

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 dwelling and outbuilding, erect replacement dwelling, erect outbuilding/office pod, erect wall to south boundary (on the inside (property side) of the hedge) and alter and widen vehicle access.

LOCATION: Rocque A L'Or, Rue Des Valniquets, Torteval.

APPLICANT: Mr & Mrs C Garton

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: 30/06/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/05/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JG Architecture Ltd: Proposed Site Plan; Ground Floor Plan; First Floor Plan; Roof Plan; Proposed Office Pod; Proposed East & Roadside Elevation; Proposed South & North Elevation; Proposed West and Access Elevations (Revision A); Design Statement

Application Ref: FULL/2022/0807

Property Ref: G005310000

Conditions and reasons:-

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. Notwithstanding the note on the submitted Proposed Site Plan, no consent is given for the removal of the existing hedge along the south boundary. That hedge shall be retained and shall continue to provide a roadside boundary feature. The wall to be built along that boundary shall be constructed on the inside (property side) of the hedge.

Reason - To maintain the rural character of the area.

5. No materials to be used on the exterior of the buildings shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

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

6. Within four weeks of the access being extended, the ends 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.

7. The permeable hard surfaces shall not be constructed or the PV panels installed until a written specification for their construction has been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing, PV panels and all other sustainable design features set

out in the submitted Sustainable Development Statement have been installed/completed/made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

8. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

Expiry Date: This permission will cease to have effect on 29/06/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed office pod to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their provisions. The existing buildings and trees may be used by bats or other wildlife for roosting and nesting. We request that the site be inspected prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision 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 site visit. La Société can be contacted on 07781 166924 or by emailing 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/2022/0807
Property Ref: G005310000
Valid date: 11/05/2022
Location: Rocque A L'Or Rue Des Valniquets Torteval Guernsey GY8
OPY
Proposal: Demolish dwelling and outbuilding, erect replacement
dwelling, erect outbuilding/office pod, erect wall to south
boundary (on the inside (property side) of the hedge) and
alter and widen vehicle access.
Applicant: Mr & Mrs C Garton

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.

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Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

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Reason - To maintain the rural character of the area.

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Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

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Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed office pod to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their provisions. The existing buildings and trees may be used by bats or other wildlife for roosting and nesting. We request that the site be inspected prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision 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 site visit. La Société can be contacted on 07781 166924 or by emailing info@societe.org.gg.

OFFICER'S REPORT

Brief Description of Development:

Planning permission is requested to demolish the existing dwelling and outbuilding and to erect a replacement dwelling, with detached outbuilding/office pod. The proposal also intends to remove a section of hedge and erect a wall to the south boundary and alter and widen the vehicle access point.

The site is located Outside of the Centres and is within the Agriculture Priority Area (APA) as designated in the Island Development Plan

Relevant history

28/10/21 FULL/2021/1908 Permit for change of use of agricultural land to domestic garden (1100 square metres).

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

GP1 - Landscape Character and Open Land

GP8 - Design

GP9 - Sustainable Development

GP13 – Householder Development

IP7 - Private and Communal Car Parking

IP9 - Highway Safety, Accessibility and Capacity

Representations:

One letter of representation has been received from the occupiers of a neighbouring property. The grounds for objection are summarised as follows:

- The main argument in the supporting information is that cost of upgrading the property to current building regulations would be higher than knocking it down and starting again. No evidence to support this argument appears to have been supplied as part of the application and it is undoubtedly the case that there have been numerous sympathetic and successful modernisations of similar aged properties that have not resulted in demolition;
- The supporting information states that 'the existing plaster frontage does not contribute to the true character of the local area'. Whilst there may not be many properties of similar age in the immediate area that re plastered fronted, the island is full of them. There plaster frontage properties are a traditional part of the islands built heritage.
- Rocque A L'Or features in 'The Guernsey House' by John McCormack as a house of historic interest which is marked on the Duke of Richmond map of Guernsey (1787).
- It is difficult to understand why historic properties such as this would be purchased in order to knock down.

