

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: Change of use of dwelling (residential use class 1) to mixed use as part dwelling (residential use class 1) and part physiotherapist (public amenity use class 18). Extend and alter at ground, 1st and 2nd floor levels, erect detached garage to west boundary, install gate to existing vehicle access and create additional vehicle access.

LOCATION: La Parchonnerie, Les Rouvets Road, Vale.

APPLICANT: Mr & Mrs B Daking

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: 05/08/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 2159/03.01, .02, .03, .04, .05A & .06

Application Ref: FULL/2022/0709

Property Ref: C021270000

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.No development shall begin on site until elevation details of the east elevation of the first floor extension to the dower at La Parchonnerie 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 that the dower extension does not have any adverse impact on the character of the Conservation Area.

5.Within four weeks of the new access being brought into use, the replacement gate pillar shall be constructed to match the pillar removed in order to form the new vehicular access, using materials and a method of construction which match the retained and existing pillar.

Reason - This condition is imposed to make sure that the vehicular access is completed to a high standard of design and does not have any adverse impact on the character of the Conservation Area.

6.The permission granted for the provision of a physiotherapy studio shall be personal to the occupier of the house/applicant, however named, and on the occupier of the house/applicant ceasing to occupy the premises, the mixed use for which the permission is hereby granted shall be discontinued and the original use of the premises as Residential Use Class 1 shall be resumed.

Reason - The permission has been granted based solely on the applicant's/occupier's relationship to the approved physiotherapy use of the premises and on the basis of very particular circumstances and subject to such restriction can be met on site without unacceptable harm to other interests.

7.The mixed use hereby approved shall not be carried on otherwise than in strict accordance with the details set out in the letter of application dated 24th May 2021 and approved under application reference FULL/2021/0918, and within the terms of Residential Use Class 1 and Public Amenity Use Class 18 (Physiotherapy) of the Land Planning and Development (Use Classes) Ordinance, 2017, or of any provision equivalent to that Use Class in any Ordinance replacing or re-enacting that Ordinance.

Reason - The permission has been granted based solely on the applicant's/occupier's relationship to the approved physiotherapy use of the premises and on the basis of very particular circumstances and subject to such restriction can be met on site without unacceptable harm to other interests.

8.The business shall not operate outside the hours of 09:00-17:00 (Monday to Friday), unless for an emergency appointment as set out in the letter of 24th May 2021 approved under application reference FULL/2021/0918, 09:00 - 12:00 on Saturdays or at any time on Sundays or Public Holidays.

Reason - The site adjoins residential properties and a limit on the use is needed to prevent a nuisance or annoyance to adjoining residents.

Expiry Date: This permission will cease to have effect on 04/08/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the erection of an extension to form a dower unit and the construction of a garage to provide accommodation incidental to the principal dwelling presently known as La Parchonnerie. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

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/2022/0709
Property Ref: C021270000
Valid date: 28/04/2022
Location: La Parchonnerie Les Rouvets Road Vale Guernsey GY6 8NQ
Proposal: Change of use of dwelling (residential use class 1) to mixed use as part dwelling (residential use class 1) and part physiotherapist (public amenity use class 18). Extend and alter at ground, 1st and 2nd floor levels, erect detached garage to west boundary, install gate to existing vehicle access and create additional vehicle access.

Applicant: Mr & Mrs B Daking

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. No development shall begin on site until elevation details of the east elevation of the first floor extension to the dower at La Parchonnerie 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 that the dower extension does not have any adverse impact on the character of the Conservation Area.

5. Within four weeks of the new access being brought into use, the replacement gate pillar shall be constructed to match the pillar removed in order to form the new vehicular access, using materials and a method of construction which match the retained and existing pillar.

Reason - This condition is imposed to make sure that the vehicular access is completed to a high standard of design and does not have any adverse impact on the character of the Conservation Area.

