

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 domestic garage to north (rear) elevation and create new vehicular access to northern boundary.

LOCATION: Col de Turini, Forest Road, Forest.

APPLICANT: Mr & Mrs N Reid

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: 15/08/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: MAT Ltd 20-130- 04 & 05.

Application Ref: FULL/2022/1386

Property Ref: H002790000

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.Prior to the commencement of any work in connection therewith a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) the treatment proposed for hard areas;
- ii) full details of tree and hedge planting around the garage building and driveway;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a 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 the details agreed under the terms of the above condition, 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 - To help assimilate the development into its surroundings.

Expiry Date: This permission will cease to have effect on 14/08/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the erection of a detached domestic outbuilding for uses that are incidental to the enjoyment of the principal dwelling presently known as Col de Turini. It does not permit the creation of a separately occupied annex or an independent dwelling nor any use in connection with a trade or business. These 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/2022/1386
Property Ref: H002790000
Valid date: 29/06/2022
Location: Col de Turini Forest Road Forest Guernsey GY8 0AB
Proposal: Erect domestic garage to north (rear) elevation and create new vehicular access to northern boundary.

Applicant: Mr & Mrs N Reid

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. Prior to the commencement of any work in connection therewith a landscaping scheme, to include those details specified below, shall be submitted to and agreed in

writing by the Authority:

- i) the treatment proposed for hard areas;
- ii) full details of tree and hedge planting around the garage building and driveway;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a 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 the details agreed under the terms of the above condition, 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 - To help assimilate the development into its surroundings.

INFORMATIVES

For the avoidance of doubt, this decision permits the erection of a detached domestic outbuilding for uses that are incidental to the enjoyment of the principal dwelling presently known as Col de Turini. It does not permit the creation of a separately occupied annex or an independent dwelling nor any use in connection with a trade or business. These would require a separate grant of planning permission and involve different planning policy considerations.

OFFICER'S REPORT

Site Description:

Col de Turini is a detached two-storey dwelling situated to the north of Forest Road with vehicular access to the west of the dwelling. A substantial area of hardstanding exists to the rear of the property, in addition to the frontage area being entirely hardsurfaced. Eight vehicles were parked between the house and swimming pool at the time of the Officer site visit. A further vehicle was parked to the front of the property and two further vehicles and a trailer were situated to the north of the pool and greenhouse. A detached domestic outbuilding exists adjacent to the west boundary, a glasshouse is situated to the east boundary, north of the dwelling, with associated plant room along the west boundary. A fence and gate separate the

existing pool area from the grassed area beyond. An existing vehicular access exists in the north site boundary with Le Chemin Le Roi.

The site is located Outside of the Centres and within an Airport Consultation Zone as designated in the Island Development Plan

Relevant History:

FULL/2020/0549 – change of use of agricultural land to domestic garden – granted

The pre-advice offered by the Planning Service regarding the erection of a triple garage with store over set out that although planning permission had been granted for the change of use of agricultural land to domestic garden the garage would be more than 100m from the house which would reduce its suitability and convenience for every day domestic use.

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application sets out that the scheme relates to the erection of a six-bay domestic garage (17.85m long x 6m wide x 5.7m high) with associated gravel hardstanding. The domestic garage has been designed with a natural slate roof incorporating rooflights and with a timber clad exterior. The garage doors proposed are a combination of wooden garage door units and one oak effect roller shutter door. Storage is proposed above the domestic garage building accessed via an external staircase to the west elevation.

The applicant has provided further information/clarification regarding the proposed use of the garage referring to modern classic cars, classic vehicles and tractors which would be accommodated in the building where often they are currently stored outside. The building would also house a ride on mower and boating equipment.

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

Island Development Plan policies:

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

IP9: Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

Traffic and Highway Services – none received at point of determination.

Summary of Issues:

The key issues in this case relate to the principle of the proposed development and its potential impact on the wider open landscape character.

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.

As outlined above, planning permission has previously been granted, and subsequently implemented, for the change of use of agricultural land to domestic garden.