One letter of representation was also received from La Société Guernesiaise which highlights that buildings of this type can be used by roosting bats particularly when the property is located within a variable landscape with habitats such as large gardens or woodland nearby. La Société Guernesiaise recommend that the 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 is advised that it would also be beneficial to include suitable measures to support roosting bats and nesting birds within the development proposal. Furthermore, the removal of the hedge shall be undertaken outside of the main bird breeding season (March – July inclusive). La Société Guernesiaise recommend that informative notes to highlight the above are included in the decision notice.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

- Whether the principle of and design of the replacement dwelling is acceptable in this location;
- The impact of the development on the character of the area;
- The impact of the development on the amenity of people living in the area; and
- Parking and access issues

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.

Whether the principle of and design of the replacement dwelling is acceptable in this location

In the case of proposals involving demolition and replacement of existing buildings, Policy GP13 requires consideration to be given to the particular positive contribution that an existing building may be considered to make to the character of the area concerned. Proposals will be supported where the replacement would enhance the character of the area and make a more positive contribution to the area.

In particular, Paragraph 19.14.11 of the IDP (which forms the preceding text to policy GP13 and carries equal weight) states that:

“In some cases, there will be dwellings that are not of a sufficiently high enough architectural and historic interest to warrant the status of a protected building but which do make a particular positive contribution to the character of the area. Examples include farmhouses, converted traditional stone buildings or buildings which are positioned and have a relationship with each other so that they make an important contribution to the character of a locality. In such circumstances, where the Authority is of the opinion that the building does make a particular positive contribution to the character of an area, it will first consider the acceptability of its loss before considering the merits of the new replacement dwelling. However, it may be decided that the proposed new replacement building is of such a high quality of design that it would enhance the character of the area and make a more positive contribution than the building it is proposed to replace and in these circumstances the loss of the building will be acceptable.”

The property is pre-1900 construction and was surveyed in 2020 to determine whether it was of specific architectural or historic interest to be added to the protected building register. Following a site visit to the property the survey concluded the following:

“A traditional farmhouse and barn that contributes to the character of its setting, predominantly through its traditional form and 19th Century rendered façade and detailing. The setting is defined by the underlying topography and the surrounding roads and buildings which are mostly pre-1787. The buildings are traditional and have possible origins dating back to the 18th Century although generally obscured by significant 19th Century re-building and renovation, and subsequent 20th century

alterations and extensions into the attached barn which have generally diminished the levels of special interest.”

Although the property does not meet the very high standards required for a building to be added to the protected buildings list, it clearly contributes to the character of its setting, is traditional, well detailed and forms part of a group of buildings with its neighbours. For demolition and replacement to be acceptable therefore, the proposed replacement building must be of such a high design that it would enhance the character of the area and make a more positive contribution than the building it proposes to replace (paragraph 19.14.11).

Policy GP8 requires new development to achieve a high standard of design which respects and where appropriate enhances the character of the environment. Paragraph 19.9.9 outlines that multi-storey buildings constitute a more efficient use of land than single-storey buildings.

Although the proposal will result in the loss of a building of character, the front elevation of the replacement dwelling is of traditional form and will be similar in terms of its design, proportions and position on site to the building that it will replace. The materials proposed to be used to the front elevation will complement the character of the surrounding area, and will be in-keeping with the surrounding built form. With regards to the single storey side extension, although of more modern design and materials, the design is a traditional pitched roof form and proportions, in-keeping with the character of the replacement dwelling and the surrounding built form. It is recommended that should planning permission be granted samples of the external materials are submitted for approval.

Although a modern contemporary design approach is proposed to the rear of the property, the design is of traditional proportions and is in-keeping with the overall character of the surrounding area. Furthermore, when viewed from Rue De La Rocque A L’Or to the rear, the property is viewed as a standalone building which screens the neighbouring properties to the east. Planning permission has also been granted previously for a relatively substantial modern/contemporary extension. A modern contemporary design approach to the rear would therefore not negatively impact on this group of traditional properties.

