

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: Convert and extend barn to create dwelling, remove section of wall to alter vehicle access (Protected Building).

LOCATION: Barn B, Les Bas Courtils Road, St. Sampson.

APPLICANT: Mr R Wilkes-Green

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: 10/11/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/02/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: SOUP 375 090 (02), 100 (02), 110 (02), 120 (02), 130 (02), 300 (02), 310 (02), 320 (02)

Application Ref: FULL/2022/0157

Property Ref: B000920000

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 second floor window in the west elevation serving the dining room shall be glazed with obscure glass to Pilkington Level 3 (or equivalent) and shall thereafter be retained as such in perpetuity.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

5. No development shall begin on site until a scheme for the retention and reuse of the historic floor has been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not acknowledge or address this floor and its contribution to what is special about this Protected Building. The condition is imposed to preserve the character and special interest of the Protected Building.

6. Prior to the commencement of any work in connection therewith details of the precise design and appearance of the angled louvred timber screen to the west site boundary shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details. The timber screen shall be erected before the dwelling is first occupied and retained in perpetuity.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the timber screen is satisfactorily designed to preserve the privacy of the occupiers of the adjoining dwelling.

7. No development shall begin on site until details of the position and appearance of proposed solar panels have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature. This condition is imposed to make sure the design and appearance of the panels is satisfactory and will not have a detrimental impact on the Protected Building.

8. The development hereby permitted shall be constructed in accordance with the details set out on pages 15 and 16 of Soup Architects Design Statement + Historic Impact Assessment document dated January 2022, and there shall be no occupation of the dwelling until the solar thermal panels and bicycle store have been installed and made operational.

Reason - In the interests of sustainable development, and to encourage alternative modes of transport to the private car.

9. Prior to the commencement of any work in connection therewith a scheme for the treatment of all hardsurfaced areas shall be submitted to and agreed in writing by the Authority. The scheme shall be implemented in accordance with these approved details.

Reason - To preserve the special interest of the Protected Building and group of Protected Buildings and in the interests of visual amenity.

10. Within four weeks of the access being brought into use, the end(s) of the new opening shall be finished off using materials and a method of construction which match the remainder of the wall.

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

Expiry Date: This permission will cease to have effect on 09/11/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site.

The Archaeology team can be contacted on 01481 709738 , 01481 709739 or mobiles 07781 102219 or 07781 131061.

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 site may be used by birds, 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 long term provisions incorporated into the development to support wildlife in the long term) 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/2022/0157
Property Ref: B000920000
Valid date: 04/02/2022
Location: Barn B Les Bas Courtils Road St. Sampson Guernsey GY2 4BP
Proposal: Convert and extend barn to create dwelling, remove section of wall to alter vehicle access (Protected Building).
Applicant: Mr R Wilkes-Green

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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.

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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.

4. The second floor window in the west elevation serving the dining room shall be glazed with obscure glass to Pilkington Level 3 (or equivalent) and shall thereafter be retained as such in perpetuity.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

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7. No development shall begin on site until details of the position and appearance of proposed solar panels have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature. This condition is imposed to make sure the design and appearance of the panels is satisfactory and will not have a detrimental impact on the Protected Building.

8. The development hereby permitted shall be constructed in accordance with the details set out on pages 15 and 16 of Soup Architects Design Statement + Historic Impact Assessment document dated January 2022, and there shall be no occupation of the dwelling until the solar thermal panels and bicycle store have been installed and made operational.

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Reason - To preserve the special interest of the Protected Building and group of Protected Buildings and in the interests of visual amenity.

10. Within four weeks of the access being brought into use, the end(s) of the new opening shall be finished off using materials and a method of construction which match the remainder of the wall.

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

INFORMATIVES

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site.

The Archaeology team can be contacted on 01481 709738 , 01481 709739 or mobiles 07781 102219 or 07781 131061.

