

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 1.5 storey detached garage/workshop/home office to north west boundary.

LOCATION: Le Frie Baton, Rue Des Cinq Verges, St. Saviour.

APPLICANT: Mr & Mrs A Douglass

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: 22/04/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/02/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTECH: AD-22-1056-02D.

Application Ref: FULL/2022/0288

Property Ref: E009840000

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 the submitted details shown on Drawing No AD-22-1056-02D, in the first planting season following the first occupation of any part of the development 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 make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

Expiry Date: This permission will cease to have effect on 21/04/2025 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 and shall not be severed from that use to form an independant dwelling. Any use in connection with a trade or business would require a separate grant of planning permission.

Any disturbance relating to noise would be controlled under separate legislation enforced by the States Office of Environmental Health and Pollution Regulation.

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/2022/0288
Property Ref: E009840000
Valid date: 25/02/2022
Location: Le Frie Baton Rue Des Cinq Verges St. Saviour Guernsey GY7 9NJ
Proposal: Erect 1.5 storey detached garage/workshop/home office to north west boundary.
Applicant: Mr & Mrs A Douglass

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 the submitted details shown on Drawing No AD-22-1056-02D, in the first planting season following the first occupation of any part of the development 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 make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

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 and shall not be severed from that use to form an independant dwelling. Any use in connection with a trade or business would require a separate grant of planning permission.

Any disturbance relating to noise would be controlled under separate legislation enforced by the States Office of Environmental Health and Pollution Regulation.

OFFICER'S REPORT

Site Description:

The property known as 'Le Frie Baton' is an old single storey traditional farmhouse, which has been extended with a two storey modern extension, which re-orientates the front of the house. The house is set back from and faces south onto Rue des Cinq Verges. Le Frie Baton Road runs along the eastern boundary. To the west are close neighbouring properties, to the north an open agricultural field, to the east across the road are two detached properties and to the south across the road is another open agricultural field. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2021/0298 – Change of use of agricultural land to domestic curtilage (1,100sqm) – Approved July 2021.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to erect a one and a half storey detached garage/workshop/family room/home office to the north boundary.

The application was deferred because the proposed building was extremely close to the west boundary with the closest neighbour, and there was an excessive amount of grid-force to the east of the building.

The agent has since moved the proposed building so that it is now located midway along the northern boundary, which lessens any overbearing impacts to the westerly neighbours and it greatly reduces the amount of grid force needed to the east of the building.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

One letter of representation has been received and the issues are;

- The building would impact the amount of sunlight received into the neighbours conservatory.
- The proposed usage of a family room would impact the enjoyment of a neighbouring property due to the anticipated increase in noise aggravated by the fact that the proposed building is looking to install bi-folding doors in the family room.
- No mention is made, or explanation offered, in the supporting letter as to why the family could not practice their music in the existing basement of the dwelling.
- The existing property already includes a study [office], should the occupiers choose to work at home.
- It is to be observed that the proposed home office does not provide for any separation. Whilst this may make it more suitable as a gym, it is not understood how this would assist when making "confidential video calls".
- An office above a family room, where children will practise music, does not make any sense at all. Why not practise in the basement.
- The mentioned oak tree will not provide any screening to the gable end of the proposed building.
- The condition attached to the previous application is considered relevant, (see section 3 below).
- The proposed building is excessive.

Consultations:

Constables' Office at Paroisse de Saint Sauveur:

- The previous application had a condition attached, see below, the construction of a 92sqm building appears to be in direct contravention of the condition.

3. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no walls, fences, sheds, greenhouses, outbuildings or other buildings, structures or other development otherwise exempt development within Class I of the Land Planning and Development (Exemptions) Ordinance, 2007, shall be erected or constructed within the curtilage of the dwelling to which this permission relates.
- No consideration of the biodiversity on the site appears of have been made in this new application despite it being one of the proposed mitigations for approving the extension to domestic curtilage originally in 2021. Constructing a new building in this area of land would appear to directly reduce any possible biodiversity.

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Policy GP8 expects proposals to achieve a high standard of design which respects and where possible enhances the character of the environment. GP13 supports development where there are no significant adverse effects on the amenities of neighbouring properties. Both policies provide for a high degree of personal choice on design matters in less sensitive areas (outside of Conservation Areas and not affecting the setting of protected buildings).

Within a domestic curtilage the erection of an ancillary shed or outbuilding is a reasonable aspiration. This property does not have any outbuildings and is a large enough site to be able to facilitate an outbuilding without the site being over developed. As a domestic outbuilding the proposal can be used for a number of ancillary uses to the main house, in many forms, however, it must remain ancillary to

the main building and not be used for separate purposes, including for use as the base for a trade or business, or for residential accommodation.

The one and a half storey outbuilding will resemble a barn, which is an acceptable structure for the rural area in which the site is located. The proposed structure is not considered to impact on the rural landscape character due to the style and materials proposed, and the fact there are neighbouring properties on the same building line to the east and west, and although there is an open field to the north, the majority of the open land is to the northeast beyond the neighbouring property and to the southwest across the road.

Initially, the proposed structure was a lot closer to the west boundary and nearer the neighbouring property. The application was deferred to relocate the structure approximately 8m to the east, to shorten the driveway area to the garage from the access off Le Frie Baton Road, and to increase the distance between the neighbouring property and the proposed structure, thus decreasing any overshadowing or noise issues. Any noise would be at a domestic level, acceptable in this location, however should any disturbance relating to noise arise this would be controlled under separate legislation enforced by the States Office of Environmental Health and Pollution Regulation.

The applicant also submitted a Biodiversity Statement to show where and how much biodiversity enhancement they are going to add. A condition will be added to ensure the enhancement is achieved.

The proposals achieve a good standard of design, using materials which complement the existing dwellings materials. The extension will provide adequate levels of sunshine and daylight and give the occupiers more flexible and adaptable accommodation.

The scale and massing of the new extension is not considered to have a detrimental effect on the character and amenity of the surrounding area, nor will it have any impacts on any of the immediate neighbours now it has been moved.

The biodiversity statement describes the planting of 4 trees, some hedging, other shrubs and insect friendly flowering bulbs and wild flower seed. The statement refers to the Strategy for Nature and has taken some ideas for the birds and animals, such as bird, bat and hedgehog boxes, ten of which are to be placed around the site.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

Exemption rights are for domestic properties where the home owner can erect certain structures without requiring planning permission, such as a front porch, a shed, a greenhouse, garden structure or small extension.

The previous application (FULL/2021/0298) had a condition attached, condition 3, which prevented any normally exempt structures being placed on the land. This did not mean that no structures could be built, only that an application would have had to be submitted for any normal exempt structures. They were removed to enable the Authority to be able to make a full assessment of the impacts of any proposal on the landscape character of the area and to assess any impact on neighbouring properties. Therefore this application is not in contravention of the condition.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 21/04/2022