

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Erect 1.5 storey extension to south (rear) elevation and install window to west (side) elevation.

LOCATION: Les Clercs, Rue Godfrey, Vale.

APPLICANT: Petit Marais Holdings Ltd

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: 19/01/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/07/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd - 6016/D/1a & 2

Application Ref: FULL/2022/1354

Property Ref: C003430000

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 information submitted and for the avoidance of doubt, no permission is granted whatsoever to use the roof of the hereby approved ground floor extension to the south of the dwelling as a balcony or terrace, however named.

Reason - The drawing submitted shows first floor doors opening out onto the hereby approved ground floor extension without any balustrading, which may also affect the amenities of neighbouring residents. Any use of the roof of the flat roof extension as a balcony or terrace would require a separate grant of planning permission and require different policy considerations.

5.The boundary hedge shown on the approved Layout Plan shall be planted in the first planting season following the occupation or completion of the extension hereby approved, whichever is sooner. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To secure the satisfactory appearance of the completed development and to assimilate the extension into its surroundings.

Expiry Date: This permission will cease to have effect on 18/01/2026 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/2022/1354
Property Ref: C003430000
Valid date: 19/07/2022
Location: Les Clercs Rue Godfrey Vale Guernsey
Proposal: Erect 1.5 storey extension to south (rear) elevation and install window to west (side) elevation.

Applicant: Petit Marais Holdings Ltd

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. Notwithstanding the information submitted and for the avoidance of doubt, no permission is granted whatsoever to use the roof of the hereby approved ground floor

extension to the south of the dwelling as a balcony or terrace, however named.

Reason - The drawing submitted shows first floor doors opening out onto the hereby approved ground floor extension without any balustrading, which may also affect the amenities of neighbouring residents. Any use of the roof of the flat roof extension as a balcony or terrace would require a separate grant of planning permission and require different policy considerations.

5. The boundary hedge shown on the approved Layout Plan shall be planted in the first planting season following the occupation or completion of the extension hereby approved, whichever is sooner. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To secure the satisfactory appearance of the completed development and to assimilate the extension into its surroundings.

OFFICER'S REPORT

Site Description:

The site is located Outside of the Centres and is the subject of no other designation under the Island Development Plan.

The application site comprises part of a former vinery, the glass to which was cleared at some point during the period 1979 to 1990 (based on archive aerial photographs).

The former packing shed was granted planning permission to be converted, and then subsequently demolished and rebuilt under applications FULL/2019/0585 and FULL/2020/0539 respectively. The whole of the land parcel has been recognised as domestic curtilage.

As part of planning application (FULL/2021/1625), it was regarded that the building works are complete to a stage that the structure can be recognised as a dwelling-house. The most recent application involved erecting 1.5 storey extensions to the side elevations (east and west) and walls.

Relevant History:

FULL/2022/0011	Erect 1½ storey extensions to west (side) and east (side) elevations and erect wall and retaining wall with gated pedestrian access.	Granted
FULL/2021/1625	Variations to plans previously approved to demolish packing shed and erect dwelling - raise roof ridge height and install dormer windows and rooflights to create 1st floor accommodation.	Granted
FULL/2019/0585	Conversion of packing shed to dwelling. Demolish section of outbuilding. Reduce height of chimney on south elevation. Alterations to fenestration.	Granted
FULL/2020/0539	Demolish packing shed and erect dwelling.	Granted

Existing Use(s):

Residential

Brief Description of Development:

Planning permission was originally sought to extend the property at ground and 1st floor level. The proposal also included a balcony to the south elevation, the installation of an air source heat pump to the west boundary and a lean-to outbuilding to the west of the property to house water treatment plant for water extracted from the adjacent quarry. It is noted that the lean-to will house a hot water cylinder, with water piped from the adjacent quarry. No pumps will be located at the application site, pumps are already existing at the adjacent quarry, as noted in the agent's letter of 23rd November 2022.

The air source heat pump was omitted during the application process following the request for additional information.

Concerns were also raised over the bulk and mass of the combination of the ground and first floor extension to the rear of the property when viewed against the existing building. The agent has reduced the size of the extension in attempt to overcome the concerns raised and has omitted the balcony.

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

The Authority has received representation from one party objecting to the original and revised proposal. Grounds for objection principally relate to the following issues:-

- Air source heat pump.
- Overlooking.
- Overdevelopment.
- Position of plant room.

Consultations:

None

Summary of Issues:

- Whether the design, scale, mass, siting, form and materials of the development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.

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).**

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.

Policy GP13 (Householder Development) states that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Area, Area of Biodiversity Importance, protected building or protected monument.

In this instance Policy GP8 (Design) is also relevant. In addition, the preceding text to this policy refers to the need to consider the material planning considerations as specified in Part IV, Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007. These include the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used, as well as its likely effect on the character and amenity of the

locality in question and its likely effect on the reasonable enjoyment of neighbouring properties.

In light of the amendments secured, the size, form, mass and bulk of the first floor extension would be proportionate to the size of the original house and coupled with its materiality, the proposal represents a good standard of design for the purposes of Policy GP8. Whilst the cumulative mass of the property has been increased again and the site is located on a corner plot which is sensitive to change, the resultant effect is not considered to cause undue harm to the surrounding built environment or visual amenity and any impact would not be so substantial to rebut the general support in favour of householder development as set out in Policy GP8 and GP13. Planting along the west boundary is however be critical to ameliorating impacts of the development and it is recommended that a condition be attached to the decision reiterating the condition on the previous decision to ensure that planting is undertaken within a reasonable timeframe.

The revised drawing submitted shows first floor doors opening out onto the ground floor flat roof extension, without any balustrading as indicated on the east elevation, or any obvious notation on any other drawing. It is important to note via the use of a condition that any use of the roof of the flat roof extension as a balcony or terrace would require a separate grant of planning permission and require different policy considerations. The installation of a balustrade inside of the doors would not require planning permission.

The drawings indicate an en-suite window on the west elevation of the property at first floor level to be obscure glazed, and roof lights to serve a bedroom. Given the relationship and distance to neighbouring properties, it would not be necessary to require that the roof-lights are installed at no less than 1.7m high above finished floor level as the amenities of neighbouring residents to the west are not considered to be adversely affected by the development when taking into account these factors. Overall, the proposal would not cause significant harm to the amenities of neighbouring residents.

The lean-to outbuilding to the west of the dwelling is acceptable in terms of its position, size and design. The agent notes that the plant room will house a hot water cylinder and treatment plant for water pumped from the adjacent quarry, with those pumps already existing at the quarry. Equipment placed within the outbuilding would not be subject to control by the Authority, nor would the use of any existing plant located outside of the site boundaries. Noise nuisance would be dealt with under separate legislation controlled by the Office for Environmental Health and Pollution Regulation.

The proposed landscaping as shown on the drawings submitted would provide an appropriate boundary treatment to the east, south and west boundaries, subject to conditions.

The representation received has been carefully considered as part of this application and has been addressed where appropriate above.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 17/01/23