

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 garage, erect dwelling to east of existing. Erect single storey extension to south (rear) elevation and west (side) elevation and create new vehicle access.

LOCATION: Arcadia, Avenue Vivier, Ville Au Roi Estate, St. Peter Port.

APPLICANT: Mr & Mrs G & H Hollingsworth

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: 10/03/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/10/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: bhp: G4414/01/03A, /04I, /05E, /06C.

Application Ref: FULL/2021/2142

Property Ref: A404920000

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 ends of the new opening shall be finished off using materials and a method of construction which match the remainder of the wall.

Reason - To preserve the character and appearance of the locality.

5.The new boundary wall to divide the site shall be erected and rendered on both sides prior to the first occupation of the dwelling hereby approved.

Reason - To preserve the character and appearance of the locality.

6.The timber boundary fence to divide the site shown to be erected on top of a new dividing boundary wall shall be installed prior to the first occupation of the dwelling hereby approved.

Reason - To preserve the privacy of the occupiers of the existing dwelling.

7.Prior to the commencement of any work in connection therewith a landscaping scheme for the site frontage, to include:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details hedge planting including planting schedules, noting the species, sizes, numbers and densities of plants; and
- iii) all existing trees, hedges and other landscape features, indicating clearly those to be removed

shall be submitted to and agreed in writing by the Authority.

Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

8.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To help assimilate the development into its surroundings.

Expiry Date: This permission will cease to have effect on 09/03/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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/2021/2142
Property Ref: A404920000
Valid date: 14/10/2021
Location: Arcadia Avenue Vivier Ville Au Roi Estate Ville Au Roi Estate St.
Peter Port Guernsey GY1 1PF
Proposal: Demolish garage, erect dwelling to east of existing. Erect
single storey extension to south (rear) elevation and west
(side) elevation and create new vehicle access.
Applicant: Mr & Mrs G & H Hollingsworth

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 ends of the new opening shall be finished off using materials and a method of construction which match the remainder of the wall.

Reason - To preserve the character and appearance of the locality.

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shall be submitted to and agreed in writing by the Authority.

Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

8. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To help assimilate the development into its surroundings.

INFORMATIVES

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:

Arcadia is a detached, hipped roof bungalow situated to the south of Avenue Vivier. A detached garage is situated to the east of the dwelling with vehicular access adjacent to the east boundary. A pair of semi-detached dwellings are situated to the east of the site and to the west is a detached dwelling set on the corner of Avenue Vivier and Avenue Germain.

The site is located in the Main Centre Outer Area as designated in the Island Development Plan.

Relevant History:

None.

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application relates to the demolition of the detached garage and the erection of a two-storey dwelling to the east of Arcadia. A single-storey flat roof extension is also proposed to the south/rear and west/side of Arcadia itself. A section of roadside wall is shown to be demolished to provide a replacement vehicular access for Arcadia.

The application was deferred in order to seek amendments to the scheme in order to improve the relationship between the existing and proposed dwelling with particular regard to outlook from bedroom 3 at Arcadia. As amended, a new rooflight is proposed to serve the bedroom.

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

Island Development Plan policies:

MC2: Housing in the Main Centres and Main Centre Outer Areas

GP8: Design

GP9: Sustainable Development
GP13: Householder Development
IP6: Transport infrastructure and support facilities
IP7: Private and Communal Car Parking
IP9: Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to principle of constructing an additional dwelling, the design and appearance of the proposals, the impact of the developments on the character and appearance of the locality and 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.

Erection of new dwelling

Policy MC2: Housing in Main Centres and Main Centre Outer Areas makes provision for the erection of new units of residential accommodation and therefore provides a policy gateway for the erection of an additional dwelling at Arcadia.

The existing garage and summerhouse are of no particular merit to warrant their retention and their removal is accepted. The scheme has been designed to draw from the design and external appearance of the adjoining bungalow with hipped roof, bay windows and render exterior. The overall height of the dwelling has been kept low (7m) due to the hipped roof design proposed. The scheme has also been broken down into a number of different elements in order to reduce its overall scale and bulk. In this respect therefore, the scheme represents a good standard of design and being two-storey is multi-storey development making efficient and effective use of land (GP8). The provision of a hedge inside the boundary wall would offer a softening effect to the frontage area parking serving the proposed dwelling in this

tree lined avenue, having regard to Policy GP8 and is a matter that could be managed by condition.

