sampson Main Centre Outer Area as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application relates to the demolition of the existing dwelling and the construction of two dwellings, sheds and bin store.

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

MC2: Housing in Main Centres and Main Centre Outer Areas

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

IP9: Highway Safety, Accessibility and Capacity.

Representations:

There has been one letter of representation and the issues are:

- The two semi-detached properties sit back from the road and combined provide an aesthetic 1890 farmhouse.
- The proposals at present would detract from the character of the area and make what currently is a quaint pretty cottage no longer aesthetic and in-keeping with the original farmhouse as viewed from the road.
- The sheer scale of the proposed dwellings will look massively out of proportion in relation to the attached semi.
- The ridge will be almost double the height of the current property destroying the curb appeal the two traditional cottages have maintained for centuries.
- The proposed modern dwellings have not been sympathetically designed taking into account the adjoining small cottage.
- Due to the dramatic height increase of the proposed dwellings there will be a significant loss of sunlight during the afternoon and evenings to the neighbouring property's rear courtyard.
- Also not demonstrated pictorially are how the three first floor windows of each proposed property would overlook the neighbours' courtyard impacting on their privacy.
- There are concerns about the structural impact any demolition may have on the neighbours' foundations, and to the structural integrity moving forward.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

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.

Principle of Development

The principle of demolishing a single dwelling and erecting two dwellings in its place is acceptable in the location of Vale Road because it is located within the St Sampson Main Centre Outer Area as defined in the Island Development Plan (IDP).

The IDP wants the Main Centres to be maintained and enhanced as attractive and sustainable places to live, by encouraging regeneration and increasing residential accommodation close to services, employment, leisure opportunities, public transport links and walking and cycling networks. However, new dwellings need to be of good design and consider the surrounding built environment.

Design

Policy GP8 expects proposals to achieve a high standard of design which respects and where possible enhances the character of the environment.

Good building design can contribute to the creation of a cohesive built environment that enhances the experience of living and working in or visiting the Island. Development that has been designed to relate well to its surroundings can make a positive contribution to the character of an area and can promote a safe and inclusive built environment.

The design of the proposed houses reflects that of existing two storey dwellings in this locality. The existing property is of traditional proportions and appearance, and the relationship in terms of the scale of the proposed development with the existing semi-detached dwelling which would be retained is not ideal, however neither issue would justify refusal of the current application on design grounds given the predominant character of the surroundings and that the site is not within a Conservation Area or in proximity to any Protected Building.

Car parking to serve the two dwellings is proposed in accordance with the maximum car parking standards within the site frontage and the existing roadside boundary wall and access would not be altered. Adequately sized garden areas would be provided to the rear to ensure a suitable level of amenity for future residents. The proposal includes provision of a garden shed for each unit and bin storage facilities.

Sufficient information has been submitted to demonstrate compliance with IDP Policies GP8 and GP9 in respect of sustainable development and accessibility. A proportionate waste management plan is required given that the proposal involves demolition and can reasonably be subject of a planning condition in this case.

Visual Impacts

At present the street scene includes the two small cottages which have a low ridge line, this brings the eyeline down to the two original cottages before going back up to the two storey dwellings to the south. As noted above, although the relationship in terms of the scale of the proposed development with the existing semi-detached dwelling which would be retained is not ideal, the impact on the overall character and visual amenity of the area would be limited and, on balance, insufficient to justify refusal of this application.

Impacts on Neighbour Amenity.

GP13 supports development where there are no significant adverse effects on the amenities of neighbouring properties.

Whilst noting the neighbours' concerns regarding the impact of the proposed development on their amenity by virtue of overlooking and loss of sunlight, given the design and orientation of the proposed development relative to the neighbouring property it is concluded that the impact of the development on the amenity that neighbouring residents might reasonably expect to enjoy would be within reasonable levels and would not justify refusal of the application on those grounds.

Other matters

Concerns raised within the representations in relation to possible effects on structural integrity and foundations, and regarding drainage and guttering, are private civil matters between the parties concerned and not material planning considerations which would influence a decision on this planning application.

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.

Date: 10/05/2022

