

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: Sub-divide dwelling into two dwellings and create additional vehicle access to east boundary.

LOCATION: The Hawthorns, La Villiaze, St. Saviour.

APPLICANT: Mr T Felbabel

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: 02/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: G E Le Friec - 2216 / 1A, / 2A & / 3A.

Application Ref: FULL/2022/1739

Property Ref: E000790000

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 occupation of the unit labelled 'proposed dwelling' on the approved plans shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting;
- ii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- 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.

5.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 4, in the first planting season following the first occupation of the unit labelled 'proposed dwelling' on the approved plans or the creation of the additional access 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 in the interests of visual amenity.

6.The unit labelled 'proposed dwelling' on the approved plans shall not be occupied until the bicycle storage for both of the dwellings has been fully implemented in accordance with the details shown on drawing no. 2216/1A.

Reason - To encourage the use of bicycles as an alternative to the car.

7. Within four weeks of the new access being brought into use, the ends of the new opening shall be finished off using materials and a method of construction which match the remainder of the existing roadside earth bank.

Reason - In the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 01/03/2026 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/2022/1739
Property Ref: E000790000
Valid date: 21/09/2022
Location: The Hawthorns La Villiaze St. Saviour Guernsey GY7 9UA
Proposal: Sub-divide dwelling into two dwellings and create additional vehicle access to east boundary.

Applicant: Mr T Felbabel

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.

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submitted to and agreed in writing by the Authority:

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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.

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OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested to sub-divide the dwelling into two dwellings and create an additional vehicle access measuring 4m wide to the east boundary. The proposal involves the creation of a one bedroom dwelling and a 5 to 6 bedroom dwelling. No external alterations to the building are proposed but the subdivision would include the erection of fencing to separate the rear gardens of the dwellings, the erection of bicycle stores and the removal of an existing shed.

The site comprises of a detached two storey dwelling with a single storey extension to the south elevation. The site is triangular in shape and situated between La Villiaze Road to the east and Rue Au Page to the west. The site is within an Agriculture Priority Area and is Outside of the Centres.

Relevant History:

28/02/2013 – FULL/2013/0120 – Permission granted to demolish existing outbuilding and erect extension to each side of dwelling.

Existing Use(s):

Residential use class 1: dwelling house

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

☒
☒
☒
☒

visual amenity acceptable
no material neighbour impact
traffic not affected

☒
☒
☒

Policies considered most relevant:

Policy OC1: Housing Outside of the Centres
Policy GP1: Landscape Character and Open Land
Policy GP8: Design
Policy GP9: Sustainable Development
Policy IP6: Transport Infrastructure and Support Facilities
Policy IP7: Private and Communal Car Parking
Policy IP9: Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

Policy OC1 supports the subdivision of existing dwellings where the development would be compatible with the character and amenities of the area; it would provide a satisfactory living environment and amenities; and the subdivision would not involve more than a modest extension.

The development would result in a pair of semi-detached dwellings. The overall size of the one bedroom dwelling would be smaller than the majority of nearby properties but it would be situated on a good sized plot and no external alterations to the building are proposed. The layout of the site and semi-detached form of the dwellings would be compatible with the character and amenities of the surroundings.

The internal floor space of both of the dwellings would exceed the Guernsey Technical Standards minimum internal space standards and would meet the best practice minimum internal space standards which are published on the Authority's website. The dwellings are dual aspect and would have adequate daylight, sunlight and privacy. The external space for both dwellings is good and they would have a good outlook over open land to the east. Overall, the proposal would provide a satisfactory quality of residential environment for future occupiers, in accordance with Policy GP8.

The proposed subdivision includes no extension or external alterations to the building. A high fence is proposed to separate the rear gardens of the dwellings and would extend towards the existing low earth bank along Rue Au Page. However, a hedge is proposed to be planted on the inside of the earth bank between the bank and the fence and this would limit the visual impact of the fence when viewed from Rue Au Page.

The creation of an additional vehicular access and the reduction in height of a substantial section of the earth bank either side of the access would have a detrimental effect on the rural character of the highway. However, hedging/planting is proposed inside of and along the entire section of earth bank to be reduced in height which has the potential to partially screen the site from the highway and to help maintain the soft landscaped boundary and the rural character of the highway. Together with the overall length of the east boundary earth bank which would be retained, albeit with some of it at a reduced height, on balance, the proposal would not cause sufficient harm to the appearance of the surroundings and the character and amenity of the locality to outweigh the support and flexibility for alterations to existing residential properties as set out in Policy GP13. As a result, the proposal does not conflict with Policies GP1, GP8, GP13 and OC1.

Both dwellings would provide adequate car and bicycle parking. The agent indicates that appropriate sightlines from the proposed access could be achieved and it is likely that the sightlines would be an enhancement on the existing access. The proposal is unlikely to result in any significant road safety or traffic management concerns, in accordance with Policies IP6, IP7 and IP9.

The layout of the dwellings and the facilities provided at ground floor level indicates that the dwellings would provide flexible and adaptable accommodation, in accordance with Policy GP8. Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

It is recommended that the application is approved.

Recommendation:
Grant with Conditions



Date: 02/03/2023