

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: Subdivide dwelling (residential use class 1) into 2 flats (residential use class 2).

LOCATION: 1 Les Courtillets, Rue Du Bordeaux, Vale.

APPLICANT: Mrs J Gill

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: 10/11/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Block Layout Plan. Photographs and floor plan (stamped received 09/11/2022) and first floor plan (stamped received 09/11/2022).

Application Ref: FULL/2022/1502

Property Ref: C004630000

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 first occupation of the first floor flat hereby approved details of the design and appearance of secure and covered cycle parking to serve the development shall be submitted to and approved in writing by the Authority. The cycle parking shall be implemented prior to the first occupation of the flats hereby approved and shall thereafter be retained in perpetuity.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the development enables occupiers to travel by alternative modes of transport and that the cycle store does not have any adverse impact on the character of the area.

Expiry Date: This permission will cease to have effect on 09/11/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The applicant/developer is advised to contact Building Control in relation to the proposed subdivision. A Building Control application will need to be submitted to subdivide the property and to ensure that the subdivision meets all current standards including internal space requirements and fire/sound separation etc.

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/2022/1502
Property Ref: C004630000
Valid date: 24/08/2022
Location: 1 Les Courtillets Rue Du Bordeaux Vale Guernsey GY3 5NU
Proposal: Subdivide dwelling (residential use class 1) into 2 flats (residential use class 2).
Applicant: Mrs J Gill

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 first occupation of the first floor flat hereby approved details of the design and appearance of secure and covered cycle parking to serve the development shall be submitted to and approved in writing by the Authority. The cycle parking shall be implemented prior to the first occupation of the flats hereby approved and shall

thereafter be retained in perpetuity.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the development enables occupiers to travel by alternative modes of transport and that the cycle store does not have any adverse impact on the character of the area.

INFORMATIVES

The applicant/developer is advised to contact Building Control in relation to the proposed subdivision. A Building Control application will need to be submitted to subdivide the property and to ensure that the subdivision meets all current standards including internal space requirements and fire/sound separation etc.

OFFICER'S REPORT

Site Description:

1 Le Courtillets, Rue des Bordeaux is a semi-detached pitched roof dwelling with single-storey extension to the rear. The roadside boundary is marked by a wall and a single off-road parking space is available adjacent to the north boundary. Residential properties exist to the north, south and west of the site whilst a vinery site exists on the opposite side of the road, to the east.

The site is located Outside of the Centres and in an area at risk of flood as designated in the Island Development Plan.

Relevant History:

Pre-application planning advice was sought in this case with an invitation to seek separate Building Control advice.

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application relates to the subdivision of the dwelling, 1 Le Courtillets, into two flats. The scheme proposes a one-bedroom flat on both the ground and first floor. The ground floor apartment would have access to the garden to the west. One off road parking space is available to the front of the property.

The application was deferred to ensure that adequate cycle parking is provided on site to serve the proposed flats and to ensure that secure access was provided for both the ground floor and first floor flats. Revised plans and information have been

provided to address these matters. An area of parking to the south of the dwelling is proposed to serve the upper floor flat whilst a shed would offer cycle parking for the ground floor unit. The plans show a locking door to the ground floor kitchen/diner door (ground floor flat) and a locking door at the top and bottom of the stairs for the first floor flat.

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

Island Development Plan policies:

OC1: Housing Outside of the Centres

GP8: Design

GP9: Sustainable Development

IP7: Private and Communal Car Parking

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed subdivision, its impact on the character and appearance of the locality and on residential amenity having regard to the occupiers of surrounding dwellings and the future living environment of occupiers of the development.

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.

Policy OC1 makes provision for the subdivision of an existing dwelling into two (or more) self-contained units and provides a gateway for the development.

The application does not incorporate any external alterations therefore the development will not result in harm to the character and appearance of the locality.

Health and well-being

Policy GP8 requires that the units created consider the health and well-being of the occupiers by means of providing adequate daylight, sunlight and private/communal open space, and directs proposals to be considered against Annex 1 of the Plan: Amenities.

The scheme relates to the horizontal subdivision of the dwelling to create two flats. The ground floor comprising an open plan kitchen, dining, sitting area, shower room and bedroom with the first floor containing a kitchen and lounge, bathroom and bedroom. The site is located in a primarily residential area where the subdivision of the dwelling into two units of accommodation would remain compatible with the character of the surrounding area.

With regard to the living environment and amenities of future occupiers the ground floor unit would benefit from outlook to the front and rear and access to the garden area. The accommodation provides adequate sunlight and daylight to the east and west, access to external open space (to the west) and will have satisfactorily privacy given the existing site boundary enclosures.

The first-floor accommodation would also benefit from outlook to the front and rear and although would not have access to external space on site is situated within very close proximity to coastal footpaths and beaches thereby offering easy access to external open space for future occupiers. The accommodation will not be unduly affected by overlooking or loss of privacy from the occupiers of the ground floor accommodation nor adjoining residential properties.

With regard to internal space standards both the ground and first floor offer sufficient floorspace to meet and exceed the current Building Regulations. The ground floor flat meets the current Guernsey Technical Standards for Building Control. It is noted however, that as currently laid out the first floor flat would not comply with Part G of the Technical Standards because the floor area associated with the kitchen, dining, living and bathroom is lower than the required standard (calculated as being 19 sqm when the standard is 22 sqm). Nonetheless, given that the bedroom exceeds the GTS this could be reduced in size to enable the living space to be enlarged and for both areas of the flat to comply. As the accommodation meets current internal space standards the scheme addresses the requirements of the IDP. It is acknowledged that the scheme will not meet current Building Regulations however, this cannot prevent the grant of planning permission.

The subdivision of the property as proposed would not result in unacceptable overlooking and loss of privacy to the occupiers of surrounding dwellings given that the west facing windows currently serve a bathroom and bedroom and this situation would remain unchanged in connection with the proposed subdivision. The development will not result in overlooking and loss of privacy to the front/east to Rue Des Bordeaux.

The site is only capable of accommodating a single off-road parking space however, the site is situated on a bus route, there is the opportunity for on-street parking close by and the site is near to the Main Centre of the Bridge. Policy IP7 requires developments Outside of the Centres to be considered on their own merits and the provision of one parking space for two one bedroom units in this location is considered satisfactory. The scheme does, as amended, offer cycle parking for both flats and although precise details have not been submitted this is a matter that can be addressed by condition.

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: 10 November 2022

