

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: Sub-divide dwelling to create 3 dwellings and associated parking and landscaping.

LOCATION: La Grande Lande Vinery, La Grande Lande, St. Saviour.

APPLICANT: Mr & Mrs J De Garis

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: 05/11/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services - 6017/B/1, 2 & 3.

Application Ref: FULL/2021/2139

Property Ref: E00619B000

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.Prior to the commencement of any work in connection therewith details of the appearance and finish of the proposed boundary garden walls referred on on drawing 6017/B/1 shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details and must be completed in their entirety prior to the first occupation of any of the dwellings hereby approved.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the development is of satisfactory design and does not have any adverse impact on the character of the area and in order to secure the privacy of the future occupiers of the development.

Expiry Date: This permission will cease to have effect on 04/11/2024 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 La Grande Lande Vinery. The land recognised as domestic curtilage by the Authority is identified on the plan enclosed with this decision notice.

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/2021/2139
Property Ref: E00619B000
Valid date: 24/09/2021
Location: La Grande Lande Vinery La Grande Lande St. Saviour Guernsey
GY7 9YY
Proposal: Sub-divide dwelling to create 3 dwellings and associated
parking and landscaping.
Applicant: Mr & Mrs J De Garis

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. Prior to the commencement of any work in connection therewith details of the appearance and finish of the proposed boundary garden walls referred on on drawing 6017/B/1 shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details and must be completed in their entirety prior to the first occupation of any of the dwellings hereby approved.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the development is of satisfactory design and does not have any adverse impact on the character of the area and in order to secure the privacy of the future occupiers of the development.

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 La Grande Lande Vinery. The land recognised as domestic curtilage by the Authority is identified on the plan enclosed with this decision notice.

OFFICER'S REPORT

Site Description:

The dwelling at La Grande Lande Vinery is situated to the east of La Grande Lande. It is a detached bungalow with verandas to the front and rear. The property is set back from the road and the roadside boundary is marked by an earthbank. The front and side garden (north) are lawned with various trees to the north of the dwelling. The property has a pitched, tiled roof and PVCu windows and doors. A flat roof extension exists to the rear of the dwelling and forms a sun lounge overlooking the pool area to the east of the dwelling. A flat roof link provides access to the pitched roof double garage to the south of the dwelling which also benefits from ancillary residential accommodation to the rear accessed via the garden. A poolhouse is situated in the northeast corner of the enclosed rear garden. The rear garden is enclosed to the north and part of the east boundary by a high wall (incorporating shed and woodstore) with pedestrian access in the east boundary to the agricultural land/former horticultural site to the rear. The rear garden has been divided between the pool area to the rear of the main house and lawn to the rear of the garage. The lawned area to the rear of the garage is enclosed by a timber fence and a shed (boiler house) in situ. The north boundary of this part of the garden is open, offering access to the land to the east of the property.

Vehicular access is to the south of the dwelling and is shared with the former vinery site. Access is via the south boundary and hardstanding and turning exist to the front of the double garage. The south boundary with the vinery access is marked by a fence.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

The extent of domestic garden associated with the existing dwelling was defined by the Planning Service in 2018. It incorporates the land to the north of the dwelling and the land between the walled garden of the dwelling and access driveway to the east.

Existing Use(s):

01 dwellinghouse
28 agriculture

Brief Description of Development:

The application relates to the subdivision of the existing bungalow into three units of residential accommodation with associated alterations to fenestration, parking and landscaping (division of garden area).

The scheme proposes:

Unit 1: 2 double bedrooms
Unit 2: 1 double and 1 single bedroom
Unit 3: 1 double bedroom

Parking to serve units 2 and 3 are shown to be at the front of the property and a new area of hardstanding is proposed to the east of the site to provide off-road parking for unit 1.

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

OC1: Housing Outside of the Centres
GP8: Design
GP9: Sustainable Development
IP7: Private and Communal Car Parking

Representations:

Paroisse De Saint Sauveur – no objections

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed change of use and provision of a satisfactory living environment for all future occupiers of the development.

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.

Policy OC1 of the Island Development Plan makes provision for the subdivision of an existing dwelling to provide additional units of residential accommodation therefore the scheme accords with the aims of this gateway policy.

The proposed external alterations to the building relate alterations to fenestration associated with the conversion of the garage to habitable accommodation and the subdivision of the dwelling. The alterations are considered to represent good design and be in keeping with the dwelling and will not result in harm to the character and appearance of the locality.

Given the established nature of the site, with hardstanding to the front and boundary walls, banks and fences in place, the proposal does not require significant changes within the recognised curtilage/garden of the property. A section of the earthbank to the east of the property is to be removed to allow for a new vehicular access and parking to serve Unit 1. This is considered to be proportionate to the development, in keeping with the built development on the site and will not result in harm to the local open landscape.

Although terrace properties are not a common feature in this location the alterations to the front elevation are relatively limited. Furthermore, there is no uniform building character or plot size in the locality therefore the scheme will not appear out of character in the locality.

As a substantial detached dwelling, its subdivision to three units of residential accommodation does represent efficient and effective use of land because no additional built development is proposed and the provision of three dwellings in place of one will make more efficient use of the existing building.

As the accommodation is all on a single level it is possible to provide access to and within the building for people of all ages and abilities. The internal layout of the building would also allow for future alterations to allow for the changing needs of occupiers.

The scheme therefore meets the aims of Policy GP8 a, b, c, e, f and g of the Island Development Plan.

The dwelling is situated away from residential neighbours therefore the proposed alterations and subdivision will not result in harm to the amenities enjoyed by the occupiers of surrounding dwellings.

The proposed internal layout of accommodation, associated alterations to windows/doors and the provision of new boundary features to both the east and west of dwellings is such that the subdivision of the dwelling considers the health and well-being of future occupiers by ensuring that the potential for overlooking and loss of privacy between the properties is kept within acceptable limits without unacceptably impacting natural light to the internal accommodation which could otherwise undermine the enjoyment of the internal accommodation.

The scheme shows that the site will be subdivided to provide amenity space for all dwellings, including the infilling of the swimming pool to the rear in order to provide such space. A substantial garden to the north and east of the building to serve the two bedroom unit, unit 1. A proportionate garden area is proposed within the walled garden to serve unit 2 and the enclosed garden area to the rear of the garage is to be retained and further enclosed to provide a private and secure space for unit 3. Clarification was sought, and provided, regarding the ownership of the land to the front and rear of the property where it was not clearly subdivided and incorporated into private garden areas. In addition to the private garden areas further open space associated with each dwelling would be situated to the east of the site. High boundary walls are proposed to provide subdivision of the garden where necessary however, elevation plans of the proposed walls are not provided, this matter can be controlled by planning condition. The scheme therefore offers a satisfactory level of external amenity space for each of the proposed dwellings.

The scheme therefore addresses the requirements of Policy GP8 d. of the Island Development Plan.

Parking Outside of the Centres is considered on a case by case basis, with regard to the adopted Supplementary Planning Guidance. The provision of two spaces for each two bedroom unit and one space for the one bedroom unit is considered satisfactory in this case in line with Policy IP7. Furthermore there would be the option to provide additional hardstanding and off-road parking within the site as exempt development.

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.

The scheme therefore meets the aims of all relevant policies in the Island Development Plan and it is recommended planning permission is granted for the proposed development. It is not considered necessary to remove exemption rights relating to development within the gardens of each of the dwellings to be formed at La Grande Lande Vinery.

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: 04 November 2021