

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 existing dwelling and erect 2 dwellings and widen vehicle access (Revised).

LOCATION: Carteret Cottage, Route De Carteret, Castel.

APPLICANT: Mr J Matthews

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: 02/11/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design: 21-1266 PD/01A, PD.02A, PD/03A & letter dated 14/04/2022.

Application Ref: FULL/2022/0971

Property Ref: D015440000

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 dwelling shall be occupied until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas; and
- ii) full details of planting forward (south) of the front elevation of unit 1, including the species, sizes, numbers and densities of plants.

Reason - To make sure that a comprehensive landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

5.The landscaping scheme shall be fully completed, in accordance with plan number 21-1266/PD/01A and as amended/updated by the details agreed under the terms of the above condition 4, 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 - In the interests of visual amenity.

6.The permeable hard surfaces shall not be constructed until details of 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, electric car charging points, the thermal insulation values to exceed the current Guernsey Technical Standards and all other sustainable design features set out in the A7 Design letter dated 14/04/2022 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.

7. Prior to the first occupation of any part of the development or completion of development whichever is the sooner, the alterations to the roadside wall and vehicular access shall be completed in accordance with the hereby approved plans and they shall be finished off using materials and a method of construction which match the remainder of the existing roadside walls.

Reason - In the interests of visual amenity.

8. No development shall begin on site until a scheme for the treatment of the west site boundary has been submitted to and agreed in writing by the Authority. No use or occupation of the dwellings hereby permitted shall begin until the agreed scheme for boundary treatment has been fully completed.

Reason - To secure the satisfactory appearance of the completed development and to protect the amenities of neighbouring residents.

Expiry Date: This permission will cease to have effect on 01/11/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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/2022/0971
Property Ref: D015440000
Valid date: 20/04/2022
Location: Carteret Cottage Route De Carteret Castel Guernsey GY5 7YS
Proposal: Demolish existing dwelling and erect 2 dwellings and widen vehicle access (Revised).

Applicant: Mr J Matthews

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 dwelling shall be occupied until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas; and
- ii) full details of planting forward (south) of the front elevation of unit 1, including the species, sizes, numbers and densities of plants.

Reason - To make sure that a comprehensive landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

5. The landscaping scheme shall be fully completed, in accordance with plan number 21-1266/PD/01A and as amended/updated by the details agreed under the terms of the above condition 4, 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 - In the interests of visual amenity.

6. The permeable hard surfaces shall not be constructed until details of 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, electric car charging points, the thermal insulation values to exceed the current Guernsey Technical Standards and all other sustainable design features set out in the A7 Design letter dated 14/04/2022 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.

7. Prior to the first occupation of any part of the development or completion of development whichever is the sooner, the alterations to the roadside wall and vehicular access shall be completed in accordance with the hereby approved plans and they shall be finished off using materials and a method of construction which match the remainder of the existing roadside walls.

Reason - In the interests of visual amenity.

8. No development shall begin on site until a scheme for the treatment of the west site boundary has been submitted to and agreed in writing by the Authority. No use or occupation of the dwellings hereby permitted shall begin until the agreed scheme for boundary treatment has been fully completed.

Reason - To secure the satisfactory appearance of the completed development and to protect the amenities of neighbouring residents.

OFFICER'S REPORT

Site Description:

The site consists of a traditional detached cottage situated to the north of Route de Cobo and within the Cobo Local Centre.

Relevant History:

PREA/2021/2291 – Dec 2021 to Feb 2022 – Pre-application enquiry regarding demolish existing dwelling and erect dwellings.

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to demolish the existing dwelling and erect 2 detached 1½ storey pitched roof dwellings and widen the vehicle access. The proposal involves a 3 bedroom dwelling and a 3 to 4 bedroom dwelling.

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

Policy LC2: Housing in Local Centres

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport Infrastructure and Support Facilities

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

One objection was received from the neighbouring property to the east in response to the original application, main concerns as follows:

- The height of unit 2 and its very close proximity to their property.
- The size of the eastern most dormer window on the south elevation of unit 2 and the loss of privacy to their living area and garden.
- The height of the roof could enable additional accommodation in the apex of the roof with the potential for a further loss of privacy from any future rooflights.

Two objections were received from the neighbouring properties to the west in response to the revised application, main concerns as follows:

- Unit 2 would have an unacceptably harmful overbearing and overshadowing impact on their properties due to the very close proximity of its west gable to their east boundary.
- Unit 2 represents an overdevelopment of the site and would not respect the character of the Local Centre or accord with Policy GP8 and the General material considerations (c), (d) and (i).
- If unit 2 was reduced in scale to 2 bedrooms and the western section was reduced in scale to a single storey design the development would have a much reduced impact on the amenity of neighbouring properties.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. The principle of new housing.
2. Design and impact of the development on the appearance and character of the area.
3. The impact of the development on the amenity of people living in the area.
4. Parking and access.
5. Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The principle of new housing

The erection of 2 detached dwellings is an appropriate scale for the Cobo Local Centre and would not negatively affect the vitality and viability of the Main Centres.

