

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 single-storey flat roof extension to front (south) and side (east) elevations, demolish chimney and install dormers to rear (north) roofslope. Alterations to fenestration, insertion of rooflights and solar panels (to dwelling and outbuilding). Erect shed and oil tank to front of dwelling (west boundary) and 1.5m high fence (east boundary), remove and replant hedge (south and west boundaries), widen vehicular access and erect 1.5m gate (south boundary).

LOCATION: Le Figuier, Route De L'Issue, St. Saviour.

APPLICANT: Ms E Priaux & Mr C Crew

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: 29/09/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: App: Dwg. No. 1 (date stamped received 12th August 2022), Drawing No. 2, 3, 4 & 5 (date stamped received 25th July 2022) and Application Block Layout Plan.

Application Ref: FULL/2022/1668

Property Ref: E00003A000

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 shall begin on site until details of the solar panels proposed to the south roofslope 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 proposed features. This condition is imposed to make sure that the panels are of satisfactory design and do not have any adverse impact on the character of the area.

5.The insulating render hereby approved shall be installed in line with the details contained in the letter from the applicant dated 11 July 2022.

Reason - For the avoidance of doubt and in the absence of a detailed specification relating to the proposed insulating render system.

6.Prior to the removal of the boundary hedge, a hedge landscaping scheme to include a planting schedule, noting the species, sizes, numbers and densities of hedge plants to be planted shall be submitted to and agreed in writing by the Authority.

The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms above, in the first planting season following the removal of the hedge or in accordance with a programme previously agreed in writing by the Authority. Any hedge plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by hedge plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the replacement boundary hedge will offer the necessary screening to mitigate the impact of the oil tank and cycle store hereby approved within the front garden area of the dwelling on the character and appearance of the locality.

7.The outside face and wall ends of the walls hereby approved around the oil tank shall be rendered within 28 days of construction.

Reason - To secure a good standard of design in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 28/09/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The hedge may be used by nesting birds or other wildlife. You are requested to remove the hedge outside of the bird breeding season (March-July inclusive). If removal of the hedge during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

The applicant is encouraged to use hedge plants that are native to Guernsey for the replacement hedge hereby approved.

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/2022/1668
Property Ref: E00003A000
Valid date: 12/08/2022
Location: Le Figuier Route De L'Issue St. Saviour Guernsey GY7 9UN
Proposal: Erect single-storey flat roof extension to front (south) and side (east) elevations, demolish chimney and install dormers to rear (north) roofslope. Alterations to fenestration, insertion of rooflights and solar panels (to dwelling and outbuilding). Erect shed and oil tank to front of dwelling (west boundary) and 1.5m high fence (east boundary), remove and replant hedge (south and west boundaries), widen vehicular access and erect 1.5m gate (south boundary).

Applicant: Ms E Priaulx & Mr C Crew

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. No development shall begin on site until details of the solar panels proposed to the south roofslope 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 proposed features. This condition is imposed to make sure that the panels are of satisfactory design and do not have any adverse impact on the character of the area.

5. The insulating render hereby approved shall be installed in line with the details contained in the letter from the applicant dated 11 July 2022.

Reason - For the avoidance of doubt and in the absence of a detailed specification relating to the proposed insulating render system.

6. Prior to the removal of the boundary hedge, a hedge landscaping scheme to include a planting schedule, noting the species, sizes, numbers and densities of hedge plants to be planted shall be submitted to and agreed in writing by the Authority.

The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms above, in the first planting season following the removal of the hedge or in accordance with a programme previously agreed in writing by the Authority. Any hedge plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by hedge plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the replacement boundary hedge will offer the necessary screening to mitigate the impact of the oil tank and cycle store hereby approved within the front garden area of the dwelling on the character and appearance of the locality.

7. The outside face and wall ends of the walls hereby approved around the oil tank shall be rendered within 28 days of construction.

Reason - To secure a good standard of design in the interests of visual amenity.

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The hedge may be used by nesting birds or other wildlife. You are requested to remove the hedge outside of the bird breeding season (March-July inclusive). If removal of the hedge during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

The applicant is encouraged to use hedge plants that are native to Guernsey for the replacement hedge hereby approved.

OFFICER'S REPORT

Site Description:

Le Figuier, Route De L'Issue is a detached bungalow with single-storey flat roof extension to the rear and detached outbuilding in the northwest corner of the site. Vehicular access is via the south boundary adjacent to the eastern boundary of the site and a hedge marks the roadside boundary and west boundary forward of the elevation of the dwelling facing the highway.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

None.

Existing Use(s):

01 Dwelling houses

Brief Description of Development:

The application relates to the installation of flat roof dormers and a rooflight in the north/rear roofslope of the dwelling and rooflight and solar panels to the south/front roofslope and the removal of a chimney stack. Gable windows are proposed in both the east and west gables of the property and an existing chimney stack is shown to be removed. Single-storey flat roof extensions with timber/timber effect clad exterior are proposed to the south/front and side/east elevations and alteration to the south facing lounge window.