The property will be situated on a plot that is 7m wide when viewed from the road which is similar to the pair of semi-detached properties to the east. The building will be situated tight to the west boundary with the existing dwelling, with a narrow access provided along the east boundary. Properties and plots are varied in this locality and it is noted that there are a number of dwellings situated on similar width plots in the immediate area although many of these are pairs of semi-detached dwellings. The proposed division of this plot will not have an unacceptable adverse impact on the character and appearance of the streetscene, and accords with the aims of Policy GP8 a. and c. of the Island Development Plan.

The ground floor accommodation of the proposed dwelling has been laid out so as to consider the health and well-being of future occupiers of the dwelling. A secondary window serving the proposed dining area at ground floor is shown to be provided in the west elevation of the dwelling. In the current situation, i.e. without the proposed extension at Arcadia, this window would offer direct overlooking to the rear of Arcadia, although this could be managed by appropriate boundary treatment controlled by condition or exempt boundary treatments. Should the proposed single-storey extension to the rear of Arcadia be constructed, given the tight relationship between the two buildings, light and outlook from this dining room window would be affected however, as a secondary window, this would not warrant the refusal of planning permission.

At first floor level whilst bedroom 3 to the front and the master bedroom to the rear of the first floor would offer adequate outlook for the occupiers, the occupiers of bedroom 2 would have limited outlook, facing across the roof of Arcadia.

The proposed development will impact on windows in the east elevation of Arcadia, shown to serve a bedroom (bedroom 3). The subdivision of the plot as indicated could prevent the east facing window from being opened because it would cross the boundary line however, this would ultimately be a private civil matter and could not prevent the grant of planning permission. The close proximity of the proposed dwelling to Arcadia would impact on light and outlook to bedroom 3 within Arcadia, with the proposed dwelling 0.8m from the bedroom window. In order to mitigate the impact of the proposed dwelling on the health and well-being of the occupiers of the existing dwelling a new rooflight is proposed to serve bedroom 3 to enhance sunlight and daylight to the space and offer an element of outlook in line with the aims of Policies GP8 d and GP9 b.

The subdivision of the site would ensure that adequate external amenity space would be retained for the occupiers of Arcadia. The scheme indicates a wall and fence would be used to separate the rear garden areas and this is a matter that could be managed by condition.

The existing vehicular access is proposed to be retained to serve the new dwelling and two off-road parking spaces would be provided, sufficient to meet the needs of a three-bedroom dwelling in this location. Although there would not be space on site to offer turning the development is situated on a residential street and vehicles manoeuvring in and out of the domestic driveway will not unacceptably impede the free flow of traffic. Nor will the development place unacceptable additional pressures on the local road network. The scheme therefore complies with Policies IP7 and IP9 of the Plan.

Although no designated cycle parking is shown to be provided, exemption rights would allow for the erection of a shed within the rear garden of the dwelling which could accommodate cycle parking to satisfy the aims of Policy IP6.

With regard to Policy GP9: Sustainable Development, the scheme incorporates solar panels to the proposed dwelling. The application has also been accompanied by a separate statement to address this aspect of the Island Development Plan. 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.

Erection of single-storey extensions to the side and rear of Arcadia

The existing extension to the rear of the dwelling is of no particular merit to warrant its retention, its demolition is acceptable. The erection of a flat roof extension to both the side and rear of Arcadia would represent a good standard of design that would not result in harm to the character and appearance of the locality. The extensions would not result in overshadowing or loss of privacy to the occupiers of either existing dwelling to the east or west of the site. As outlined above however, the extension would have a impact on the amenities of the future occupiers of the dwelling proposed to be constructed to the east of Arcadia with regard to outlook however, this dwelling does not currently exist and based on the relationship with the dwellings that currently surround the site, the proposal would accord with the aims of Policies GP8, GP9 and GP13 of the Island Development Plan.

The scheme would see the replacement of the garage lost, in order to accommodate the proposed residential development, assessed above, and the provision of replacement, exempt, hardstanding to ensure that the existing dwelling is served by ample off-road parking in line with the aims of Policy IP7.

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 flat roof solar panels shown on the proposed garage roof would constitute exempt development not requiring the specific grant of planning permission.

Proposed vehicular access

With regard to the proposed 3.5m wide access, the site is not situated in a Conservation Area and although a section of the boundary wall and hedge would be lost, a large proportion will remain intact and will continue to provide an adequate boundary feature. In this case, any adverse impact on the character of the area as a result of the development is not 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 recommended that a condition be included to ensure that the ends of the new opening are finished to match the remainder of the wall within a reasonable timeframe.

Conclusions

The site is located in an area where additional residential development is acceptable and, as amended, the scheme would represent an acceptable form of development that provides a satisfactory living environment for the occupiers of Arcadia and the new dwelling. The replacement vehicular access to serve Arcadia is also considered satisfactory.

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: 09 March 2022