

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 existing dwelling and erect 2 dwellings with associated landscaping and create additional vehicle access to west boundary for Unit 1.

LOCATION: Hillmount, Godaines Avenue, Les Vardes, St. Peter Port.

APPLICANT: Mr & Mrs Damsell

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: 11/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP: 3108-DR-00-002 & 005, 01-100, 110, 120, 200, 201 & 02-100, 110, 120, 200, 201

Application Ref: FULL/2022/1546

Property Ref: A408230000

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.No development, including site works, shall begin on site until details of existing and proposed levels, including ground levels, finished floor levels of all buildings and a number of sections across the site, have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the details agreed under the terms of the above condition.

Reason - To make sure that the development is carried out in a way which is in character with its surroundings.

5. Prior to the commencement of any work in connection therewith details of:

- a) the retaining wall hereby approved which shall be rendered prior to the first occupation of either dwelling hereby approved;
- b) a boundary fence or wall between units 1 and 2;
- c) any new boundary treatment to the north and east site boundaries;
- d) details of solar panels which shall be installed and made operational prior to the first occupation of the dwelling to which they relate.

shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of these proposed features. This condition is imposed in the interests of visual amenity, in the interests of sustainable development and to preserve the privacy of occupiers and neighbours of the development.

6.Within four weeks of the new access to the west site boundary being formed, the ends of the new opening shall be finished off using materials and a method of

construction which match the remainder of the west site boundary. Notwithstanding the details shown on drawing 3108-DR-00-005 any new planting associated with the formation of the access shall not exceed 0.9m high within a 2m visibility splay.

Reason - In the interests of visual amenity and highway safety.

7. 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 all ground surfaces, including hard areas (incorporating permeable paving);
- ii) full details of tree and hedge planting to the west and south site boundaries including planting schedules, noting the species, sizes, numbers and densities of plants;
- iii) 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.

8. 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.

9. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no extensions (exemption 10) or outbuildings (exemption 14) shall be erected or constructed within the curtilage of the dwellings to which this permission relates.

Reason - The carrying out of development of this type may cause harm in terms of the overall appearance and character of the area and its impact on the amenity of neighbouring dwellings.

10. No materials to be used on the exterior of the buildings shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - In the interests of visual amenity.

11.No development shall begin on site until details of the position and appearance of the proposed rainwater goods have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the rainwater goods. This condition is imposed to make sure completed development does not have any adverse impact on the character of the area.

Expiry Date: This permission will cease to have effect on 10/10/2025 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/2022/1546
Property Ref: A408230000
Valid date: 01/09/2022
Location: Hillmount Godaines Avenue Les Vardes Les Vardes St. Peter
Port Guernsey GY1 1BH
Proposal: Demolish existing dwelling and erect 2 dwellings with
associated landscaping and create additional vehicle access to
west boundary for Unit 1.
Applicant: Mr & Mrs Damsell

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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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. No development, including site works, shall begin on site until details of existing and proposed levels, including ground levels, finished floor levels of all buildings and a number of sections across the site, have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the details agreed under the terms of the above condition.

Reason - To make sure that the development is carried out in a way which is in character with its surroundings.

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- d) details of solar panels which shall be installed and made operational prior to the first occupation of the dwelling to which they relate.

shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of these proposed features. This condition is imposed in the interests of visual amenity, in the interests of sustainable development and to preserve the privacy of occupiers and neighbours of the development.

6. Within four weeks of the new access to the west site boundary being formed, the ends of the new opening shall be finished off using materials and a method of construction which match the remainder of the west site boundary. Notwithstanding the details shown on drawing 3108-DR-00-005 any new planting associated with the formation of the access shall not exceed 0.9m high within a 2m visibility splay.

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- i) the treatment proposed for all ground surfaces, including hard areas (incorporating permeable paving);
- ii) full details of tree and hedge planting to the west and south site boundaries including planting schedules, noting the species, sizes, numbers and densities of plants;
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Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

8. 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.

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Reason - The carrying out of development of this type may cause harm in terms of the overall appearance and character of the area and its impact on the amenity of neighbouring dwellings.

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Reason - In the interests of visual amenity.

11. No development shall begin on site until details of the position and appearance of the proposed rainwater goods have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the rainwater goods. This condition is imposed to make sure completed development does not have any adverse impact on the character of the area.

OFFICER'S REPORT

Site Description:

Hillmount is a detached hipped roof bungalow with extension to the east/side situated on the corner of Les Vardes and Godaines Avenue, St Peter Port. Properties in the locality are varied in terms of their height, design and appearance with a two-storey house, bungalows and chalet bungalows to the east, a two-storey house across Les Vardes to the west and to the south of Godaines Avenue a detached bungalow with two-storey flat roof extension to the rear. Substantial detached properties such as Montville House and Sainte Royale are situated to the north/northwest of the site.

