

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 extension and install rooflights to north-east elevation, install rooflights and solar panels to south-west elevation, alter ground level and install replacement external steps to south-east elevation and internal and fenestration alterations to barn/outbuilding (Protected Building).

LOCATION: Bonheur, La Bellieuse, St. Martin.

APPLICANT: Mr & Mrs Carey

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: 22/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/11/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD Architects: 3723 PL-01A, PL-02A, PL-03A, PL-04A

Application Ref: FULL/2022/2054

Property Ref: J003090000

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.Prior to removal of the existing doors and windows, large scale drawings (1:20 elevations; 1:5 sections) of all new and replacement doors and windows shall be submitted to and agreed in writing by the Authority. Only those drawings agreed in writing by the Authority shall be used in carrying out the development.

Reason - to preserve the special interest of the protected building.

5.Prior to removal of the existing interior render, full details of the replacement lining shall be submitted to and agreed in writing by the Authority. Only the agreed details by the Authority shall be used in carrying out the development.

Reason - to preserve the special interest of the protected building.

6.Prior to installation, specifications for the new paving and railings shall be submitted to and agreed in writing by the Authority. Only the agreed details by the Authority shall be used in carrying out the development.

Reason - to preserve the special interest of the protected building.

Expiry Date: This permission will cease to have effect on 21/03/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed barn/outbuilding to be used only for purposes incidental and ancillary to the enjoyment of the dwelling

house. Any use in connection with a trade or business, or for habitable purposes separate to the use of the dwelling house, would require a separate grant of planning permission.

For the avoidance of doubt, no consent is conferred for underpinning the outbuilding to the rear of the dwelling-house. Should such work become necessary, a separate application for planning permission would be required.

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/2022/2054
Property Ref: J003090000
Valid date: 10/11/2022
Location: Bonheur La Bellieuse St. Martin Guernsey GY4 6RW
Proposal: Erect 1.5 storey extension and install rooflights to north-east elevation, install rooflights and solar panels to south-west elevation, alter ground level and install replacement external steps to south-east elevation and internal and fenestration alterations to barn/outbuilding (Protected Building).

Applicant: Mr & Mrs Carey

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. Prior to removal of the existing doors and windows, large scale drawings (1:20 elevations; 1:5 sections) of all new and replacement doors and windows shall be submitted to and agreed in writing by the Authority. Only those drawings agreed in writing by the Authority shall be used in carrying out the development.

Reason - to preserve the special interest of the protected building.

5. Prior to removal of the existing interior render, full details of the replacement lining shall be submitted to and agreed in writing by the Authority. Only the agreed details by the Authority shall be used in carrying out the development.

Reason - to preserve the special interest of the protected building.

6. Prior to installation, specifications for the new paving and railings shall be submitted to and agreed in writing by the Authority. Only the agreed details by the Authority shall be used in carrying out the development.

Reason - to preserve the special interest of the protected building.

INFORMATIVES

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

For the avoidance of doubt, no consent is conferred for underpinning the outbuilding to the rear of the dwelling-house. Should such work become necessary, a separate application for planning permission would be required.

OFFICER'S REPORT

Brief description of the site:

The application site comprises a protected building set within a Conservation Area and Local Centre as designated in the Island Development Plan. The barn/outbuilding, the subject of this application, is included within the listing of the protected building.

Planning permission is sought to erect a 1.5 storey extension and install roof lights to north-east elevation, install roof lights and solar panels to south-west elevation, alter

the ground level and install replacement external steps to the south-east elevation and make internal and fenestration alterations.

The barn/outbuilding will feature a kitchenette and studio at ground level and two offices at first floor level, together with a lobby and shower room. An internal staircase will be incorporated.

Relevant History:

FULL/2022/1112	Install solar panels to flat roof of dwelling.	Closed
HAPP/2005/4385	Variations to previously approved to extend and alter dwelling (retrospective).	Granted
HAPP/2005/2074	Variations to previously approved - demolish out buildings erect log store and create additional parking area.	Granted
HAPP/2003/3157	Demolition of outbuildings and alterations to barn	Granted
HAPP/2003/2959	Part demolition of remaining structures; renovation and part reconstruction of dwelling and renovation of barn and outbuilding	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:

GP4 Conservation Areas
GP5 Protected Buildings
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.

The proposal is to facilitate the ongoing use of the building for purposes ancillary to the use of the main house, considered under the provisions of Policy GP13 and does not include any change of use. The agent has confirmed that the proposed first floor office spaces shall only be used in association with the dwelling-house and for no trade or business purposes. An informative to this effect should be attached to this decision.

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings and Conservation Areas, to secure so far as possible that the special historic, architectural, traditional or other special characteristics are preserved. This duty is reflected in Policy GP4 and GP5 of the IDP.

The agent has satisfactorily demonstrated an understanding of the significance of the building in accordance with Policy GP5 by virtue of submitting a comprehensive Statement of Significance.

The proposed development has been sensitively designed to take into account the characteristics the existing barn/outbuilding in terms of its scale, mass, form, siting and materials. The proposal is modest in size and has an ancillary relationship to the existing dwelling in terms of positioning fenestration on the ground and first floor level on the west elevation.

The alterations to the protected building would be limited and are considered reasonable aspirations of the property owner (Policy GP5) as it serves an ancillary use to the dwelling. Consequently, the proposal is appropriate to the original building and will not affect the character or appearance of the Conservation Area.

It is considered necessary and reasonable to attach planning conditions to the permission to ensure that full details of the replacement doors and windows, lining of the interior walls, and new paving and railings are agreed in writing to ensure that the special interest of the protected building is preserved. Notwithstanding the statement on the north-east elevation (drawing No.PL-03), no permission is granted for the underpinning of the barn/outbuilding, and any such work would need to form a separate application for planning permission.

The proposal will not lead to any significant adverse effects on the amenities of neighbouring residents to warrant refusal when taking into account the ancillary use of the barn, existing roof-lights serving the mezzanine level, and the distance between the barn to neighbouring boundaries and private amenity spaces beyond, particularly to the north of the application site.

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: 13/03/23