

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: Raise and alter roof ridge height and form and erect 2 storey extension to north (rear) elevation, erect canopy to west (side) elevation, install external insulation render system, alterations to fenestration and change of use of agricultural land to domestic land (1,010 sqm).

LOCATION: Pomme de Terre, Rue De La Maraive, Vale.

APPLICANT: Mr B & Mrs J Kay-Mouat

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: 05/05/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD drawing no's: 3718 PL-01D, PL-02, PL-03 & PL-04

Application Ref: FULL/2022/1766

Property Ref: C00095B000

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.For the avoidance of any doubt, this application is for a revised scheme to extend the dwelling and to change the use of an area of agricultural land to domestic land and it shall not be implemented in conjunction with the previously approved application FULL/2020/0649. If this application (FULL/2022/1766) is implemented, the change of use of an area of agricultural land to domestic land approved under application FULL/2020/0649 shall not be implemented.

Reason - To define the permission for the avoidance of any doubt.

5.Within three months of the date of this decision, 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;
- ii) full details of tree and hedge planting;
- iii) full details of the planting, method of implementation and the ongoing management of the wild meadow area;
- iv) planting schedules, noting the species, sizes, numbers and densities of plants;

Reason - In the interests of visual amenity and biodiversity.

6.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 5, in the first planting season following the grant of this decision or by the 31/03/2024. 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 - In the interests of visual amenity and biodiversity.

7.The first floor window in the west elevation of the existing dwelling serving the home office shall be glazed with obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent) which shall thereafter be retained at all times.

Reason - To protect the reasonable amenities of neighbouring residents.

8.No timber cladding shall be installed until such time as details of the type, texture, colour and finish of the timber cladding to be used has been submitted to and agreed in writing by the Authority. The work shall then be completed in accordance with the agreed details and the agreed finish shall be applied within 28 days of construction.

Reason - In the interests of visual amenity.

9.The sheds and chimney on the agricultural land indicated to be removed on drawing number 3718/PL-01D shall be demolished and removed from the site by 31/03/2024.

Reason - To make sure that the existing redundant outbuildings and structures are removed from the site in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 04/05/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed home office to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

For the avoidance of doubt, this decision permits the erection of an extension to be used as an integral part of and incidental to the principal dwelling presently known as Pomme de Terre. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

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/2022/1766
Property Ref: C00095B000
Valid date: 20/09/2022
Location: Pomme de Terre Rue De La Maraive Vale Guernsey GY3 5BE
Proposal: Raise and alter roof ridge height and form and erect 2 storey extension to north (rear) elevation, erect canopy to west (side) elevation, install external insulation render system, alterations to fenestration and change of use of agricultural land to domestic land (1,010 sqm).

Applicant: Mr B & Mrs J Kay-Mouat

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. For the avoidance of any doubt, this application is for a revised scheme to extend the dwelling and to change the use of an area of agricultural land to domestic land and it shall not be implemented in conjunction with the previously approved application FULL/2020/0649. If this application (FULL/2022/1766) is implemented, the change of use of an area of agricultural land to domestic land approved under application FULL/2020/0649 shall not be implemented.

Reason - To define the permission for the avoidance of any doubt.

5. Within three months of the date of this decision, 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;
- ii) full details of tree and hedge planting;
- iii) full details of the planting, method of implementation and the ongoing management of the wild meadow area;
- iv) planting schedules, noting the species, sizes, numbers and densities of plants;

Reason - In the interests of visual amenity and biodiversity.

6. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 5, in the first planting season following the grant of this decision or by the 31/03/2024. 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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7. The first floor window in the west elevation of the existing dwelling serving the home office shall be glazed with obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent) which shall thereafter be retained at all times.

Reason - To protect the reasonable amenities of neighbouring residents.

8. No timber cladding shall be installed until such time as details of the type, texture, colour and finish of the timber cladding to be used has been submitted to and agreed in writing by the Authority. The work shall then be completed in accordance with the agreed details and the agreed finish shall be applied within 28 days of construction.

Reason - In the interests of visual amenity.

9. The sheds and chimney on the agricultural land indicated to be removed on drawing number 3718/PL-01D shall be demolished and removed from the site by 31/03/2024.

