

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: Extend and alter at ground floor and first floor level to west (rear) elevation. Remove hedges, reconstruct boundary wall, erect glasshouses to north boundary, remove earth bank and erect wall to west boundary. Erect shed, widen vehicle access and erect gate to south boundary.

LOCATION: Periwinkle Cottage, Rue De La Hurette, Kings Mills, Castel.

APPLICANT: Mr & Mrs J Le Prevost

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: 31/03/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/11/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Create Ltd; 939-3-001B, 002D, 003C, 004C, 006A

Application Ref: FULL/2021/2402

Property Ref: D001870000

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 stone to be used in the construction of the new wall along north boundary hereby permitted shall match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone.

Reason - To secure the satisfactory appearance of the completed development.

Expiry Date: This permission will cease to have effect on 30/03/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the 2020 Strategy for Nature, and the need to comply with their provisions. The hedges may be used by nesting birds or other wildlife. You are therefore requested to remove the hedges outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the local Strategy for Nature and the need to comply with their provisions. The existing building may be used by bats or other wildlife for roosting and/or nesting. Measures may therefore need to be taken (such as a preliminary survey, consideration of the timing of the works and provision to support wildlife in the long term incorporated

into the development) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiale for advice or to arrange a survey. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

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/2021/2402
Property Ref: D001870000
Valid date: 29/11/2021
Location: Periwinkle Cottage Rue De La Hurette Kings Mills Kings Mills
Castel Guernsey GY5 7JU
Proposal: Extend and alter at ground floor and first floor level to west
(rear) elevation. Remove hedges, reconstruct boundary wall,
erect glasshouses to north boundary, remove earth bank and
erect wall to west boundary. Erect shed, widen vehicle access
and erect gate to south boundary.
Applicant: Mr & Mrs J Le Prevost

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. The stone to be used in the construction of the new wall along north boundary hereby permitted shall match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone.

Reason - To secure the satisfactory appearance of the completed development.

INFORMATIVES

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the 2020 Strategy for Nature, and the need to comply with their provisions. The hedges may be used by nesting birds or other wildlife. You are therefore requested to remove the hedges outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the local Strategy for Nature and the need to comply with their provisions. The existing building may be used by bats or other wildlife for roosting and/or nesting. Measures may therefore need to be taken (such as a preliminary survey, consideration of the timing of the works and provision to support wildlife in the long term incorporated into the development) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a survey. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

OFFICER'S REPORT

Brief Description of the site:

The application site is located within a Conservation Area and Agriculture Priority Area as defined in the Island Development Plan. The site comprises a traditional detached Guernsey style cottage which forms the junction between King's Mills Road and Rue De La Hurette. The rear of the property is highly visible in public vantage points, particularly along Rue De La Hurette due to the change in topography.

The property owner has received extensive pre-application advice in 2019 with regards to extending and altering their property due to the challenges and designation of the site.

Planning permission was originally sought to extend and alter the dwelling at ground and first floor level to the rear (west) elevation. The application also includes removing hedges, reconstructing a boundary wall, erect glasshouses and installing Air Source Heat Pump (ASHP) to the north boundary, remove an earth bank and

erect a wall to the west boundary, erecting a shed, widening the vehicle access and erect a gate to south boundary.

The application was deferred as concerns were raised with regards to the potential noise effect on neighbouring residents with regards to the ASHP.

The agent has subsequently omitted the ASHP from the proposal to address the concerns raised.

Relevant History:

Pre-application advice - 2019		
FULL/2018/2308	Erect sunroom at rear of dwelling.	Granted
FULL/2018/2208	Install external wall insulation and render system to rear elevation of dwelling.	Granted
FULL/2012/0921	Replace all existing timber windows and rear doors with UPVC windows and doors.	Granted
PAPP/2005/2435	Erect a garage/store (revised).	Granted

Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

✓
✓
✓
✓

visual amenity acceptable
no material neighbour impact
traffic not affected

✓
✓
✓

Policies considered most relevant:

GP1 Landscape Character and Open Land
GP4 Conservation Areas
GP8 Design
GP9 Sustainable development
GP13 Householder Development
IP9 Highway Safety, Accessibility and Capacity

Comments:

The Office of Environmental Health and Pollution Regulation:

"I have reviewed the proposed plans for the installation of an air source heat pump (ASHP) at the above property and there are issues of concern that I must raise. I am

concerned about the potential for noise nuisance and the application submitted does not suitably address these concerns.