6. The permission granted for the provision of a physiotherapy studio shall be personal to the occupier of the house/applicant, however named, and on the occupier of the house/applicant ceasing to occupy the premises, the mixed use for which the permission is hereby granted shall be discontinued and the original use of the premises as Residential Use Class 1 shall be resumed.

Reason - The permission has been granted based solely on the applicant's/occupier's relationship to the approved physiotherapy use of the premises and on the basis of very particular circumstances and subject to such restriction can be met on site without unacceptable harm to other interests.

7. The mixed use hereby approved shall not be carried on otherwise than in strict accordance with the details set out in the letter of application dated 24th May 2021 and approved under application reference FULL/2021/0918, and within the terms of Residential Use Class 1 and Public Amenity Use Class 18 (Physiotherapy) of the Land Planning and Development (Use Classes) Ordinance, 2017, or of any provision equivalent to that Use Class in any Ordinance replacing or re-enacting that Ordinance.

Reason - The permission has been granted based solely on the applicant's/occupier's relationship to the approved physiotherapy use of the premises and on the basis of very particular circumstances and subject to such restriction can be met on site without unacceptable harm to other interests.

8. The business shall not operate outside the hours of 09:00-17:00 (Monday to Friday), unless for an emergency appointment as set out in the letter of 24th May 2021 approved under application reference FULL/2021/0918, 09:00 - 12:00 on Saturdays or

at any time on Sundays or Public Holidays.

Reason - The site adjoins residential properties and a limit on the use is needed to prevent a nuisance or annoyance to adjoining residents.

INFORMATIVES

For the avoidance of doubt, this decision permits the erection of an extension to form a dower unit and the construction of a garage to provide accommodation incidental to the principal dwelling presently known as La Parchonnerie. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

OFFICER'S REPORT

Site Description:

The application site comprises a traditional, detached dwelling-house which lies on a large plot that forms the corner of Les Rouvets Road and Rue Des Marais, Vale. The property has been extended and altered over time. The principal elevation faces north, with a subservient garage wing to the east, accessed via the driveway to the south of the property. A further subservient one and a half-storey extension exists to the west of the building with first floor catslide dormer along with an attached vinehouse. The remains of pig sties exist to the west of the property. To the south is a single-storey flat roof extension and a pitched roof single-storey living room extension.

Hardstanding is provided to the south and southwest of the dwelling. 1.8m high timber fencing has been erected along the west and north boundary with the glasshouses and outbuilding east of Sunnyside, Dens Cottage and Selva.

The site is located Outside of the Centres and within a Conservation Area as designated in the Island Development Plan.

Relevant History:

The western section of the dwelling was once used as a dentist surgery which ceased use some years ago and is now recognised as part of the dwelling-house, albeit the floor plans remain unchanged based on the drawings submitted.

FULL/2021/0918 - Change of use of dwelling (residential use class 1) to mixed use as part dwelling (residential use class 1) and part physiotherapist (public amenity use

class 18) – granted subject to conditions limiting the use to the occupier of the house/applicant, to be carried out in strict accordance with the business details set out in the submission and limiting the hours of operation to 9-5 Monday to Friday and 9-12 on Saturdays with exceptions made for emergencies.

Pre-application advice was sought in this case - attention was drawn to the location of the site in a Conservation Area, the need for a high standard of design and potential impact on residential amenity from significant areas of glazing. With regard to a second vehicular access, reservations were expressed in terms of the sense of roadside enclosure currently provided in the Conservation Area. It was suggested that the existing access could be closed off in connection with offering a new access for the site.

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application relates to the demolition of the kitchen extension and erection of a two-storey pitched roof extension to the rear/south of the dwelling with a single-storey flat roof extension is proposed to both the east and west of this extension. A first floor flat-roof extension is proposed over the existing flat roof extension to the rear/south of the dwelling and a catslide dormer is proposed to serve the staircase to the second floor bedrooms in the main house. Rooflights are also proposed in the north/front and south/rear roofslopes of the building. New windows and doors in new openings are proposed to the north elevation of the subservient wings to the east and west of the dwelling. A detached double garage with pitched roof is proposed adjacent to the west site boundary and would be served via a new 4.5m wide vehicular access from Les Rouvets Road. The existing access to the south of the dwelling is shown to be retained.