Reason - To make sure that the existing redundant outbuildings and structures are removed from the site in the interests of visual amenity.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed home office to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

For the avoidance of doubt, this decision permits the erection of an extension to be used as an integral part of and incidental to the principal dwelling presently known as Pomme de Terre. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

OFFICER'S REPORT

Site Description:

The application site is located to the north of La Rue de la Maraive. The site consists of a detached hipped roof bungalow fronting onto the highway and associated domestic land in the south-west corner. The remainder of the site comprises of an open agricultural field/undeveloped land with a number of small metal sheds and chimneys which are related to the former horticultural use of the site.

Vehicular access is to the west of the dwelling and leads to an area of off-road parking to the rear (north) of the property. Residential development exists to the immediate east and west of the site. Other than an isolated dwelling to the north, land to the north of the site and to the south of La Rue de la Maraive is open and undeveloped.

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

Relevant History:

C95/B

27/05/2021 – FULL/2020/2583 – Application refused for the change of use of agricultural land to domestic garden (5,201 sqm).

25/08/2020 – FULL/2020/0649 – Permission granted to demolish outbuildings, erect single storey flat roof extension to north (rear) elevation. Erect two single storey outbuildings. Create gated vehicular access and change of use of agricultural land to domestic garden.

C95/B1

04/09/2019 – FULL/2019/1165 – Application refused to demolish glasshouses and associated structures (Agricultural Use Class 28), erect storage building (General Storage and Distribution Use Class 22) and create new vehicle access.

05/10/2018 – FULL/2018/0164 – Application refused for the demolition of glasshouses and associated structures (Agricultural Use Class 28), erect storage building (Storage and Distribution Use Class 22: general storage and distribution) and form new vehicular access.

Existing Use(s):

Residential use class 1

Agricultural use class 28

Brief Description of Development:

Planning permission is requested to extend and alter the dwelling and to change the use of an area of agricultural/undeveloped land measuring 1,010sqm to domestic land in association with the dwelling Pomme de Terre.

The extensions and alterations to the dwelling include raising the ridge height by 0.8 metres and altering the roof form of the existing dwelling to create a pitched roof and erecting a large 1½ storey pitched roof extension to the rear (north). The works also involve installing dormer windows to the front (south) elevation, alterations to fenestration, installing a covered porch to the side (west) elevation and installing an external insulation render system. The existing dwelling is proposed to be finished with rendered walls, a natural slate roof and timber and aluminium fenestration. The rear extension is proposed to be finished with timber clad or granite walls, a zinc standing seam roof and timber and aluminium fenestration.

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

Policy OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas

Policy GP1: Landscape Character and Open Land

Policy GP8: Design
Policy GP9: Sustainable Development
Policy GP13: Householder Development
Policy GP15: Creation and Extension of Curtilage

Representations:

One letter of representation raises concerns about the use of non-native species for the meadow and recommends the use of native plants to increase biodiversity.

Consultations:

None

Summary of Issues:

1. Design and impact of the development on the appearance, openness and landscape character of the area.
2. The impact of the development on the amenity of people living in the area.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

Planning permission was granted to change the use of an area of agricultural land to domestic land in August 2020 (FULL/2020/0649). The application included the erection of 2 outbuildings, an extension to the dwelling and the creation of a vehicular access. The application included the removal of an area of derelict glasshouses to the east of the dwelling. Since the grant of the previous permission, the glasshouses have been removed, although associated sheds and a chimney remain, but no other works have commenced, planning conditions have not been met and as such the previous permission remains extant but has not been commenced to date.

This current application is for a revised scheme and proposes to increase the extent of the domestic land by the same total area as that approved under application FULL/2020/0649 but it is proposed to alter the area of land forming the change of use application. The alterations involve reducing the width of the extended domestic land along La Rue de La Maraive by approximately 9 metres but extending the domestic land to the rear (north) by 19 metres.

The glasshouses have been cleared since the previous application was approved in August 2020 and as a result the site no longer constitutes a redundant glasshouse

site. The proposal to change the use of the land to a domestic use falls to be considered principally under Policies OC5(B), GP15 and GP1 of the Island Development Plan.

The site is not within an Area of Biodiversity Importance, no changes to the existing boundaries are proposed and the proposed use of the land for domestic purposes would have no adverse effects on neighbouring residents.