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 site may be used by birds, 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 long term provisions incorporated into the development to support wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesaise 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:

Barn B is a detached outbuilding at Les Bas Courtils, Les Bas Courtils Road. The main house is set back from the road but, given the open nature of land to the south, it is visible when travelling along Les Bas Courtils Road. The outbuildings are situated along the west site boundary with glimpsed views possible from the south. A high wall and pedestrian gate exists to the north boundary which provides stepped access into the site. The site is visible from Delancey Park which is to the north of the site and elevated above it. Vehicular access is from Les Bas Courtils Road however a small area for parking is also available outside the wall to the north of the site.

A terrace of houses exist to the west of the site with rear gardens extending to the common boundary which is marked by a granite wall.

The site is located in the Main Centre Outer Area, Housing Allocation Site and Archaeological Area as designated in the Island Development Plan. The building is adjacent to a Conservation Area, Important Open Land and an Area of Biodiversity Importance. Les Bas Courtil together with the boundary walls, railings, and outbuildings on the site are all listed on the Protected Building Register. Barn B is not protected because of its intrinsic special interest, but instead because it forms part of the group of buildings and forms part of the setting of the main house.

Relevant History:

FULL/2021/0871 - Erect 13 dwellings, create vehicular and pedestrian access and associated parking and landscaping – granted

FULL/2022/1429 - Convert and alter existing dwelling into 5 flats, convert and alter outbuilding to create dwelling and erect 4 dwellings with associated landscaping and parking (Protected Building) – Pending

Existing Use(s):

01 dwellinghouse (ancillary barn)

Brief Description of Development:

The application relates to the change of use of the barn to a unit of residential accommodation. The scheme proposes to erect an extension to the north of Barn B and to renovate the barn, including raising the ridge height, to form part of the proposed dwelling. The scheme proposes a living room on the ground floor, three bedrooms and bathrooms along with a gym on the first floor and open plan living, kitchen, dining area with office, boot room and utility to the second floor which will provide the main entrance to the house from the parking area to the north. A living room is proposed at third floor level with access to a balcony area.

The scheme was deferred in order for concerns relating to overlooking and privacy, external materials and architectural form to be addressed. The revisions included omitting a third floor flat roof extension and replacing it with a hipped roof projection that mirrors the pitch and form of the roof behind. Also, lowering the overall height of the flat roof second floor extension to sit lower than the ridge of the forward facing part of the building and introducing privacy measures to the west facing window and boundary.

The extension as amended has been designed with a combination of flat and pitched slate roofs, grey zinc cladding and using dark window and door frames.

The existing north boundary wall is to be partially demolished in order to provide two off-road parking spaces, cycle storage and a refuse storage point for the property. Amenity space is proposed to the south of the dwelling along with a

further allocated parking space which was identified as part of a separate planning permission.

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

Island Development Plan policies:

MC2: Housing in Main Centres and Main Centre Outer Areas

GP5: Protected Buildings

GP7: Archaeological Remains

GP8: Design

GP9: Sustainable Development

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

Representations:

Six letters of representation have been submitted commenting on the application as originally submitted, posing questions about site ownership and the agreement of all landowners to make the application and raising the following points:

Design and appearance

- The application is for a dwelling that would be completely incongruous with the surrounding area and the historic site of Les Bas Courtils
- Barn B is an integral part of the Les Bas Courtils site and if permission were granted would dominate the rest of the site especially with the features that attempt to 'modernise' the building – features which do not enhance the former architectural style of Barn B and which would be unsympathetic alongside the other two buildings on this heritage site
- Space, including that for car parking, is at a premium here so this must be sensibly incorporated into the design

Protected Building

- The development should be reviewed by Guernsey Heritage as this is a Protected Building

Impact on residential amenity

- The plans show a large building incorporating Barn B which would fill the whole of the kitchen garden area and impact on neighbouring houses
- The development will result in overlooking and loss of privacy to adjoining residents
- The development will restrict natural daylight to adjoining occupiers
- Reduction of airspace
- Noise pollution during construction works

- Dirt pollution – already experienced due to a mound being placed on the other side of the party wall and which blows over covering property and belongings