Whilst it is noted that the bulk and massing of the proposed replacement dwelling is larger than the existing, it will be set on a large plot that is more than capable of accommodating the size of dwelling proposed. For the above reasons it is considered that the proposed design, size, form, bulk, and scale of the proposal is acceptable and would not cause a detriment to the visual character or appearance of the surrounding area or the immediate street scene. The proposal therefore complies with Policies GP8 and GP13 in this respect.

The proposed outbuilding to replace the existing pigsties to the rear of the property is in-keeping with the design of the replacement dwelling and will be largely unseen from the surrounding area. However it is recommended that an informative is

included on any permission to ensure that this is used for a purpose ancillary to the main dwelling and not in connection with any trade or business.

To the front the alterations to create the enlarged vehicle access point are acceptable and the increased width is consistent with other neighbouring properties. This aspect of the proposal would therefore not harm the visual character or amenity of the surrounding area.

To the south the removal of the hedge and its replacement with a rendered wall as proposed would create a suburban feature in this rural location which would not be in-keeping with the rural character of this section of Rue De La Rocque A L'Or which comprises hedgerows and small granite walls. Following deferral of the application, the applicants agent has confirmed (by email dated 23/06/2022) that they agree for the hedge to remain in situ and to build the wall on the inside of the existing hedge. This will ensure that hedge continues to add to the rural character of the area whilst enabling the applicant to maintain the level of privacy that they require by building the wall on the inside of the boundary hedge. It is suggested that should planning permission be granted a condition is included to ensure that the hedge is retained in situ.

The comments from the representor regarding the lack of information to substantiate the claim made that it more cost effective to knock down the property than upgrade the existing property are noted, however this is not a requirement of policy GP13 which has been assessed in detail above.

Impact on neighbour amenity and the living environment of future occupiers

GP8: Design indicates that new development will be supported where it is demonstrated that it will not have an unacceptable impact on neighbouring amenity and considers the health and well-being of the occupiers.

The proposed replacement dwelling would be situated in a similar position to the existing dwelling on site, which occupies a large plot. The site is capable of accommodating the replacement dwelling proposed, which would be served by ample external amenity space for enjoyment by future occupiers.

The siting of the dwelling is such that it will not result in overshadowing of adjoining properties and gardens. The proposed dwelling will be situated sufficient distance from any boundaries shared with neighbouring residential properties and any harm relating to overlooking or loss of privacy would not be so substantial to warrant the refusal of planning permission.

For these reasons it is considered that the proposed development will not result in unacceptable harm to the amenities of surrounding residential occupiers and the scheme accords with Policies GP8, GP9 and GP13 in this respect.

Other issues

A supporting statement has been submitted confirming that the requirements of Policy GP9 regarding energy use and current Building Regulations have been considered which includes a highly insulated building construction with solar photovoltaic roof slates and rain water harvesting on site. The overall layout and form of the development and the information submitted is sufficient to demonstrate that the development has been designed to take into account the use of energy and resources, in accordance with Policy GP9.

A Waste Management Plan has been submitted which sets out how construction waste is to be minimised and dealt with in a sustainable manner. Based on the contents of the Site Waste Management Plan it is considered that the waste at this site will be appropriately controlled and provided that the waste is disposed of in accordance with the Waste Management Plan (which can be controlled by condition) the proposal satisfies the provisions of Policy GP9 & GP13 in this respect.

The scheme has been designed to provide the future occupiers of the dwelling with flexible living accommodation and ample private amenity space. The scheme will provide access for all and enable future occupiers to remain in the property for longer.

Parking and access issues

The existing access arrangement onto Route De Croler will be improved with the enlargement of the existing vehicle access point. A driveway with a turning facility to the rear of the property will be provided within the site, to enable a car to access and exit the site forward facing. The applicant has demonstrated that sufficient space exists to accommodate the required level of off road parking.

Based on the above the proposal would not negatively impact on highway safety.

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, buildings or sites.

Date: 30/06/2022