

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: Variation to previously approved plans to demolish existing building and erect dwelling with associated landscaping and create new gated vehicle access (Revised Scheme) - omit rooflights and install dormer windows to rear elevation (Retrospective).

LOCATION: Le Hamel De Bas, Rue Mainguy, Vale.

APPLICANT: Les Crabbes Ltd

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: 20/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Mark Frampton & Company: 2021 / 604 / 02 SITE & 03D

Application Ref: FULL/2022/1704

Property Ref: C02302A000

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 on or before 23/02/2025.

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 24/02/2022, issued under planning application reference FULL/2022/0129, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

Expiry Date: This permission will cease to have effect on 23/02/2025 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/2022/1704
Property Ref: C02302A000
Valid date: 17/08/2022
Location: Le Hamel De Bas Rue Mainguy Vale Guernsey GY6 8NL
Proposal: Variation to previously approved plans to demolish existing building and erect dwelling with associated landscaping and create new gated vehicle access (Revised Scheme) - omit rooflights and install dormer windows to rear elevation (Retrospective).

Applicant: Les Crabbes Ltd

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 on or before 23/02/2025.

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 24/02/2022, issued under planning application reference FULL/2022/0129, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

OFFICER'S REPORT

Brief Description of the site:

The site is located to the north of Rue Mainguy and the south site boundary is marked by a high granite wall. The east boundary is marked by a wall and landscaping with glasshouse on the adjoining land, attached to La Tonnellerie. A wall is situated along the west site boundary with a number of breaks in order to provide access to the site. A substantial two-storey timber clad outbuilding is situated to the west of the site and has previously been granted planning permission to be extended/converted to a dwelling. A former barn, Le Hamel de Bas, is situated behind frontage residential development to the north of Rue Mainguy and this barn has been converted to a dwelling with garage building adjacent to the north boundary. Numerous windows and doors exist in the east elevation of the dwelling facing the application site.

Construction has commenced on the erection of the dwelling approved on this site (see planning history below).

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2016/0938 - Extend and alter existing outbuilding to form new dwelling - granted

FULL/2017/2514 – Change of use of agricultural land to domestic curtilages - granted

FULL/2019/0231 - Demolish existing and erect replacement dwelling and demolish walls to north of site – refused

FULL/2019/1886 - Demolish dwelling and erect replacement dwelling (revised scheme) – granted

FULL/2022/0129 - Demolish existing building and erect dwelling with associated landscaping and create new gated vehicle access (Revised Scheme) – granted (24/02/2022)

Pre-application advice was sought in this case

Existing Use(s):

01 dwelling house

28 agriculture

Brief Description of Development:

The application relates to a variation to the previously approved scheme to demolish the existing and erect a replacement dwelling on the site with associated landscaping (FULL/2022/0129). The variations sought are in relation to the insertion of two pitched roof dormers in the rear/north roofslope and the application is retrospective because the work has already been undertaken.

A supporting letter submitted as part of the application sets out that there would be a marginal increase to the floor area and volume as a result of the addition of two dormers. Attention is drawn to the fact the dormers do not create additional accommodation and as such do not conflict with Policy GP16(B) in relation to “broadly the same floor space and volume”. The submission also sets out that the dormers would not result in adverse impacts on neighbour amenity, the works represent a good standard of design, in 10 weeks’ time the building will be wind and watertight at which point Policy GP16(B) would no longer apply and the scheme would be likely be supported by GP13 and that a marginal reduction in the size of one of the dormers would represent exempt development at that time. A request for a minor departure has also been included, although it is the opinion of the agent that this is not necessary in this instance.

The application was deferred to allow further comment and/or amendment in relation to Policy GP16(B) b. (floorspace and volume) and d. (significant enhancements to sustainable design). A response was provided requesting that the Authority give further consideration to the scheme as submitted.

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

Island Development Plan:

OC1: Housing Outside of the Centres

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

GP16(B): Conversion of Redundant Buildings – Demolition and Redevelopment

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to principle of the proposed works, their design and appearance and their potential impact on the privacy of occupiers of adjoining dwellings.

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 principle of erecting a dwelling on the site has been established through the grant of planning permission (see history above) in accordance with Policy OC1 of the IDP. Work has commenced on the dwelling, with the external blockwork and roof structure having been complete but with no tiles to the roof covering nor windows installed to openings. The dwelling is not current wind and watertight for it to be recognised as a completed unit of residential accommodation and Policy GP16(B) remains applicable.

As the scheme has previously been granted permission and the variations are specific to altering the floorspace/volume of the development it is not necessary to revisit many aspects of Policy GP16(B). The report therefore will focus on b. (in part) b) *the redeveloped scheme is of broadly the same floor space and volume as the approved conversion scheme* and d. *it can be demonstrated that the new building can be constructed in such a way as to significantly enhance its sustainable design.*

Floorspace and volume

The 2016 and 2019 planning permissions related to the formation of a single unit of residential accommodation and the current scheme also proposes a single dwelling in accordance with criterion b). The 2022 approved replacement dwelling saw both the floor space and volume of the building increased by 20% over the approved conversion scheme which was considered to represent a scheme broadly the same as that previously approved.

As amended, incorporating the dormers, the volume will increase to 21.8%, with no increase in floor area. Taking into account the marginal increase in the volume of the building over and above the approved scheme, the fact that the building is under

construction and almost at the point of being wind and water tight at which point Policy GP16(B) falls away it is concluded that in this case the development represents a scheme of broadly the same floorspace and volume in line with the aims of criterion b) of Policy GP16(B) of the Plan.

Sustainable design

The application as originally approved was supported by Sustainability Statement which was sufficient in order to demonstrate that the dwelling now proposed would significantly enhance sustainable design to comply with Policy GP16(B) criterion d). Although further enhancements were sought as part of the deferral relating to the volume of the development none have been provided. As the scheme has previously been deemed to comply with the requirements of policy relating to sustainable design and no changes have been made, the scheme still accords with Policies GP16(B) and GP9 in this respect.

Design and impact on locality

The dormers have been designed to reflect the appearance of those previously approved to the front of the building and are considered to represent a satisfactory design that respects the local built environment in line with the aims of Policy GP8 of the Plan.

Impact on residential amenity

The dormers are situated in the part of the rear roofslope where rooflights were previously approved and one serves a bedroom, the other an en-suite bathroom. The design of the dwelling and its relationship with adjoining dwellings to the west is such that the introduction of dormers will not result in unacceptable overlooking and loss of privacy to the occupiers of any adjoining dwelling in line with Policies GP8 and GP9 of the Plan.

Conclusion

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

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: 19 October 2022

