

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 and rebuild chimneys, re-roof, relocate dormer windows, alter roof form, install rooflights and cladding to west (rear) elevation, install rooflights to north (front) elevation, internal and fenestration alterations, erect shed to south boundary (Protected Building).

LOCATION: The Cottage, La Rue Du Bigard, Forest.

APPLICANT: Mr & Mrs D & J Orr

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: 12/12/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/07/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD Architects - 3716 PL-01A, PL-02A, PL-03A, PL-04A & PL-05A.

Application Ref: FULL/2022/1477

Property Ref: H000360000

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.The replacement chimney stack shall be constructed to match the dimensions, construction and appearance of the existing chimney stack, utilising the existing bricks.

Reason - To preserve the special interest of the protected building.

5.Prior to the commencement of any work in connection therewith precise details of the 'green roof', including drawings showing the method of construction, details of the plant species to be used and a plan for its management and maintenance, have been submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details and shall thereafter be maintained in accordance with the agreed management and maintenance plan.

Reason - The inclusion of a 'green roof' is an integral part of the design concept for the development hereby permitted. Its provision is essential to secure the satisfactory appearance of the completed development.

Expiry Date: This permission will cease to have effect on 11/12/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their provisions. The existing

building may be used by bats or other wildlife for roosting and nesting. It is recommended that the site is inspected accordingly prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to ensure that protected species 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 by emailing info@societe.org.gg.

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/2022/1477
Property Ref: H000360000
Valid date: 15/07/2022
Location: The Cottage La Rue Du Bigard Forest Guernsey GY8 OHT
Proposal: Demolish and rebuild chimneys, re-roof, relocate dormer windows, alter roof form, install rooflights and cladding to west (rear) elevation, install rooflights to north (front) elevation, internal and fenestration alterations, erect shed to south boundary (Protected Building).

Applicant: Mr & Mrs D & J Orr

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. The replacement chimney stack shall be constructed to match the dimensions, construction and appearance of the existing chimney stack, utilising the existing bricks.

Reason - To preserve the special interest of the protected building.

5. Prior to the commencement of any work in connection therewith precise details of the 'green roof', including drawings showing the method of construction, details of the plant species to be used and a plan for its management and maintenance, have been submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details and shall thereafter be maintained in accordance with the agreed management and maintenance plan.

Reason - The inclusion of a 'green roof' is an integral part of the design concept for the development hereby permitted. Its provision is essential to secure the satisfactory appearance of the completed development.

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their provisions. The existing building may be used by bats or other wildlife for roosting and nesting. It is recommended that the site is inspected accordingly prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to ensure that protected species 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 by emailing info@societe.org.gg.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a detached building located to the west of La Rue du Bigard. The property is located Outside of the Centres as designated in the Island Development Plan. The property comprises a protected building.

Planning permission was originally sought to demolish and rebuild chimneys, re-roof, relocate dormer windows, alter the roof form, install rooflights and timber cladding to the rear of the property, install rooflights to the north (front) elevation, and make internal and fenestration alterations, and erect a shed to the south boundary.

The application was deferred as concerns were raised in respect of raising the ridge height of the roof of the protected building as the simplistic form and appearance is a characteristic that positively contributes to the special interest of the building.

The agent has amended the drawings by retaining the original roof form of the property in attempt to overcome the concerns raised.

Relevant History:

None germane to this application.

Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation	☒
accords with policy	☒
within curtilage	☒
design acceptable	☒

visual amenity acceptable	☒
no material neighbour impact	☒
traffic not affected	☒

Policies considered most relevant:

GP5 Protected Buildings
GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Comments – La Societe:

“In respect of this application, we would like to highlight that buildings of this type can be used by roosting bats and other wildlife. This likelihood can increase when the property is located within a variable landscape with habitats such as farmland or woodland nearby.

We would strongly recommend that the building be inspected for current or recent use by bats by a suitably qualified person prior to any building works. This would reduce the risk of disturbing or destroying animals which are legally protected under the Animal Welfare Ordinance 2012.

We would request that, if this application is approved, an informative note be added to the Information Sheet as follows -

‘Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their provisions. The existing building may be used by bats or other wildlife for roosting and nesting. We

recommend that the site is inspected accordingly prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaisie for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg.”

Conclusion/Brief comment:

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 a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings, to secure so far as possible that the special historic, architectural, traditional or other special characteristics (including setting) are preserved. This duty is reflected in Policy GP5 of the IDP.

The agent has satisfactorily demonstrated an understanding of the significance of the building in accordance with Policy GP5.

In light of the amendments secured, the original roof form will remain unchanged thereby retaining its special interest. The incorporation of well-designed Conservation style roof-lights to the front of the property is considered to be a reasonable aspiration of the property owner and will not detract from the special interest of the building. Subject to the chimney stack being rebuilt using existing brickwork to match as closely as possible to the existing, the proposal would have a neutral effect on the special interest of the building.

The property has been altered and extended to the rear, consisting of a two-storey flat roof extension which detracts from the protected building. The application sets out that the roof construction of the existing extension is below Building Regulations thereby improving the thermal performance of the extension is considered to be a reasonable aspiration of the property owner. Whilst the extension is different to that of the main house due to its contemporary form, Policy GP8 allows for a degree of flexibility with regards to building design, including protected buildings, where development can either take a traditional or contemporary approach.

The curvature of the top of the roof of the proposed extension is likely to be visible in public views. The effect on visual amenity is likely to be negligible due to the incorporation of a green roof which will help to assimilate the development into its natural surroundings. However, it is necessary that a condition be applied to ensure that the green roof adopts a high standard of design for the purposes of preserving the setting of the protected building as well as integrating with the backdrop of the rural landscape.

The application has also been balanced against the positive effect of retaining the original ridge line of the protected building thereby preserving the special interest of the protected building.

All other alterations to the property are not considered to cause undue harm to the special interest of the property, particularly as the interior of the roof appears to have been modified over the years.

In summary, the extension is considered to achieve a 'high' standard of design for the purposes of Policy GP5 and GP8 due to the scale, mass, form, materials, and detailing. The works will not have an adverse impact on residential amenity.

For the purposes of Policy GP5, the proposal is considered to preserve the special interest of the building.

It is recommended that an informative be attached to the decision in line with La Société's comments.

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.

Recommendation:

Grant with Conditions



Date: 09/12/22