Other matters

- Certain windows would have to be obscure glazed but how long before this is changed to clear glass?
- All buildings should blend to make a cohesive whole even if the application is from another developer
- There are not many examples of these buildings needing renovation in Guernsey so they must be protected, with a sympathetic development reminiscent of the Les Bas Courtils' era but attractive to live in too
- The notice has not been displayed in a publicly visible location which has resulted in delays in representations having been submitted – the notice was displayed on the back gate of the property in Delancey Park, hidden behind a car
- The development will devalue adjoining properties
- This does not represent affordable housing which is desperately needed on Island

La Societe Guernesiaise – it is noted that the site has been partly cleared ahead of the proposed development which is unfortunate as some of the site's wildlife value would have already been removed and it is recommended that existing habitats are retained wherever possible.

It is highlighted that the site is immediately adjacent to the Delancey Park ABI and as such the proposals may impact the designation. Furthermore, older buildings of this type can be used by roosting bats and this likelihood increases when the property is located within a variable landscape with habitats such as large gardens, farmland or woodland nearby.

If the application is considered further, it is recommended that the site be subject to an independent ecological assessment prior to any further clearance works in order to assess its current biodiversity value. The findings of the survey would identify any important wildlife such as nesting birds, or site features which could host bats. This information could then be used to draw up mitigation measures to reduce the ecological impacts associated with clearing and developing the site and help towards achieving a net ecological balance for the project, a priority under the Strategy for Nature.

If the application is subsequently approved it is recommended an informative note be placed on the decision relating to site clearance being undertaken outside the main bird breeding season (March-July inclusive).

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the change of use of Barn B to a unit of residential accommodation and the impact of extensions and alterations on the Protected Building, setting of adjoining Protected Buildings, on the character of the area and on residential amenity.

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.

The purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

Section 34 of the Law explains the general functions of authorities in respect of protected buildings. This states that:

It is the duty of any department of the States when exercising its functions under this Law –

- (a) to secure so far as possible that the special historic, architectural, traditional or other special characteristics of buildings listed on the protected buildings list ("protected buildings") are preserved, and
- (b) in particular, in exercising its functions with respect to a protected building or any other building or land in the vicinity of a protected building, to pay special attention to the desirability of preserving the protected building's special characteristics and setting.

In respect of these statutory duties, the word 'preserve' is taken in its ordinary meaning as set out in Chamber's dictionary, which is 'to keep safe from harm or loss'.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely. Relevant policies will be addressed below in assessing the key issues.

Section 13 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, sets out a number of general material considerations, the following of which are considered to be relevant in this instance:

- (b) the character and quality of the natural and built environment which is likely to be created by the development,
- (c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,
- (d) the likely effect of the development on the character and amenity of the locality in question,

Section 15 clarifies that the considerations referred to in paragraphs (b) and (c) of section 14 also apply to protected buildings.

As the site is located in the Main Centre Outer Area there is provision within the Island Development Plan for new housing and this offers a gateway for the proposed development. Although the application site forms part of a larger housing allocation site the proposed development would not prejudice the comprehensive development of the remainder of the site for residential purposes.

The proposed works to the protected building itself relate to works to convert it to modern residential standards and a sizable extension is proposed to the north of the protected building. Ordinarily, this size of extension would have a large effect on the Protected Building but in this case the interest of the barn is limited. Its main special interest relates to the group value and setting of the main house, Les Bas Courtils. The proposed extension is sited where the effect on the group value and setting of the protected building would be low. Having regard to the reasonable aspirations of the property owner the effect of the development on the special interest of the protected building is outweighed.

There is a historic stone floor to the ground floor of the barn which does contribute to the interest of the building therefore this floor finish should be re-used in the building. This has not been noted on the application drawings but could be controlled by condition to ensure the scheme preserves the special interest this building does have, having regard to Policy GP5.

The proposal would see an existing, partially derelict building brought back into active use which would enhance the special character and interest of the Conservation Area. Whilst some concerns have been raised through the public consultation process regarding the design and appearance of the proposed development the scheme adopts an approach that takes into account the changing levels between the site and Delancey Park whilst seeking to address the relationship of the development to the buildings surrounding it.