A patio area with sheds to the northwest and northeast corners exist to the rear of the property. The most usable amenity space serving the bungalow is situated to the east of the dwelling enclosed by a hedge and wall to the east and hedge to the south of the property. Vehicular access is via the south site boundary from Godaines Avenue.

An area of open land exists to the north of the dwelling and the common boundary with the site is marked by a timber fence. A wall marks the west, roadside boundary and the land is elevated above road level. There are views of the application site, south across this open land.

The site is located in the Main Centre Outer Area as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application relates to the demolition of the existing dwelling and erection of two detached houses on the site.

Unit 1 – a contemporary, three bedroom flat roof two-storey dwelling with render and stone clad exterior

Unit 2 – a three bedroom, two-storey pitched and hipped roof dwelling with gable facing south to Godaines Avenue

The existing vehicular access in Godaines Avenue is shown to be retained to serve unit 2 and a new vehicular access is proposed in the west boundary onto Les Vardes to serve unit 1. Each property is shown to be served by one off-road parking space.

The application has been accompanied by a policy document outlining how the scheme accords with the requirements of the Island Development Plan and a shadow study. In this location and for the number of units proposed a Site Waste Management Plan is not required.

The submission indicates that the proposal seeks to respect the character of the existing landscape which is described as being characterised by non-descript dwellings of various sizes and forms with open driveways, hedges and low level boundary walls. Attention is drawn to a nominal building line along the east side of the upper part of Les Vardes whereas the west side of Les Vardes has no formal building line but properties are set back from the road. The scheme would not significantly alter the built footprint on the site but would offer more accommodation with ample living and amenity space. The application documents outline that the existing dwelling is reaching the end of its serviceable life and the two, three bedroom properties are representative of current housing demand whilst making efficient use of the site. Attention is also drawn to the extensions being undertaken at the adjoining dwelling.

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

Island Development Plan policies:

MC2: Housing in Main Centres and Main Centre Outer Areas

GP8: Design

GP9: Sustainable Development

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Parking Standards and Traffic Impact Assessment SPG

Representations:

Two letters of representation have been submitted raising the following points:

Impact on locality

- There is clearly a perceived building line from Tangletrees to Oyster Rock, unit 1 is shown considerably forward of all other properties and would be invasive and overbearing in its extreme proximity to the private Avenue
- Reference to the extension to Oyster Rock is somewhat misleading because it is not a dominant feature in the Avenue
- With the exception of Oyster Rock all properties in Godaines Avenue are one and a half stories, chalet style properties

- Unit 1 appears to reflect 'Papillon' which is the property that makes the opposite corner to Les Vardes and Godaines Avenue in design, where the square extension to the rear of the original bungalow appears completely at odds with everything else in Les Vardes and Godaines Avenue. This surely would not have obtained planning permission had it not been built many years ago

Impact on residential amenity

- Concerns exist regarding the impact of the development to light to the adjoining dwelling, Oyster Rock, having regard to Practice Note 8 – lightly effect of the development on the reasonable enjoyment of neighbouring properties
- The existing building and the impact of both buildings having two levels and the proximity to the boundary will significantly impact light and affect the reasonable enjoyment of the house

Highway safety and parking

- The creation of a new driveway off Les Vardes, over the brow of the hill where there is currently on-street parking would represent a dangerous hazard unless on-street parking is lost
- Unit 2 has one parking space, the Avenue is private and there are no additional parking or turning areas available. A second car or visitors would need to park in one of the few parking spaces, which could disappear

Agriculture, Countryside and Land Management Services – the property is near the wooded area of Val de Terres which has been highlighted as a high activity area for bats. Before the dwelling is demolished a bat survey should be carried out to check for roosts and ensure work is completed lawfully, in accordance with the Animal Welfare Ordinance.

Consultations:

None.

Summary of Issues:

The issues in this case relates to the principle of the proposed development, the design and appearance of the development and its impact on the character and appearance of the locality, the potential impact on residential amenity with regard to overshadowing and overlooking and the future living environment of occupiers of the proposed dwelling.

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.

The site is located in a Main Centre Outer Area where new housing development is supported provided the scheme accords with all other relevant planning policies in the Island Development Plan (IDP) and having regard to the need to provide an appropriate mix and type of properties. The scheme proposes the erection of two, three bedroom dwellings on the site which reflects the needs across the Island for two and three bedroom properties. The limited size of the site would not offer much opportunity for a greater mix and type of dwellings and in this case Policy MC2 has been satisfied.

