

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: Extend and alter at lower ground floor and ground floor levels and landscaping, alter fenestration to front of dwelling and erect roadside wall to create pedestrian access and alter existing vehicle access, erect gate to side and front of dwelling.

LOCATION: Mont Saint Lodge, Rue Des Hougues, St. Saviour.

APPLICANT: Mr & Mrs J Thomason

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: 04/11/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton drawing no's: 2221 03.01A, 03.03A, 03.04A, 03.05A, 03.06A & 03.07A.

Application Ref: FULL/2022/1463

Property Ref: E006790000

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, the existing tree referred to as T5 (Pinus) along the south-east boundary of the site as indicated on the plan attached to this decision notice shall be retained and shall not be felled, lopped, topped or uprooted without the previous written agreement of the Authority.

Reason - as set out in the Management Recommendations of the arboricultural report dated 4th June 2022, T5 is a tree with a contribution factor to the wider landscape which can be retained in its current form.

5.With regard to Condition 4 above, no development including site works, shall begin on site until the tree (T5, Pinus) along the south-east boundary of the site has been protected in line with British Standards 5387 (2012). The tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the area agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected area, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The tree is an important feature in the area that is capable and worthy of protecting by condition. This condition is imposed to make sure that it properly protected while building works take place on the site.

6. Notwithstanding the information submitted, no development including site works, shall begin on site until full details of the proposed tree planting scheme has been submitted to and agreed in writing by the Authority. The scheme shall clearly specify the species of each tree, their size at the time of planting and their position on the site.

Reason - the trees are important features in the area and therefore the loss of the existing trees as shown on drawing 03.03A is acceptable, provided that they are appropriately offset by suitable replacement trees.

7. The trees planting scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 6, 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 removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 03/11/2025 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/2022/1463
Property Ref: E006790000
Valid date: 03/08/2022
Location: Mont Saint Lodge Rue Des Hougues St. Saviour Guernsey GY7 9XP
Proposal: Extend and alter at lower ground floor and ground floor levels and landscaping, alter fenestration to front of dwelling and erect roadside wall to create pedestrian access and alter existing vehicle access, erect gate to side and front of dwelling.
Applicant: Mr & Mrs J Thomason

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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 - In the interests of visual amenity.

OFFICER'S REPORT

Site Description:

Mont Saint Lodge is a late 1960s/early 1970s long pitched roof split-level bungalow with basement garage. It houses three bedrooms and has a front porch and flat-roofed rear conservatory.

Facing north-east, it is situated on Rue des Hougues on a very prominent ridge top corner site at the junction of Rue du Dos D'Âne and the steeply sloping Grande Rue.

The house is currently screened from public view to the immediate west as a result of the area's topography, mature planting along the north-west and south-west boundaries and the much lower road level. Although visible on the skyline, it currently has a relatively low visual impact in longer views.

The site is situated Outside of the Centres and within an Agriculture Priority Area as defined in the Island Development Plan.

The site has been subject to multiple permissions in recent years to extend and alter the dwelling.

Relevant History:

FULL/2020/1064	Permission granted to extend and alter dwelling including raise ridge height to create additional storey, create balconies and raised terrace to rear (south-west) elevation and alter fenestration. Remove section of roadside bank to increase width of pedestrian access.
FULL/2018/1124	Permission granted to fell Monterey Pine tree (south-east boundary).
FULL/2017/1319	Permission granted for variations to plans previously approved - Replace flue with chimney and replace part of glazed guarding to balcony with a screening wall.
FULL/2017/0969	Permission granted to remove section of roadside wall and hedging on north boundary and erect new roadside wall.
FULL/2017/0027	Permission granted for variations to works previously approved to extend and alter dwelling - centralise gable (south-west elevation) and extend single storey extension and first floor balcony (south-east elevation), and install a flue.

FULL/2016/2075	Permission granted to remove section of timber balcony and replace existing door with window and block up opening (north-west elevation).
FULL/2016/0428	Permission granted to extend and alter dwelling (revised).

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to extend and alter the dwelling at the lower ground floor and ground floor levels. The proposal also seeks to alter fenestration to front of dwelling, erect a roadside wall to create pedestrian access, alter the vehicle access, and install a gate to the side of dwelling.

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

Policy GP1: Landscape Character and Open Land

Policy GP8: Design

Policy GP9: Sustainable Development

Policy GP13: Householder Development

Representations:

The Authority has received a letter of representation from one party in support of the proposal. Grounds for support include;

- Design
- Positive effect on the character and appearance of the area.
- Removal of trees and hedges along the south-east boundary.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Design and impact of the development on the appearance and character of the area.
2. The impact of the development on the amenity of people living in the area.

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).**

Planning permission was granted to extend and alter the dwelling in March 2016 (FULL/2016/0428) under the former Rural Area Plan. Subsequent variations were approved under the Island Development Plan in March 2017 (FULL/2017/0027) and July 2017 (FULL/2017/1319) and most recently in 2020 (FULL/2020/1064).

This current application seeks to retain the original form and scale of the dwelling when viewed from the roadside (Rue Des Hougues), although adding a contemporary appearance through a mix of fenestration, grey render, stone cladding and a slate roof.

The incorporation of a natural stone granite planter to the front of the property will reduce the width of the vehicle access. By increasing the boundary treatment to the front of the property will help to improve the visual amenity of the area. It is understood that the planter will not significantly affect sightlines when egressing from the property due to its height. It is also noted on the drawings (03.04A) that this aspect of the proposal has been discussed between the agent and Traffic and Highway Services.

Towards the rear of the site, the proposal incorporates a large flat roof extension which serves as a kitchen, study/snug and utility. The extension 'kicks-out' at a 45 degree angle to maximise from long distant coastal views. The extension also extends over a lower ground floor car port.

The proposed extension and the remaining aspects of the proposal, including the new terrace areas, will not adversely affect the amenities of neighbouring residents when taking into account the topography and relationship to neighbouring properties.

Consequently, the proposed extension and alterations to the dwelling achieve a good standard of design for the purposes of Policy GP8 and would have no adverse effects on the character and visual amenity of the area. The proposal accords with Policies GP1 and GP8.

Similar to the previous application (FULL/2020/1064), the application is accompanied by an arboricultural report. The report concludes that 3 of the 5 trees along the south-east boundary should be removed and replaced with suitable replacement trees. It is concluded that tree reference T3 and T5 should be retained, although the drawings show that the T3 Acer will be retained, yet T5 (Pinus radiata) will be removed, contrary to the recommendations in the arboricultural report. It is

therefore considered reasonable and necessary that tree T5 be retained in accordance with the recommendations and given the positive contribution the trees, as a whole, make to the character and appearance of the surrounding area. It is also requested that a landscaping scheme be submitted to clearly show the replacement tree planting scheme within the site.

The agent has agreed with the retention of Tree 5 (*Pinus radiata*) and the landscaping scheme as set out in the e-mail dated 31st October 2022. The agent has also alluded that the safety and integrity of Tree 5 will be considered in more detail at a later date with the Arboriculturist.

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

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.

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: 04/11/22