

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 1.5 storey detached garage/study with external staircase to north of site.

LOCATION: Driftwood Cottage, Route De Rocquaine, St. Pierre Du Bois.

APPLICANT: Mr & Mrs M Swales

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: 02/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Steve de Vial & Company Ltd: Block Plan & 2019-683-2

Application Ref: FULL/2022/1946

Property Ref: F011490000

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 doubt, this decision permits the proposed garage/study, however named, to be used only for purposes incidental to the enjoyment of the dwelling house. It does not permit the creation of a separately occupied annex or an independent dwelling, or for use in connection with a trade or business. This would require a separate grant of planning permission and involve different planning policy considerations.

Reason - To ensure that the proposed building remains incidental to the use of the main dwelling.

Expiry Date: This permission will cease to have effect on 01/02/2026 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/2022/1946
Property Ref: F011490000
Valid date: 03/10/2022
Location: Driftwood Cottage Route De Rocquaine St. Pierre Du Bois
Guernsey GY7 9HT
Proposal: Erect 1.5 storey detached garage/study with external staircase
to north of site.

Applicant: Mr & Mrs M Swales

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 doubt, this decision permits the proposed garage/study, however named, to be used only for purposes incidental to the enjoyment of the dwelling house. It does not permit the creation of a separately occupied annex or an independent dwelling, or for use in connection with a trade or business. This would require a separate grant of planning permission and involve different planning policy considerations.

Reason - To ensure that the proposed building remains incidental to the use of the main dwelling.

OFFICER'S REPORT

Brief Description of the site:

The application site, known as 'Driftwood Cottage', is located within an Agriculture Priority Area (APA) and Outside of the Centres as defined in the Island Development Plan.

The area of land in question is dog-legged in shape and currently contains a number of domestic structures. Planning permission was granted in 2020 to change the use of the land from agriculture to domestic garden.

Planning permission is sought to erect a 1.5 storey detached garage/study with external staircase to the north of the site.

Relevant History:

PREA/2022/0827	Proposed detached garage with first floor study	Granted
FULL/2022/1599	Erect fencing to west, east and north boundary (retrospective).	Granted
FULL/2022/0282	Erect workshop/store to east boundary.	Granted
FULL/2022/0282	Erect workshop/store to east boundary.	Granted
FULL/2019/1836	Change of use of agricultural land to domestic garden (retrospective).	Granted

Existing Use(s):

Residential

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:

GP1 Landscape Character and Open Land
GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Conclusion/Brief comment:

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.

Whilst some concerns are raised in relation to the loss of visual access to a wider area of open land when viewed from the coast road or coastal footpath due to the siting of the proposed building, the degree of harm to the landscape character and openness of the area in public views is unlikely to be substantial enough to reasonably justify refusal. This decision has been reached when taking into account the width of the building (3.3m, excluding the staircase), together with the height and form of the building, and slope of the land when viewed at road level. The building is also setback from the road which will also help to minimise its visual effect when viewed in context with the surrounding building environment.

With regards to the design of the structure, the use of timber cladding and a natural slate roof will ensure that the proposal achieves a good standard of design that will respect its rural surroundings.

Although due to the distance between the structure and the main dwelling, it is considered reasonable and necessary to attach a condition to ensure that the structure is used incidental to the main dwelling to achieve an acceptable relationship.

The relationship between the proposed building and the neighbouring property to the south-west is not overly neighbourly, nor does it fully respect the neighbour's external amenity space by virtue of the position of the external staircase which will allow uninterrupted views directly into the neighbouring property and garden. Although, when taking into account the existing relationship between the dwelling house (Driftwood Cottage) and the neighbouring property (Vandola), which is surrounded on all sides and has low boundary treatments and the current level of

privacy of the neighbouring property from public viewpoints, the degree of harm from the proposed development is unlikely to have a material adverse effect on the amenities of neighbouring residents.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 30/01/23