Design and appearance

The development incorporates properties of different designs in an area where the design and appearance of dwellings is varied. Although unit 1, the flat roof dwelling, would be pushed further towards the roadside boundary than the existing property the scheme has been designed with a subservient western element adjacent to the road and proposes a pathway and landscaping along the Les Vardes boundary. The design of this unit is such that it will not appear unduly prominent in the streetscene. With regard to unit 2, this has adopted a more traditional design approach, with a pitched and hipped roof which reflects other properties in the locality.

The design, appearance and palette of materials proposed would not have a detrimental impact on the character and appearance of the area. Although visible across the open land to the north the dwellings would not have an unacceptable impact on the character of the area when viewed from this area. The scheme proposes the retention of the wall to the west boundary with replacement notional planting. To the south boundary with Godaines Avenue a new retaining wall is proposed across part of the site frontage, which has not been detailed as part of the submission. A condition can be imposed regarding hard and soft landscaping, including permeable paving and the proposed retaining wall to ensure that the completed development reinforces the local character, mitigates the impacts of development and contributes to more sustainable construction.

Efficient use of land, accessibility and flexibility

The erection of two, two-storey dwellings will represent more efficient and effective use of land within this urban area compared to the large footprint of the existing single-storey bungalow. Unit 1 proposes a step free pathway from the proposed

parking area to both the front and rear doors (single step to rear door) of the property along with a stepped access from Les Vardes which is a situation that currently exists on the site. A ramped access is shown to be provided to the front of unit 2 with a single step from the rear/north door to the garden area. For both units the ground floor accommodation is laid out to be largely open plan and with 800mm wide doorways. Although no ground floor bedroom accommodation is proposed the scheme does incorporate a ground floor WC and the internal layout could be adapted at a later date to meet the changing needs of occupiers. Furthermore, subject to permissions, there may also be scope to extend either dwelling to offer more flexible and adaptable living accommodation. Overall, the development does demonstrate accessibility to and within the building for people of all ages and abilities and offers flexible and adaptable accommodation in line with the aims of Policy GP8.

Health and wellbeing of occupiers

Amenity is defined in Annex I: Amenities of the Island Development Plan and sets out various amenities objectives that will be considered when determining an acceptable and adequate level and type of amenities provision for a development. Amenities are defined in the IDP as,

“... the desirable or useful features or facilities of a building, property or place which support the health and well-being of occupiers and users and which contribute to the enjoyment of the building, property or place. These are:

- internal space provision;
- privacy;
- aspect/outlook;
- access to external open space;
- daylight/sunlight.

New developments should be planned and built to support the health and well-being of occupants and users and maintains appropriate amenities for those of neighbouring property. The Annex sets out that building at higher densities brings challenges with respect to ensuring reasonable amenities are provided. There must be a balance between the most effective and efficient use of land and the requirement to ensure that proposed living and working conditions are acceptable and that the higher density Main Centres, in particular, remain attractive places to live and work.

In both cases, although external amenity space is proposed it would be situated to the north of the properties and would be substantially overshadowed by the dwellings themselves. Whilst this would have some impact in the winter and shoulder months during the summer months when the sun is highest in the sky the areas would not be unduly affected by overshadowing. On balance therefore, this is considered satisfactory in terms of usable external amenity space to serve the two new dwellings.

The internal space provision is satisfactory with good aspect and outlook for both properties. Unit 1 has windows and doors in the north, south and west elevations offering a good level of sunlight and daylight to the accommodation. Unit 2 is however, largely dual aspect north and south due to the constraints of the site with the existing dwelling to the east and proposed unit 1 to the west. The fenestration to the south of unit 2 would offer satisfactory sunlight and daylight to the ground floor living room and WC and first floor bedrooms 1 and 2. The relationship of unit 2 to Oyster Rock to the east is such that sufficient natural light will serve the first floor east facing bathroom window. The west facing store window would not benefit from a great deal of natural light due to the close proximity of unit 2 although it is acknowledged that this is not currently proposed to be used as habitable accommodation although it could conceivably be used as a study area.

In terms of privacy for future occupiers, the position of windows and doors is such that mutual overlooking between the two dwellings would be kept within acceptable limits. Although some views of the two gardens would be possible from the first floor north facing windows this is not uncommon in an urban location such as this and would not warrant the refusal of permission.