The applicant has submitted an ASHP noise level calculation form, completed by Guernsey Electricity, which uses a standard MCS (permitted development) tool developed for use in England. The MCS tool is unfortunately not directly transferable to Guernsey, which is unique in its circumstances and often more densely populated with lower background noise levels. In our experience there are limited locations on the island that are likely to have background noise levels of 40dB; generally our background noise levels are considerable lower than this and in some areas of Guernsey the background noise level has been recorded as 21dB(A).

Whilst the MSC tool can be of use, local circumstances need to be considered and we would require any new installation to operate at a rating level 5 dB below the existing LA90 background level (as measured in accordance with BS4142:2016).

I would urge the applicant to contact an acoustic consultant for further advice. Please find enclosed a list of acoustics consultants, please note that this does not constitute any form of recommendation by the department. Any measurements and assessment shall be made in accordance with British Standard 4142:2014.

I would summarise that there is currently insufficient information for me to be able to comment on this application.

Please do not hesitate to contact me at the above address should you require any additional information regarding this matter”.

La Société Guernesiaise:

“In respect of this application, we would like to highlight that all types of hedges can support nesting birds and other wildlife.

If the application is approved, we would request that the removal of the hedges be undertaken outside of the main bird breeding season (March-July inclusive). If removal during the bird breeding season is considered essential, then we would recommend that the hedges are inspected for current or recent use by birds (and other wildlife) by a suitably qualified person prior to removal. This would reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012.

We would request that an informative note be added to the Information Sheet as follows -

‘Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the 2020 Strategy for Nature, and the need to comply with their provisions. The hedges may be used by nesting birds or other wildlife. You are therefore requested to remove the hedges outside of the main bird breeding season (March-July inclusive). If

removal during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email info@societe.org.gg

We would like to highlight that buildings of this type can be used by roosting bats and other wildlife. This likelihood can increase when the property is located within a variable landscape with habitats such as large gardens, farmland or woodland nearby.

We would recommend that the building be inspected for current or recent use by bats or other wildlife by a suitably qualified person prior to any demolition or building works. This would reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012. It would also be beneficial to include suitable measures to support roosting bats and nesting birds within the development proposal.

We would request that, if this application is approved, an informative note be added to the Information Sheet as follows -

‘Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the local Strategy for Nature and the need to comply with their provisions. The existing building may be used by bats or other wildlife for roosting and/or nesting. Measures may therefore need to be taken (such as a preliminary survey, consideration of the timing of the works and provision to support wildlife in the long term incorporated into the development) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a survey. La Société can be contacted on 07781 166924 or email info@societe.org.gg’

Conclusion/Brief comment:

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.

The demolition of the existing flat roof extension and dormer window does not overly contribute to the Conservation Area given its age and limited architectural merit, therefore the removal of these features is acceptable under policy.

The combination of a flat roof and a pitched roof extension in the manner adopted makes the most effective and efficient use of land (Policy GP8), whilst incorporating a mix of scales, forms and compositions that successfully ‘break-up’ the mass of the property and utilises traditional materials to reflect those used on site and within the Conservation Area. Consequently, the extensions have been carefully considered and reflect the unique characteristics of the site and are sensitive to its surroundings.

Careful consideration has been given to the effect of the development on the amenities of neighbouring residents. Although due to the distance and relationship to neighbouring dwellings from the proposed first floor extension, the resultant effect is likely to be limited given that the roof-lights will serve a landing area. In addition, the dining/kitchen area comprises a vaulted ceiling and therefore will not affect neighbour amenity.

The proposed sheds and greenhouse also adopt a high standard of design for the purposes of Policy GP4 and GP8 by virtue of their respective scale, form, massing, siting and materials. The proposals will not have a detrimental impact on the character or appearance of the Conservation Area, visual amenity, or the amenities of neighbouring residents.

Whilst not typically encouraged, the incorporation of high gates set against the high granite walls on either side is acceptable in this circumstance as the gates will be 'read' in context with the boundary treatment.

All other alterations are considered acceptable under policy.

Given the omission of the ASHP there is no requirement to attach the Office of Environmental Health and Pollution Regulation's recommendation to the decision as a condition. However, it is appropriate to attach La Société Guernesiaise's comments as an informative as requested.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 28/03/22

