

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 extension and outbuilding and erect 2 storey extension to north (rear) elevation, erect single storey plant room/gym and erect wall and gate to east elevation (Protected Building).

LOCATION: Le Gardinet, Ruelle De Fries, Castel.

APPLICANT: Mr & Mrs J Regnard

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: 05/09/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/01/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Strategic Planning & Property Ltd: 2019 03.20A, 21B, 22A, 23A, 24A, 25A, 27 & 39.

Application Ref: FULL/2022/0145

Property Ref: D012770000

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 landscaping scheme shall be fully completed, in accordance with Landscape Plan 2019/03.27, in the first planting season following the first occupation of any part of the extension 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 in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 04/09/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building and outbuilding is located in an area where bats may be roosting and it is recommended that buildings are inspected for current or recent use by bats and other wildlife by a suitably qualified person prior to any demolition works to 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. For further advice it is recommended that you contact La Société Guernesiale. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

In the application letter under the section flooding, reference is made to the possibility of utilising the public highway drainage networks to deal with surface water from the site. Permission to use these networks should be sought from both Guernsey Water and Traffic and Highways, as the owners of road drainage, before any connection is made. Any increase in surface water flow into a pre-existing connection also needs the permission of Guernsey Water and Traffic and Highways.

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/2022/0145
Property Ref: D012770000
Valid date: 13/01/2022
Location: Le Gardinet Ruelle De Fries Castel Guernsey GY5 7PW
Proposal: Demolish extension and outbuilding and erect 2 storey extension to north (rear) elevation, erect single storey plant room/gym and erect wall and gate to east elevation (Protected Building).

Applicant: Mr & Mrs J Regnard

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 landscaping scheme shall be fully completed, in accordance with Landscape Plan 2019/03.27, in the first planting season following the first occupation of any part of the extension 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 in the interests of visual amenity.

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building and outbuilding is located in an area where bats may be roosting and it is recommended that buildings are inspected for current or recent use by bats and other wildlife by a suitably qualified person prior to any demolition works to 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. For further advice it is recommended that you contact La Société Guernesiaise. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

In the application letter under the section flooding, reference is made to the possibility of utilising the public highway drainage networks to deal with surface water from the site. Permission to use these networks should be sought from both Guernsey Water and Traffic and Highways, as the owners of road drainage, before any connection is made. Any increase in surface water flow into a pre-existing connection also needs the permission of Guernsey Water and Traffic and Highways.

OFFICER'S REPORT

Site Description:

The site consists of a traditional farmhouse, outbuildings of varying age and an area of agricultural land under the same ownership to the north-east and east. The whole of the house and the barn to the south is a protected building. The 20th century elements involving the east timber lean-to, north kitchen and conservatory, lean-to to the south barn and sheds to the north and north-east are not protected.

The site is located Outside of the Centres, the agricultural land to the north-east of the dwelling is within an Agriculture Priority Area.

Relevant History:

FULL/2022/1053 – Application pending to extend and alter existing stables and erect wall and gate (Protected Building).

30/09/2021 – FULL/2021/1569 – Permission granted to demolish lean-to extension to east (side) elevation. Install dormer window and rooflights to north (rear) elevation. Internal alterations and replacement windows and doors (partially retrospective) (Protected Building).

04/05/2021 – FULL/2020/1571 – Permission granted to re-roof dwelling and demolish chimney - (Retrospective) (Protected Building).

04/05/2021 - FULL/2020/1528 – Permission granted to demolish lean-to extension and erect single storey extension to east elevation, replace roof, alterations to fenestration and internal alterations to outbuilding to create dower unit (Retrospective) (Protected Building).

04/05/2021 - FULL/2020/0688 – Permission granted to install private sand school and erect fencing and gates (Retrospective).

05/06/2020 - FULL/2020/0252 – Permission granted to erect canopy on existing stable and outbuilding (retrospective) and erect 2 stable blocks.

14/11/2019 – FULL/2019/1823 – Permission granted to demolish and rebuild chimneys, reconstruct section of wall on south and east elevations, remove roof, remove fascias and gutters and internal alterations (Protected Building).

25/07/2019 - FULL/2019/0237 – Application refused to demolish single storey extensions to north and east elevations. Erect two storey extension to north elevation. Rebuild section of east gable and chimneys, install rooflights to south roofslope, alterations to fenestration and internal alterations. Infill one roadside access and install gates to remaining vehicular accesses (protected building) (partially retrospective).

25/07/2019 - FULL/2019/0537 – Application refused to extend and convert outbuilding to form a dower unit/ancillary accommodation including demolish and rebuild lean-to extension, replace roof, replace fenestration and internal alterations (partially retrospective), (revised), (Protected Building).

