

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 extension and outbuilding. Erect 2 storey extension to north (front) elevation, erect 1½ storey extension, outbuilding/garage and shed to north of site, alter roadside wall and gated vehicle access.

LOCATION: Mille Fleurs, Rue Du Bordage, St. Pierre Du Bois.

APPLICANT: Mr J Bailey

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: 18/08/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners Ltd. - S40-10371-S1-21, 22A, 23A, 24 & 25

Application Ref: FULL/2022/1145

Property Ref: F007610000

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 cladding shall be installed until such time as details of the type, texture and colour of the cladding materials to be used have been submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - In the interests of visual amenity.

5.Within four weeks of the demolition of the extension and adjacent roadside wall, the replacement roadside walls shall be constructed in accordance with the approved plans, unless otherwise agreed in writing by the Authority.

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

Expiry Date: This permission will cease to have effect on 17/08/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where bats and birds may be roosting/nesting and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present 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 email societe@cwgsy.net.

For the avoidance of doubt, this decision permits the erection of an extension and a

detached garage and store to be used as an integral part of and incidental to the principal dwelling presently known as Mille Fleurs. It does not permit the creation of a separately occupied annex or an independent dwelling. This or the use of any part of the dwelling or outbuilding in connection with a trade or business 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/2022/1145
Property Ref: F007610000
Valid date: 27/06/2022
Location: Mille Fleurs Rue Du Bordage St. Pierre Du Bois Guernsey GY7 9DW
Proposal: Demolish extension and outbuilding. Erect 2 storey extension to north (front) elevation, erect 1½ storey extension, outbuilding/garage and shed to north of site, alter roadside wall and gated vehicle access.
Applicant: Mr J Bailey

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.

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Reason - In the interests of visual amenity.

5. Within four weeks of the demolition of the extension and adjacent roadside wall, the replacement roadside walls shall be constructed in accordance with the approved plans, unless otherwise agreed in writing by the Authority.

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

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where bats and birds may be roosting/nesting and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present 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 email societe@cwgsy.net.

For the avoidance of doubt, this decision permits the erection of an extension and a detached garage and store to be used as an integral part of and incidental to the principal dwelling presently known as Mille Fleurs. It does not permit the creation of a separately occupied annex or an independent dwelling. This or the use of any part of the dwelling or outbuilding in connection with a trade or business would require a separate grant of planning permission and involve different planning policy considerations.

OFFICER'S REPORT

Site Description:

The property known as 'Mille Fleurs' is a detached two storey granite faced traditional farmhouse, which faces south looking over a mature garden with a swimming pool and single storey outbuilding. To the west is Rue du Bordage (the gable end of the building bounds the road), to the north is more land within the curtilage which houses three self-catering holiday units all facing east and to the east is more land which falls away quite steeply (these units are unoccupied and as indicated in the history below have permission to be removed).

The property is located Outside of the Centres and is within the Agriculture Priority Area as defined in the Island Development Plan.

Relevant History:

FULL/2016/0477 - Land at Mille Fleurs - Change of Use of area of land from Visitor Economy to Residential Use to provide extension of curtilage to 'La Fosse Cottage' – granted

FULL/2019/0053 - Change of use of 3 self-catering units (use class 8) to 3 residential units (residential use class 1), with associated gardens and parking – withdrawn

FULL/2020/0195 - Remove hedge and erect retaining wall and external steps to extend parking area – granted

FULL/2020/0944 - Demolish 1 and 2 storey extensions at the eastern end of the dwelling and erect a replacement 1 and 2 storey extension with terraces, install roof lights to south elevation, erect a replacement porch to the north elevation and alterations to fenestration – granted

FULL/2020/2506 - Demolition of three self-catering units (Visitor Use Class 8) and change of use of land to domestic garden – granted

Pre-application advice was sought in this case in relation to the erection of an extension.

Existing Use(s):

Residential use class 1: dwelling house

Visitor economy use class 8: non-serviced visitor accommodation (vacant)

Brief Description of Development:

The application relates to the demolition of an extension to the north of Mille Fleurs along with the removal of an outbuilding. These works will facilitate the erection of a two-storey extension to the north/front of the dwelling and the erection of a one and a half-storey pitched roof garage to the north of the dwelling adjacent to the boundary with Rue Du Bordage with a flat roof shed constructed in the northern corner of the site adjacent to Rue du Bordage. Alterations are also proposed to the west boundary wall with Rue du Bordage and the installation of high timber gates to the vehicular access to the immediate north of the dwelling.

The application has been accompanied by a Design Development Document which sets out that the proposed extension would incorporate parts of the current permissions but involves further demolition of the main house and a new extended wing to the north. The document draws attention to efficient and effective use of

land, making the best of natural light, minimising potential overlooking and enhancing connectivity between the house and mature garden. Internal level changes are proposed to be rationalised and external terraces/decking are highlighted as part of improvements to accessibility. The proposed increase in the height of the roadside boundary and introduction of an entry gate is proposed to enhance privacy to the house and the detached outbuilding and shed are noted to have minimal impact on the open character of the landscape and on residential amenity given the low lying nature of land.

The document also addresses sustainable development and construction outlining that the existing building will be refurbished and upgraded to improve its thermal fabric. New glazing is identified to match or improve on the GTS recommended U-values and solar shading are to be integrated, particularly to the south facing glazing. The extension is identified as exceeding the GTS, particularly with regard to the consumption of fuel/power (Part L).