Policy GP13: Householder Development stipulates 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 Areas, Areas of Biodiversity Importance, protected buildings or protected monuments.

GP8: Design indicates that new development will be supported where it is demonstrated that it has been designed to a good standard of architectural design, taking into account energy uses and will not have an unacceptable impact on neighbouring amenity or designated areas.

The application is for a domestic outbuilding that is stated to be used as a garage and workshop with storage above. It 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 Col du Turini) 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, workshop and store is therefore acceptable.

The site occupies a plateau landscape as identified in Annex V. of the Island Development Plan which is a landscape type *“characterised by a web of hedges, banks, hedgerow trees and tree-lined lanes, which enclose numerous small pastures. Interspersed through this field pattern are a series of small scattered settlements, usually in lower sheltered ground and surrounded by mature trees ... In places, former green lanes have been upgraded to roads, but even the main roads are often no more than 14 ft wide. A number of pastures have been replaced by glasshouses and residential development but the landscape fabric of hedges, banks and tree-lined lanes generally keeps views short, except in the more open west. However, the airport and the ribbon development which has grown up alongside main roads over the last 50 years, particularly in St Martin, is not well-screened and impacts on the traditional settlement pattern and character of the landscape”*.

Policy GP1 sets out that proposals will not be supported if they would result in the unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of an area. Policy GP8 e) also seeks to ensure that a development provides soft landscaping that reinforces the local character and mitigates the impacts of the development.

The land is relatively flat and due to the topography of the land and its elevated position above road level means that the building will not be highly visible from Le Chemin Le Roi except when viewed from the existing vehicular access in the north site boundary. The position of the building, set back from the road, will reduce its impact on the landscape character of the area and having regard to its relationship with the dwelling to the west which interrupts the general open character of this part of the lane. Glimpse views of the building will be possible across fields on Forest Road but overall the development will not appear unduly obtrusive in the open landscape concerned. Notional planting is shown on the application drawings however it is unclear whether this is existing or proposed (or a combination of the two). A detailed landscaping scheme, which would help mitigate the impact of the building on the wider area and thus help assimilate the building into the landscape character in accordance with the relevant requirements of Policy GP1 and GP8 of the Island Development Plan could be required.

In view of the above it is considered the scheme accords with the aims Policies GP8 and GP1 of the Island Development Plan in relation to the local landscape character.

The domestic building has been designed to appear as an agricultural style outbuilding within the domestic garden area of Col de Turini. The proposed scale of the building, being 5.7m in height and its associated bulk is compatible to the domestic setting of Col de Turini and the bungalow to the west in Chemin Le Roi. The application has been amended to incorporate additional information regarding the

use of the building, offering some justification for the erection of a domestic outbuilding of the scale proposed.

The agricultural appearance of the domestic building in this part of Le Chemin Le Roi and its position and set back from the road, will reduce its impact on the character and appearance of the streetscene where other development is sparse. The design and appearance, including scale and bulk, of the development represents a good standard of design in line with the aims of policies GP8 and GP13 of the Island Development Plan. The scheme therefore complies with Policy GP8 criteria a) and c) of the Island Development Plan.

The building is set away from all residential neighbours and will not result in overshadowing of adjoining properties. The rooflights are positioned in the north roofslope, away from gardens to the south and these, in combination with the access stairs, will not result in overlooking and loss of privacy to adjoining residential neighbours in accordance with Policies GP8, GP9 and GP13 of the Plan.

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with the Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

Vehicles accessing the site would use the existing, sloping, vehicular access onto Le Chemin Le Roi. High banks and landscaping to either side of the access will limit visibility onto the lane however, given the narrow nature of the lane with various field, house and road junctions along it, vehicle speeds are generally low. The use of this domestic access will not result in highway safety concerns and with adequate onsite turning vehicles will leave in a forward gear when having regard to traffic management in line with the aims of Policy IP9.

In view of the above it is recommended that planning permission is granted for the proposed development subject to conditions relating to landscaping and informative note relating to the use of the building for domestic purposes/storage only and in association with Col de Turini.

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: 09 August 2022