The hedge to the south and west site boundaries is proposed to be removed and replaced, with the vehicular access widened from 3.2m to 6m along with the insertion of a 1.5m high electric sliding gate flanked by 1.9m high rendered gate piers. A 1.5m high timber fence is proposed to the east boundary between the dwelling and the road and inside the south boundary an oil tank with associated 1.6m high rendered blockwork wall is proposed and a timber/timber effect clad bike shed is proposed adjacent to the west boundary in front of the dwelling.

With regard to the detached outbuilding the application proposes alterations to the parapet walls around the flat roof and installation of solar panels to the flat roof, insertion of a flat roof rooflight and alterations to fenestration by replacing windows in the south elevation with a door and window, with associated infilling. An external insulating render system (100mm thick) is proposed to the exterior of the outbuilding.

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:

One letter of representation has been submitted and comments as follows:

No mention has been made in this application of the Strategy for Nature. Removal of the south facing section of bank will have a negative effect on wildlife and may impact on Hymenoptera in particular. Planning's own guidelines state that any external hedging should be of native species, yet in this application no mitigation is proposed or a list of hedging species supplied. Having lived for over thirty years in a Ruelle Tranquille I would not consider it necessary to widen the entrance. As the owners have stated themselves the lane does not see a huge volume of traffic.

Paroisse de Saint Sauveur – express concerns regarding the erection of a gate to the access. The application states that there is low frequency and volume of vehicle movements from the property which may be the case now but there is no guarantee this will remain the same in future years. The property is situated on a bus route and near to a bus stop. There is also heavy traffic at certain times of the day (especially given the proximity to a school). This road is also frequently used as a diversion route when other major roads are shut. Any small delay due to vehicles waiting to enter the property would increase congestion in this area at busy times, in particular the corner by La Villiaze Chapel where there is reduced visibility with traffic coming from Les Vauxbelets direction. The Douzaine wish consideration to be given to the type of

gate installed or alternatively the location of the gate being moved further within the property to ensure there is no need for vehicles to wait on the road.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the design and appearance of the proposed extensions, shed and other alterations on the character and appearance of the locality and on residential amenity and the impact of the removal and replacement hedge and new access gate on the character of the area.

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 proposed extensions and alterations to the dwelling and outbuilding represent a good standard of design that respects the local built and open landscape concerned. The provision of habitable accommodation within the roofspace makes more efficient and effective use of the site and the extensions and alterations offer more flexible and adaptable accommodation that can respond to the needs of occupiers over time.

The concerns raised through the consultation process regarding the removal of the hedge and the effect this could have on insects have been noted. Although no reference has been made to the Strategy for Nature (2020) in the application submission this is not a requirement for householder development such as this and it would be unreasonable to defer the application on this basis.

The removal and replacement of the existing hedge would not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area (GP1). Furthermore, the application proposes the replacement of the hedge in the first planting season following the removal of the existing, a matter that can be controlled by condition particularly to ensure that the hedge is planted and will provide satisfactory screening of the enclosed oil tank and bike shed proposed within the site frontage. An informative note may also be placed on the permission to encourage the use of native hedge plants for the replacement hedge.

The development within the front garden area represents a good standard of design and the impact of the development on the character and appearance of the locality would be mitigated by the planting of the replacement hedge. The erection of a 1.5m high timber fence as shown would not have an unacceptable impact on the character and appearance of the locality given existing roadside banks and other landscaping.

With regard to the proposed 6m wide access, the site is not situated in a Conservation Area and although a section of the boundary hedge and bank would be lost, a large proportion of the bank will remain intact and will continue to provide an adequate boundary feature, with either the existing hedge retained or a new hedge planted (depending on the timing/phasing of development). In this particular instance, the loss of a small section of hedge and bank (approximately 3m) in connection with the widening of the vehicular access would not have an unacceptable adverse impact on the character of the area and the impact of the development on the locality would not be 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."*

The insertion of a 1.5m sliding gate despite the precise design being unspecified would be acceptable in this location given the flexibility offered by the Island Development Plan. In this instance it is not necessary to require further details regarding its design and appearance by condition. Concerns have been raised through the public consultation process regarding the erection of a gate which would result in vehicles waiting in the highway for the gate to open. Although the gate would require vehicles to stop in the highway in order for the gate to open this would not unreasonably impede the free flow of traffic nor have an unacceptable impact on highway safety thereby meeting the aims of Policy IP9.

There are no immediate neighbouring residential properties and none of the works will have a detrimental impact on residential amenity with regard to overshadowing or overlooking.

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment. Although specific details of the render system to be applied to the exterior of the outbuilding have not been provided the building is situated to the rear of the main dwelling and is not highly visible. In this instance it would be unreasonable to require further details of this to be submitted to and agreed in writing by the Authority but it is reasonable to impose a condition relating to the details set out in the letter which accompanies the application submission.

Solar panels are proposed to the flat roof of the outbuilding, to be mounted at an angle to maximise solar gain and efficiency. This level of information is considered sufficient in relation to the detached outbuilding which is substantially screened from public view. The submission drawings do not show the solar panels to the south roofslope of the main house projecting above the plane of the existing roof and the supporting letter suggests that no planning condition is necessary in relation to the proposed panels. For the avoidance of doubt however, a condition is necessary to establish whether the panels will be integrated within the roofslope and consequently what the visual impact will be.

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.

In view of the above it is recommended planning permission is granted for the proposed developments.

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: 29 September 2022