

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: Raise and alter roof height and extend at ground and 1st floor level.
Demolish existing and erect detached garage to north boundary.

LOCATION: La Cachette, Rue De La Planque, Torteval.

APPLICANT: Mr & Mrs P Preston

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: 17/02/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/11/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arctech drawing no's: PP-21-1050-02 & 03A

Application Ref: FULL/2021/2452

Property Ref: G00278A000

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.

Expiry Date: This permission will cease to have effect on 16/02/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed garage 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.

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 buildings may be used by bats or other wildlife for roosting and nesting. Measures may therefore need to be taken (including 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.

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/2021/2452
Property Ref: G00278A000
Valid date: 23/11/2021
Location: La Cachette Rue De La Planque Torteval Guernsey GY8 0ND
Proposal: Raise and alter roof height and extend at ground and 1st floor level. Demolish existing and erect detached garage to north boundary.

Applicant: Mr & Mrs P Preston

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.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed garage 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.

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 buildings may be used by bats or other wildlife for roosting and nesting. Measures may therefore need to be taken (including 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

Site Description:

The application site comprises a detached dwelling-house, located south-east of Rue De La Planque, Torteval. The site is located Outside of the Centres as defined in the Island Development Plan. The property is not protected, nor sited within a Conservation Area.

Relevant History:

None pertinent to this application.

Existing Use(s):

Residential.

Brief Description of Development:

Planning permission is sought to alter and raise the ridge height in order to extend the property at ground and first floor level. Permission is also sought to erect a replacement garage to the rear of the property, adjacent to the north boundary.

The proposal includes a master bedroom and balcony at first floor level, together with a dressing room and bathroom.

A dining room and lounge forms the ground floor extension to the south of the property in replace of the existing conservatory, with a kitchen, breakfast room and utility to the rear.

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

The Authority has received a letter of representation from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Overlooking from the proposed catslide dormer window and balcony.

Consultations:

None.

Comments:

La Société Guernesiaise:

"In respect of this application, we would like to highlight that buildings of this type can be used by roosting bats. 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 buildings 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 buildings may be used by bats or other wildlife for roosting and nesting. Measures may therefore need to be taken (including 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.qg".

Summary of Issues:

- Whether the design, scale, mass, siting, form and materials of the development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

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.

Policy GP13 (Householder Development) states that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Area, Area of Biodiversity Importance, protected building or protected monument. In this instance Policy GP8 (Design) is also relevant. The preceding text to Policy GP8 refers to the need to consider the material planning considerations as specified in Part IV, Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007. These include the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used, as well as its likely effect on the character and amenity of the locality in question and its likely effect on the reasonable enjoyment of neighbouring properties.

The property in question is not a protected building nor situated within a Conservation Area. In less sensitive areas such as this, Policy GP13 indicates that less prescriptive control will be applied and thereby allowing property owner's greater freedom of choice with regard to private property development. This flexible and proportionate approach which underpins the objectives of the Island Development Plan is further substantiated by Policy GP8 which enables a supportive position with regarding to building design in areas that are less sensitive to change, which enables personal choice in design matters by homeowners.

In light of the policy context above, the proposal adopts a satisfactory standard of design in terms of the scale, mass, form, siting and materials adopted. Whilst different from the existing property, the alterations and extension to the property at ground and first floor level will respect the character and appearance of the locality by virtue of its scale, form and materials. The most effective and efficient use of land has been demonstrated by the creation of additional habitable accommodation at ground and first floor level which is supported under Policy GP8.

Careful consideration has been given to the impact on the amenities of neighbouring residents. Whilst it is recognised that the proposed development, particularly at first floor level, will result in an additional level of overlooking towards neighbouring properties, the degree of harm is considered acceptable. This decision has been reached by virtue of the distance between the first floor fenestration, including the catslide dormer window and balcony, and the respective neighbouring properties and their associated external amenity space. Consequently, the level of overlooking would not be so substantial to reasonably rebut the general support in favour of householder development to justify refusal.

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

An informative regarding La Société Guernesiaise's comments shall be attached to the decision to advise the applicant in respect of possible bats or other roosting or nesting wildlife.

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.

Date: 15/02/22

