

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: Erect 1 ½ storey detached garage/office and music room to north-west boundary.

LOCATION: Les Gouies, La Vassalerie, St. Andrew.

APPLICANT: Mr & Mrs S Pragnell

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: 19/01/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 31/01/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP Architecture: 3010/G01B, /G02D, /G03C, /G04A & /G05B.

Application Ref: FULL/2022/0143

Property Ref: K006680000

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.Notwithstanding the information submitted, no development shall begin on the hereby approved garage/office, however named, until each tree shown to be retained on the approved block plan and ground floor plan has been protected, in a manner previously agreed in writing by the Authority and in line with British Standards Recommendations for Tree work - BS 3998 : 1989 or equivalent. Each tree shall be protected in the agreed manner for the duration of building operations of the hereby approved structure. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered. Any trees removed, dying, being severely damaged or becoming seriously diseased as a result of the works on site shall be replaced with trees and hedges of such size and species as previously agreed in writing by the Authority within one year of the date of any such loss, for a period of five years from the date development begins.

Reason - The trees are an important feature in the surrounding area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

5.The existing hedge located on or near the north boundary of the application site as shown in green on the block plan (drawing 3010 G01 B) shall be retained. Any part of the hedge removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species as previously agreed in writing by the Authority, within one year of the date of any such loss.

Reason - Hedges are an important feature in the surrounding area and in mitigating the impact of the proposed building, this condition is imposed to make sure that the hedge remains in situ.

6. Prior to the commencement of development on the site, details of the species and sizes of the new trees as identified on the ground floor plan shall be submitted to and approved by the Authority. The trees shall be planted in accordance with the approved details in the first planting season following the first use of the garage or completion of development whichever is the sooner. Any trees removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees of a size and species similar to those originally required to be planted.

Reason - To ensure that appropriate trees are planted in a suitable timeframe.

Expiry Date: This permission will cease to have effect on 18/01/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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

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/2022/0143
Property Ref: K006680000
Valid date: 31/01/2022
Location: Les Gouies La Vassalerie St. Andrew Guernsey GY6 8XJ
Proposal: Erect 1 ½ storey detached garage/office and music room to north-west boundary.

Applicant: Mr & Mrs S Pragnell

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).

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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 - The trees are an important feature in the surrounding area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

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Reason - Hedges are an important feature in the surrounding area and in mitigating the impact of the proposed building, this condition is imposed to make sure that the hedge remains in situ.

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Reason - To ensure that appropriate trees are planted in a suitable timeframe.

INFORMATIVES

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

OFFICER'S REPORT

Brief Description of the site:

The application comprises a pre-1900 detached dwelling-house set within extensive grounds. The property is located south of La Vassalerie, St. Andrews and is relatively well screened in public views due to mature landscaping. The property is located Outside of the Centres as defined in the Island Development Plan.

Planning permission was originally sought to erect a 1.5 storey detached garage/office/music room/dower unit to the front of the property, adjacent to the north, north-west boundary.

Some concerns were raised over the mass and bulk of the proposed structure and its potential effect on the mature landscaping to the front of the site, and the resultant effect this could have on the character and appearance of the area. Further information was also requested in respect of the dower unit.

In response, the agent has clarified the proposal and has omitted the dower unit from the development. The agent has also provided details of the existing hedge and trees to be retained, removed and features a new landscaping scheme as part of the development in an attempt to overcome the concerns raised. The bulk and massing of the structure has remained unchanged as the agent has set out that the size is required to house the homeowner's car collection.

Relevant History:

FULL/2017/1387	Demolish lean-to extension and construct extensions to west and southwest of dwelling comprising a two-storey pitched roof extension, single-storey flat and one and a half storey extension to provide garaging with games room and storage above.	Granted
FULL/2017/1380	Erect first floor pitched roof extension over existing flat roof (rear elevation).	Granted
FULL/2014/2806	Demolish extension to north west and erect new extension, erect new first floor extension to rear, demolish existing pool house and install new swimming pool, demolish existing garage and erect new garage/store/games room and alter access	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:

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

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.

Whilst the proposed garage is large, positioned close to the road and no attempt has been made to reduce the mass and bulk of the structure, the orientation and curvature of the building is such that a proportion will not be unduly prominent in the street scene as it will be partially concealed behind the bulk and mass of the section of the building nearest the road.

Whilst some concerns still remain over the overall size and bulk of the structure which is accentuated by its close proximity to the road, these concerns are not considered to provide compelling grounds to rebut the general support in favour of householder development (Policy GP13) or to warrant refusal of the application.

This decision has been reached when taking into account the high standard of design of the building with regards to its scale, form and materials which relate well to the main-dwelling. In addition, the principle of positioning a garage between the road and the main house is not uncommon, and the buildings on the opposite side of the road are also in close proximity to the road. Consequently, the character of the area is unlikely to be adversely affected.

In light of the amendments secured, and notwithstanding the close proximity of the building to the boundary, it is evident that the roadside hedge could be retained during the course of works, although a few trees will be removed. The agent has included the planting of replacement trees which will offset this loss. The trees will be positioned at least 1m away from the east and north elevation of the proposed

garage. Taking this approach, the proposal will have a negligible adverse effect on the existing landscaping to the front of the property. In addition, through appropriate protection of the existing trees and hedge on the inside of the north boundary, it is possible to retain dense vegetation to help screen the development in public vantage points along La Vassalerie. It is recommended that appropriate conditions should be attached.

It is noted that whilst relying on landscaping alone to make a development acceptable may not represent good principles of design, in this particular case the mature landscaping will help to assist in limiting the effect of the development on visual amenity to a satisfactory level.

Despite the incorporation of dormer windows, roof-lights and being close to the road, the development will not adversely affect the amenities of neighbouring residents with regards to overshadowing or overlooking.

Despite the assurances of the agent, it is recommended that an informative be attached to the decision to ensure that the structure remains incidental to the dwelling.

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: 13/01/23