Impact on neighbour amenity

Concerns have been raised through the public consultation process regarding the potential impact on residential amenity having regard to natural light to the adjoining dwelling, Oyster Rock. Although concerns have been raised about the effect of erecting two, two-storey dwellings on the site and the effect this would have on light, unit 1 adjacent to Les Vardes will not impact on sunlight or daylight to the occupiers of Oyster Rock as it would be set well away from the common boundary to the west. Furthermore, assuming both dwellings are constructed at the same time then unit 2 would be constructed between Oyster Rock and unit 1 adjacent to Les Vardes. Unit 1 occupies a position adjacent to Les Vardes and Godaines Avenue and will not result in overshadowing or loss of light to any adjoining dwelling.

Extensions and alterations are currently underway at Oyster Rock. The approved single-storey extension adjacent to the common boundary has a blank west elevation. A number of windows and a door exist in the original west elevation of this dwelling comprising a secondary bedroom window and a bathroom window above the single-storey extension, a landing window and first floor ensuite window to the north of the approved extension with a utility room door and adjoining window and one further window at the northern end of the west elevation at ground floor level. Unit 2 has been set away from the common boundary with Oyster Rock and the adjoining two-storey element of Oyster Rock is also set away from the common boundary. This neighbouring dwelling also extends significantly further north than the proposed dwelling. The relationship between the two properties is such that there would not be an unacceptable loss of light to the secondary bedroom window (bedroom 3) nor the first-floor bathroom, landing and ensuite windows which do not serve habitable accommodation.

The relationship of the two dwellings with their neighbours and the positioning of windows and doors is such that the development will not result in unacceptable overlooking and loss of privacy to surrounding residential neighbours in line with Policy GP8 and GP9 of the Plan subject to a condition relating to details of the boundary treatment for the east site boundary as this is not shown on the application drawings for Hillmount or the approved plans for Oyster Rock.

Sustainable Development

A brief statement has been submitted in relation to Policy GP9 drawing attention to SIPs or timber frame construction techniques to reduce waste, high levels of air tightness and insulation, making comparisons with the existing property. The submission makes reference to an “aim” for electric heating and water with the potential for solar panels but does not show these to be incorporated into the scheme. In relation to hardstanding the application states that this is kept to a minimum and suggests the use of permeable paving or the collection and discharge of water via soakaways. The submission also refers to the orientation of the development meaning that the properties will benefit from solar gain from the southerly elevation and to minimise overshadowing. In line with Policy GP9 (IDP paragraph 19.10.4 more sustainable development) the submission addresses the method of construction, building orientation and possible use of solar panels to achieve more sustainable design. The reference to permeable paving also addresses the matter of climate change and flood risk. Overall, the scheme addresses Policy GP9 b. however it would be reasonable to impose conditions relating to the provision of solar panels and permeable paving to ensure that the development not only has the potential to but actually achieves these aspects of sustainable development.

Parking and highway safety

The level of off-road parking accords with the Parking Standards and Traffic Impact Assessment SPG. The scheme does not make specific provision for covered and secure cycle storage however, either through exemption rights or following an application a shed/outbuilding may be erected in the garden(s) of the properties to offer occupiers the opportunity to travel by alternative modes of transport. Furthermore, the site is situated in a sustainable location, close to the town centre and bus routes and overall it is considered to address the requirements of Policy IP6.

The site is not situated in a Conservation Area and although a section of the west boundary wall would be lost, a large proportion will remain intact and will continue to provide an adequate boundary feature. In this particular instance it is considered therefore that any adverse impact on the character of the area as a result of the development is not so substantial to warrant the refusal of planning permission. This conclusion is reinforced by the preceding text to Policy IP9, which notes that, *“the Authority will balance any impact on the character of the locality concerned with*

affording a significant degree of flexibility so that reasonable development aspirations can be met."

In relation to highway safety, Les Vardes is one way at the point of the proposed access in the west boundary, albeit with on-street parking to the west of the road. Visibility to the south could be somewhat constrained by the roadside boundary treatment however, a condition could be imposed limiting the height of planting in the vicinity splay to be no more than 90cm high. This would offer greater protection to pedestrians using the footpath outside the site having regard to the path of vehicles travelling north along Les Vardes where they would cross onto the right-hand side of the carriageway outside the site. In light of the above therefore, the scheme addresses this aspect of IP9.

Conclusions

In view of the above it is recommended planning permission is granted for the proposed development subject to conditions relating to the provision of solar panels and permeable paving to address the requirements of Policy GP9, the ends of the new access opening to Les Vardes, details and provision of a dividing boundary fence/wall between the two dwellings and the proposed retaining wall, a boundary/frontage area landscaping scheme and, given the restricted size of the site removing exemption rights relating to extensions and large outbuildings.

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: 11 October 2022