21/02/2019 – FULL/2018/2842 – Application refused to extend and convert outbuilding to form a dower unit/ancillary accommodation including demolish and rebuild lean-to extension, replace roof, replace fenestration and internal alterations (Protected Building)

Existing Use(s):

Residential use class 1: dwelling house

Agricultural use class 28

Brief Description of Development:

Planning permission is requested to demolish extension and outbuilding and erect a 2 storey extension to the north (rear) elevation, erect a detached single storey outbuilding to the north-west of the dwelling and erect wall and gates to the east of the dwelling.

The extension incorporates a mix of 1½ storey pitched roof and 2 storey flat roof elements and is proposed to be finished with Millboard Envello Cladding, dark grey aluminium fenestration and a natural slate roof.

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

Policy GP1: Landscape Character and Open Land

Policy GP5: Protected Buildings

Policy GP8: Design

Policy GP9: Sustainable Development

Policy GP13: Householder Development

Representations:

One letter of representation was received on behalf of La Société Guernesiaise which highlights that buildings and outbuildings of this type can be used by roosting bats. La Société Guernesiaise recommend that the building is inspected for current or recent use by bats and other wildlife by a suitably qualified person prior to any demolition works to reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012. It is advised that it would also be beneficial to include suitable measures to support roosting bats and nesting birds within the development proposal. La Société Guernesiaise recommend that an informative note to highlight the above is included in the decision notice.

Consultations:**Guernsey Water, 18/02/2022**

“In the application letter under the section flooding reference is made to the possibility of utilising the public highway drainage networks to deal with surface water from the site.

Permission to use these networks should be sort from both Guernsey Water and potentially Traffic and Highways, as the owners of road drainage, before any

connection is made. Any increase in surface water flow into a pre-existing connection also needs the permission of Guernsey Water and Traffic and Highways”.

Summary of Issues:

The main issues in deciding this application are:

- The impact of the works on the special interest of the protected building.
- The scale, design and impact of the development on the character and appearance of the area.
- The impact on the amenities of neighbouring residents.

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).**

The impact of the works on the special interest of the protected building

The proposed extension is very large, but it is set back from the Protected Building and links to it with a flat roof and a glazed ‘conservatory’. The plans show that there are no alterations to the protected parts of the building other than the connection.

With regards to the connection of the extension to the existing building, additional information submitted during the course of consideration indicates that a first floor window is to be altered to form a door, the existing window is a 2 over 2 Victorian sliding sash window but this allows access to the extension with minimal alteration to the existing fabric. The submitted sections show that the effect on the fabric of the protected building of the new extension would be as minimal as possible.

In terms of the effect of the proposal on the fabric of the protected building the extension has been designed to touch the existing building as lightly as possible with glass connections, a flat roof and lead flashings, the connections are located at the eaves or between windows. Therefore the effect of the extension on the fabric of the building has been minimised through appropriate design. It is a reasonable aspiration of the property owners to extend their house.

In terms of the effect of the proposals on the setting of the protected building, they are located at the rear of the property and the extension replaces previous lean-to extensions and various sheds. The extension is very large but it is designed in a barn style with a pitched roof and Millboard clad walls. Whilst the extension is large and the design does have a slight negative effect on the setting of the protected building this is outweighed by the reasonable aspiration of the property owners. The single-storey outbuilding would not have an unacceptable impact on the setting of protected Building and the proposal complies with Policy GP5.

The scale, design and impact of the development on the character and appearance of the area

The extension would result in substantial increase to the scale and mass of the dwelling. However, the ridge height of the extension would be subservient to the existing dwelling and its overall design would achieve a good standard of design. The extension would be visible in public views to the south-west and west along Ruelle de Fries but the proposed landscaping along the west boundary would help to soften the visual impact of the extension from these viewpoints. Taking into account the support and flexibility for extensions and alterations to existing residential buildings as set out in Policy GP13, the proposal does not conflict with Policies GP1, GP8 and GP13.

By virtue of its siting within the rear garden and its single storey nature, the proposed outbuilding would have no adverse effects.

The impact on the amenities of neighbouring residents

The extension would be set back approximately 9 metres from the neighbour's boundary. The first floor of the extension includes 2 windows in the west elevation facing the neighbouring residential property. The windows would serve en-suite bathrooms and would overlook an area at the end of the neighbours domestic property which is approximately 50 metres from the neighbours dwelling. Due to the distance to and relationship with the neighbouring property, the extension is unlikely to have any significant adverse effects on the amenities of neighbouring residents.

Other Matters

To address the comments raised on behalf of La Société Guernesiale, it is recommended that a note is attached to the decision notice to make the applicant aware of the potential issues with disturbing animals which are protected under the Animal Welfare Ordinance 2012.

To address the comments raised by Guernsey Water, it is recommended that a note is attached to the decision notice to make the applicant aware that before any connection is made permission from both Guernsey Water and Traffic and Highways is required to utilise the public highway drainage networks and any increase in surface water flow into a pre-existing connection also needs the permission of Guernsey Water and Traffic and Highways.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

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.

It is recommended that the application is approved.

Date: 05/09/2022