Current evidence regarding private market housing suggests a need for homes of 1 to 3 bedrooms, with an emphasis on 2 and 3 bedrooms. The proposal involves a 3 bedroom dwelling and a 3 to 4 bedroom dwelling. During pre-application discussions proposals for 3 or 4 smaller dwellings which would better reflect the housing need were submitted but concerns were raised about the quality of the living environments for future occupiers, the impact on neighbours and the overdevelopment of the site. Whilst the provision of a 4 bedroom dwelling would not meet current evidence regarding housing need, in this instance due to the relatively limited size of the site, the mixture and type of housing that can be provided is restricted. Furthermore, the inclusion of a potential 4 bedroom dwelling

is proposed to make an effective and efficient use of land. On balance therefore it would seem unreasonable in this instance to request the provision of two three bedroom units and provided that the development accords with other relevant policies of the Island Development Plan, the principle of the proposed residential development at this site is acceptable.

Design and impact of the development on the appearance and character of the area

The site is bounded on 3 sides by residential properties (east, north and west), with Route de Carteret to the south. The existing traditional cottage makes a slight positive contribution to the character and appearance of the area. However, the agent sets out issues with the form and quality of its construction and the potential benefits of the proposed dwellings in terms of the living environments, accessibility and flexibility they can provide. The existing dwelling is positioned forward of neighbouring properties and the proposal to demolish the dwelling and to erect a replacement dwelling further back from the highway would more closely reflect the building line along the street. The design of the proposed dwellings, comprising of a 1½ storey pitch roof form, achieves a good standard of design and the dwellings respect the scale and materials of the local built environment. The proposal would have no significant adverse effects on the character and appearance of the area, in accordance with Policy GP8.

The impact of the development on the amenity of people living in the area

During the course of consideration the application was deferred due to concerns about the dormer windows in the south elevation of unit 2 and the potential loss of privacy for neighbouring properties. Revised plans have satisfactorily addressed these concerns by omitting the south facing dormer windows of unit 2 and replacing them with high level rooflights within the bedrooms. The revised plans have installed an additional dormer window to the north elevation of unit 2 which has the potential to affect the privacy of neighbouring properties to the west. However, by virtue of a combination of the angle of view, the distance to the neighbouring properties and the relative orientation and positioning of the proposed dwelling and neighbouring properties, the degree of harm caused by the north facing dormer window is unlikely to be so significant as to have a material adverse effect on the amenities of the neighbouring residents.

Objections have been received regarding the scale and positioning of unit 2 and the overbearing and overshadowing impact that it would cause on the neighbouring properties to the west. Unit 2 would cause some shading of the neighbouring properties to the west. However, unit 2 is set back 1.5m from the west boundary and together with its 1½ storey pitched roof form, the subservient design of the west section of the dwelling, the distance to the neighbouring dwellings and its relative orientation to the south-east of the neighbouring properties, unit 2 is unlikely to have a material adverse effect on the amenities of the neighbouring residents to the west. An objection was also received regarding the height and proximity of unit 2 to the neighbouring boundary to the east. Unit 2 would cause some shading of the neighbouring property to the east. However, unit 2 is set back between 1.5m and 2m from the east boundary and together with its 1½ storey pitched roof form, the

distance to the neighbouring dwelling, and its relative orientation to the north-west of the neighbouring dwelling, unit 2 is unlikely to have a material adverse effect on the amenities of the neighbouring residents to the east.

With regards to the comments about the height of the roof of unit 2 and the potential for additional accommodation in the apex of the roof with a further loss of privacy from any future rooflights, planning permission would be required for any additional rooflights in the south elevation and should such an application be submitted it would be considered on its merits at that time.

Parking and access

There are no set standards for car parking within Local Centres and the provision of 2 to 3 car parking spaces per dwelling is acceptable in this location. There is ample space to provide safe and secure storage for bicycles within the gardens and the modest intensification of use of the altered access raises no significant road safety or traffic management concerns.

Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings

The health and well-being of the occupiers of the development requires consideration as set out in part (d) of Policy GP8 and explained in more detail in Annex I (Amenities). The objective to build at high densities is to be balanced, but does not override, the need to create acceptable living environments. Although there are no rigid standards for amenity provision, the factors to be considered include internal space provision, privacy, aspect/outlook, access to external open space and daylight/sunlight.

The proposed dwellings substantially exceed the Guernsey Technical Standards minimum internal space standards and they exceed the best practice minimum internal space standards which are published on the Authority's website. The dwellings are dual aspect, including south facing glazing, and would have adequate daylight and sunlight, although the outlook from bedroom 3 of unit 2 would be poor as it would only be served by a high level rooflight. The privacy within the dwellings would be good but the western section of the rear garden of unit 2 would be overlooked by the neighbouring properties to the west. The dwellings would have adequate outdoor space although the quality of the western section of the rear garden of unit 2 is diminished by the overlooking from the neighbouring properties. Overall, despite some deficiencies, the proposed dwellings would provide a satisfactory quality of residential environment for future occupiers, in accordance with Policy GP8.

Other Matters

The size, layout and ground floor facilities of the dwellings are sufficient to demonstrate that the development provides adequate accessibility and offers flexible and adaptable accommodation, in accordance with Policy GP8.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9. A condition is recommended to ensure that the sustainable design feature sets out in the application are completed.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

It is recommended that the application is approved.

Date: 02/11/2022