The scheme shows the provision of a physiotherapy studio in the western part of the building comprising a treatment room, WC and studio on the ground floor and with an internal link to the main house through the study (existing). The first floor accommodation above the western wing would comprise a bedroom, kitchen, living area and shower room. Replacement windows are proposed to the studio.

An accompanying letter dated 16 March 2022 sets out that the extensions to the western side of the dwelling were used historically as a dental clinic but this use ceased many years ago. It is noted however, that no alterations have ever been carried out to incorporate this space into the house. Internal alterations are now proposed to enable a physiotherapy studio to be operated from the space by the applicant. It is planned that most appointments will be on a one for one basis and the use would operate in line with the conditions imposed on planning permission FULL/2021/0918.

The letter explains that the proposed dower would offer space for visiting friends and family (or future nanny). The submission confirms that the services would be shared with the main house, and with direct access between the dower and main dwelling.

With regard to the vehicular access the submission sets out that the front of the house is rarely seen or used and the access proposal would address this and all visitors would enter by the front door. Furthermore, the proposed extension is noted to reduce the extent of parking available to the rear of the property but that by moving parking to the front there will be improved outlook for the dwelling and make the area safer for the family. The existing access would be retained however, for garden/property maintenance purposes.

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

GP1: Landscape Character and Open Land
GP4: Conservation Areas
GP8: Design
GP9: Sustainable Development
GP13: Householder Development
GP14: Homebased Employment
IP9: Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed studio/dower extensions and alterations, the design and appearance of the proposed extensions and detached garage, their impacts on the character and appearance of the Conservation Area and residential amenity with regard to privacy.

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 38 of the Law explains the general functions of authorities in respect of conservation areas. This states that:

In the exercise, with respect to any building or other land in a conservation area, of any powers under this Law or any other enactment, special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that area.

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,

Physiotherapy Studio

The Land Planning and Development (Use Classes) Ordinance, 2007 indicates that homebased employment that extends beyond the use of two rooms of a dwelling-house should fall outside of Residential Use and constitute a mixed use site. In this case it has been considered reasonable, for policy purposes, to assess the application under Policy GP14 as the gateway policy given that the scale and nature of the business is more akin to uses associated with low intensity, homebased employment that is unlikely to have a detrimental effect on neighbour amenity.

The principle of operating a physiotherapy business from the premises has been established through the grant of planning permission in 2021. This earlier scheme did not propose any external alterations to the building and provided two small

treatment rooms, a recovery room and a reception/waiting area. The current proposal relates to the formation of a treatment room, studio and WC. Parking for the earlier scheme was to the south of the dwelling however, as currently proposed the studio parking would be shifted to the north should permission be granted for a new vehicular access.

The current scheme proposes the formation of a door in the north elevation which is indicated to serve the dower but could also provide an access to the physiotherapy business if necessary. The primary access for the business is however shown to be in the south elevation although parking is indicated to be shifted to the north. Nonetheless, the retention of the existing access to the south will offer flexibility in terms of access and parking arrangements for the studio.

Provided the physiotherapy operation is carried out in accordance with the conditions imposed on the previous permission (to be reapplied to this permission as necessary) the use would not have a detrimental impact on the amenities of surrounding occupiers and the scheme therefore accords with the aims of Policies GP14 and GP8 of the Plan.

Extensions and alterations to main house

The existing extensions are of no particular merit to warrant their retention and their removal is accepted. The contemporary design of the catslide dormer, two and single-storey flat roof extensions to the south of the dwelling, represents a high standard of design that has been broken down into different elements in order to reduce its overall scale and bulk. The extension to the south of the main house will not result in harm to the character and appearance of the locality nor have a detrimental impact on residential amenity given the large garden to the south of dwelling and substantial distance to any neighbouring dwellings.