The application site is located within the Northern Slopes Coastal Landscapes as identified in Annex V: Landscape Character of the Island Development Plan.

The site is surrounded by swathes of open land and is in an area of the Island which is defined as having a rural character. There are open areas and fields adjoining the site to the north, which forms an area of open land leading up towards the coast (including a coastal public footpath) and linking to the wider area of Site of Special Significance land. Following the recent clearance of the derelict glasshouses, the whole of the agricultural field is open, albeit with a number of small sheds and chimneys from the former horticultural use of the site, and it contributes positively to the wider area of open land. To the south of the site, south of the roadside boundary, there are open fields which together form the rural context of the site.

The proposed extension of the domestic land by between 3m to 4.5m to the east would largely maintain the existing gap between the dwelling and the neighbouring property to the east and it would maintain a larger gap than was approved under application FULL/2020/0649. This would be beneficial to the openness and rural character of the area. The proposal would include an extension of domestic land of 32m to the north, which would be 19m further than was approved under application FULL/2020/0649. Whilst this would increase the incursion of domestic land into the existing open and undeveloped land to the north, this area of land is less prominent in public views than the land to the east of the dwelling which would remain and undeveloped/agricultural land as part of this application. As a result, the overall impact of the of the proposal on the landscape character and openness of the landscape is likely to be similar, or potentially slightly reduced, compared to the previously approved scheme.

Provided that the sheds and chimney are removed as proposed and a hedge is planted to define the extended domestic land and the remaining agricultural land (details of which can be dealt with by condition), the proposal is unlikely to have a significant adverse effect on the openness and landscape character of the area, in accordance with Policies GP15 and GP1. However, this is on the basis that the proposal is for a revised scheme to replace the previously approved scheme under planning application reference FULL/2020/0649 and it shall not be implemented in conjunction with the previously approved scheme.

Following concerns raised about the siting and biodiversity value of the originally proposed wildflower meadow on the agricultural land to the east of the dwelling, this element has been omitted from the application and does not form part of the

proposed biodiversity enhancements. The planting of a mixed hedge comprising of Hawthorn, Hazel and Blackthorn along the east and north boundaries of the extended domestic land together with the proposed tree planting and the creation of a 200sqm area planted with wild meadow plants within the extended garden would provide proportionate biodiversity enhancements. To ensure that appropriate biodiversity enhancements are achieved in a timely manner, it is recommended that the proposed landscaping scheme is completed by the end of the next planting season, i.e. by 31/03/2024.

Properties within the area are of a mixed size and design. The proposal would result in a substantial increase to the footprint, scale and mass of the dwelling. The extended dwelling would become more visible in public views along La Rue de La Maraive to the east and west and in distant views from public footpaths to the north and north-east.

However, the dwelling would be situated on a good sized plot and despite the increase to its scale and mass, the size of the extended dwelling would be proportionate to the size of the plot as a whole. The modest increase in the ridge height of the dwelling and the alterations to the roof form of the existing dwelling from a hipped roof to a pitched roof would respect the scale and form of neighbouring properties. Although the layout of the rear extension spreads the built form to the north, its siting to the rear of the dwelling would limit its prominence in public views. The proposed materials and pitched roof design achieves a good standard of design. The site is not within a Conservation Area and the extension 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 extensions and alterations to existing residential buildings as set out in Policy GP13. The visual impact of the dwelling could be further softened by incorporating additional tree planting, particularly to partially screen the extended dwelling in public views from La Rue de la Maraive to the east, as indicated on the submitted plans, this could be dealt with by condition. Overall the siting and design of the extended dwelling would have no significant adverse effects on the landscape character, openness and appearance of the area, in accordance with Policies GP1, GP8 and GP13.

The extended dwelling includes a circular first floor window in the west gable. The agent has agreed to obscure glaze this window. Due to the distance to and layout of the neighbouring property, obscure glazing the circular first floor window in the west gable would be sufficient to safeguard the amenities of neighbouring residents. Due to the distance between the rear extension and neighbouring residential properties, the rear extension is unlikely to have any significant adverse effects on the amenities of neighbouring residents.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

The agent has confirmed that the home office is for ancillary domestic use.

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.

Date: 27/04/2023