Furthermore, the Island Development Plan offers flexibility in design to enable a development to address sustainable design, offer flexible accommodation and

recognise the personal choice of property owners. The scheme has been broken down into different elements in order to reduce its overall scale and bulk whilst offering multi-storey development to make efficient and effective use of land. It is also noted that multi-storey development has been approved on the housing allocation site east of Barn B. The external materials proposed respect the traditional local materials on site and complement them through the use of zinc cladding with large window and door openings reflecting a more contemporary design approach to this development. The scheme represents a good standard of design that respects the local built environment whilst having regard to the flexibility the IDP offers in terms of a traditional or contemporary design approach. The scheme complies with the requirements of Policies GP4, GP8 and GP9 of the Plan.

The scheme proposes a three bedroom dwelling with two bedrooms with outlook to the south. The third bedroom would have more limited outlook over a small courtyard space adjacent to the west boundary. Overall however, the scheme provides adequate daylight and sunlight. Whilst the scheme would not allow for the building to be extended, within the current domestic garden/curtilage proposed, the scheme does offer flexible and adaptable accommodation. Whilst on multiple levels the development would remain accessible for ambulant disabled with primary living accommodation on one level and incorporating a private courtyard area. The scheme therefore offers accessible, given the site constraints, and flexible accommodation in line with Policy GP8.

A high granite wall exists along the west site boundary providing an element of screening and privacy to the occupiers of these adjoining dwellings and as amended a timber privacy screen is proposed along with obscure glazing to the dining room window, both of which can be managed by condition. The scheme has been developed in order to preserve the privacy of the occupiers of adjoining dwellings. The first floor gym, bedroom and bathroom windows will be screened by the existing boundary wall whilst the dining room and study area windows are shown to be obscure glazed, a matter that can be controlled by condition. The design of the scheme, broken down into different elements, incorporating subservient extensions and flat roofs to reduce the overall height and bulk and setting elements of the development away from the common boundary will ensure the scheme does not result in unacceptable overshadowing or loss of light to the property to the west.

The east elevation of the development is blank and will not result in unacceptable overlooking and loss of privacy. The primary elevation faces south towards the other protected outbuilding/barn on the site. There is adequate distance separation between the Barn B development and main house, Les Bas Courtils, to ensure mutual overlooking is kept within acceptable limits. The west elevation of the approved dwelling east of Barn B is blank and will not result in harm to the amenities of future occupiers in terms of overlooking or overshadowing. The scheme therefore addresses GP8 and GP9 in this respect.

The provision of three parking spaces to serve the dwelling would satisfy the maximum parking standards for 5/6 habitable rooms and satisfies the aims of Policy IP7. The scheme also incorporates cycle parking in line with Policy IP6.

The comments regarding site clearance in relation to wildlife and biodiversity have been noted, the rear of the site was substantially clear of vegetation at the time a site visit was carried out in connection with the application. Barn B is also partially derelict, with no roof which may reduce its suitability for roosting birds or bats. Nonetheless, an informative note may be placed on any permission to address these matters.

As the site is in an archaeological area it is also reasonable to impose an informative note regarding buried archaeological finds.

The application submission makes reference to how the development will meet the requirements of the Building (Guernsey) Regulations engineering for minimum waste and maximum efficiency. The submission also refers to making the most of naturally occurring energy with floor to ceiling glazing and rooflights to maximise passive solar energy and minimising the need for artificial lighting. The scheme also balances the benefit of solar gain and preventing overheating with internal blind systems along with openable rooflights for a passive cooling stack effect that can act as a rapid ventilation provider to the house. Mechanical ventilation and heat recovery systems are to be incorporated and photovoltaics could be introduced. Reference is also made to the use of heat pump (this may require a separate planning application) for hot water and heating.

This offers information that seeks to demonstrate how the design, method of construction and location of the proposal would help to achieve more a sustainable development (IDP paragraph 19.10.4) and the introduction of photovoltaics can be controlled by planning condition.

In view of the above, it is recommended planning permission is granted for the development subject to necessary planning conditions.

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 or sites.

Date: 09 November 2022