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

GP8 – Design

GP9 – Sustainable Development

GP13 – Householder Development

IP9 – Highway Safety, Accessibility and Capacity

Representations:

One letter of representation has been submitted and raises the following points:

- The development represents a significant repositioning and reorientation of the dwelling
- The height and position of the dwelling causes concern regarding overlooking and loss of privacy
- There are trees between the development and garden at The Granary and these should be protected by planning condition and overlooking kept to a minimum
- The application seeks permission to remove one tree but it is not possible to ascertain which tree this relates to and whether its removal would exacerbate overlooking
- Rue de Quanteraine is narrow and picturesque passing through the Silbe nature reserve across the ford in front of the National Trust water wheel and is popular with horse riders, walkers and cyclists (including visitors to the island)
- The lane has experienced site traffic accessing the building work at Fosse Cottage and will experience more traffic when the 5 houses at Grais Farm are built, a condition should be imposed on this permission prohibiting the use of Rue de Quanteraine during construction at Mille Fleurs

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the design and appearance of the development and its impact on the character and appearance of the locality and on the amenities enjoyed by the occupiers of surrounding dwellings.

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 extensions and outbuilding north of Mille Fleur are of no particular architectural or historic interest to warrant their retention and their demolition is accepted.

The scheme proposes the erection of a sizable extension to the north of the dwelling, and has been designed with a glazed link to provide a visual break between the original, traditional dwelling, and the more contemporary two-storey extension which incorporates vertical timber cladding and a zinc roof along with large areas of glazing in contrast to the main house. The garage proposed would have a granite exterior and zinc clad gable and roof reflecting the materials of the proposed extension.

Concerns have been raised regarding the remote siting of the garage from the main house, approximately 90m from the existing house and 25m from the proposed extension. Nonetheless, the domestic garage falls within the recognised garden of the property. The building may however be used for any other purpose which is incidental to the enjoyment of the dwelling. This may include but is not limited to use as a games room, craft room, storage etc. This application must be assessed as submitted, on the basis that the building will be used for domestic purposes. Any other use (e.g. as a self-contained dwelling unconnected with Mille Fleur) would need to be the subject of a separate application considered against the policies in place at that time. The principle of constructing a domestic outbuilding containing a garage store is therefore acceptable.

The extension, shed and garage all represent a high standard of design and whilst the extension does not replicate the style of properties found in the locality, the proposals will not result in harm to the character and appearance of the area. The topography of the site and flat roof design of the shed is such that the garage and

shed will not be highly visible in the locality. Being set back from the west boundary with Rue du Bordage the extension will not result in overshadowing to the occupiers of adjoining dwellings.

Comments have been raised through the public consultation regarding loss of privacy. Although first floor windows and terrace areas will face west these are set sufficient distance from the roadside boundary, with the road separating the development from the adjoining gardens to ensure that the potential for overlooking and loss of privacy is kept within acceptable limits. In relation to overlooking to the east, towards The Granary, there is more than 50m to the common boundary and approximately 100m to the building itself. The development will introduce first floor windows and terraces where none currently exist however, there is ample distance separation between the two properties to ensure that the potential for overlooking is limited.

Through the public consultation process it is requested that the trees on the site are retained by condition this is not considered to be reasonable given the distance separation between Mille Fleurs and The Granary.

The garage does not incorporate any rooflights thereby preserving the privacy of surrounding occupiers. The first-floor gazing on the south and north elevation of the garage will not introduce an unacceptable degree of overlooking or loss of privacy to surrounding properties in accordance with Policies GP8, GP9 and GP13 of the Plan.

The extensions proposed will provide large areas of the property that will be on a single level and given the generous proportions of the accommodation would be readily accessible by wheelchair users. The enhancements within the main house, which do not require planning permission, are also noted in terms of their improvements for access. The scheme also incorporates level access to an area of terrace to the east of the dwelling. Although stepped access exists elsewhere around the property this would remain accessible to ambulant disabled. The scheme also provides flexible and adaptable accommodation that can respond to the needs of occupiers over time. The accommodation also provides adequate sunlight, daylight and external space to serve the occupiers of the development. The scheme satisfies the aims of Policy GP8 in this respect.

It is noted that the scheme incorporates a sizable extension with separate staircase and only a shared porch and first floor terrace linking it to the main house. Whilst some concerns exist regarding the fact the extension could be largely self-contained, in a location where a new unit of residential accommodation is precluded by planning policy, however the interrelationship between the main house and extension are such that it does not readily lend itself to subdivision due to the potential for overlooking particularly between first floor terraces/windows. Furthermore, the application must be considered on the basis of the information submitted, that it will form part of the main house. An informative note may be placed on the permission drawing attention to this fact.

The alterations to the roadside wall will not have an unacceptable impact on visibility from the site access given the nature of the rural lane. Although gates are to be introduced their set back position will ensure that vehicles accessing the site will not unacceptably impede the free flow of traffic in line with the aims of Policy IP9. Comments made through the public consultation process have suggested a condition controlling the routing of construction traffic to the site. This has not been a requirement of the earlier permission to extend Mille Fleur nor in relation to other development in the vicinity. It would be unreasonable therefore, to introduce such controls on this subsequent application to extend the dwelling, Mille Fleurs.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

The tree to be removed is situated to the north of the proposed extension and is highlighted on the proposed ground floor plan. This will not alter the relationship between the development and properties across the road to the west. Trees on this site are not the subject of Tree Protection Orders and can be removed without planning permission.

The scheme accords with the aims of the Island Development Plan and it is recommended planning permission is granted for the scheme.

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: 18 August 2022