Given that the highest part of the extension is set back from the roadside boundary and having regard to the position of the building in its plot, the existing roadside wall and the angle and slope of the road the extension will not have a detrimental impact on the character and appearance of the Conservation Area.

This aspect of the scheme therefore complies with the requirements of the Island Development Plan.

Dower

The first floor of the western subservient extension was historically used as a staff room to serve the dental practice, now long gone. The scheme proposes the erection of a first floor flat roof extension between the main house and pitched roof lounge and studio space, designed with a timber effect cladding. The flat roof extension does not represent a particularly high standard of design however, the extension will not be highly visible from outside the site in light of the existing pitched roof lounge/studio area south of the dwelling which will screen the extension from view,

as would the proposed pitched roof extension to the rear/south of the main house. It is also noted that an existing single-storey flat roof extension exists in this part of the site and the potential for harm to the character and appearance of the Conservation Area as a result of the proposed first floor extension would be limited and would not warrant the refusal of planning permission.

The application submission has been accompanied by information that seeks to address the potential impact of the extension on residential amenity with regard to overlooking and loss of privacy. The extension will not result in overshadowing or loss of light but will introduce a large area of glazing in an area where none currently exists. The extension will however, be situated approximately 17m from the common boundary, which is marked by a timber fence. It is noted that Selva, is a bungalow situated to the west of the site has fenestration only at ground floor level. The proposed garage will block some oblique views to the northwest of the site. Although the scheme introduces first floor accommodation and fenestration where none currently exists, on balance, given the window to window relationship, it is considered the scheme would not result in an unacceptable overlooking and loss of privacy to the occupiers of the adjoining dwelling.

The application drawings do not show an east elevation of the proposed extension to show the appearance of the shower room extension. From the information provided it is not clear whether this would have a render or clad exterior and it can only be assumed that the roof detail would reflect that of the west elevation however there are junctions between the existing pitched roof lounge and extension to manage. This is however, a matter that can be managed by condition given the scale of this aspect of the development and because this is an internal elevation that will not be visible following the construction of the extension to the main house.

The dower would be served by its own entrance but would share the parking, gardens and services with the main house. The scheme also includes an internal link for connectivity between the main house and ancillary living accommodation. The space would be for either visiting friends and family or a future nanny and kitchen facilities are shown to be accommodated. There would be no care provided by occupiers of the main house but there would be scope to take meals in the dower or with the occupiers of the main dwelling and to generally share the living space within the main house in line with the requirements of Policy GP13 and dower advice note.

Garage

The detached pitched roof garage would be set well back in the site and has a simple design that represents a high standard of design and which will not have a detrimental impact on the character and appearance of the locality. The garage is to be situated adjacent to the west site boundary but given its height and position in relation to the boundary (space around it for maintenance) it will not result in overshadowing or loss of light to the occupiers of the adjoining dwelling to the west. The garage will not have an adverse impact on the setting of the Protected Building

nor the character and appearance of the Conservation Area in accordance with Policies GP8, GP9 and GP13 of the Plan.

Vehicular access

With regard to the proposed access, as a general guide an access of 3.5 to 4.0m is usually considered to be adequate for residential properties. Although the width of the access point exceeds that range it is noted access widths in the locality are varied.

The site is situated in a Conservation Area and although a section of the boundary wall would be lost, a large proportion would remain intact to continue to provide an adequate boundary feature in accordance with Policy GP4. In this particular instance, given the proposed construction of a replacement gate pier to match the existing (a matter to be controlled by condition), it is considered therefore that any adverse impact on the character of the area as a result of the development is not so substantial to warrant the refusal of planning permission. This conclusion is reinforced by the preceding text to Policy IP9, which notes that, *“the Authority will balance any impact on the character of the locality concerned with affording a significant degree of flexibility so that reasonable development aspirations can be met.”*

Conclusion

In view of the above, it is recommended planning permission is granted subject to necessary 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: 25 July 2022

