

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 plans previously approved to demolish and erect replacement dwelling and detached garage. Remove and replace hedge, alter vehicular access and erect gate - Alter levels to create garage at lower ground floor level and link extension at ground floor level to north (side) elevation and erect extension at first floor level to west (rear) elevation.

LOCATION: Le Bouvee de Haut, Le Frie Baton Road, St. Saviour.

APPLICANT: Mr & Mrs A Flouquet

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: 24/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/11/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd: 6284/B/1, /2 & /3.

Application Ref: FULL/2022/2163

Property Ref: E009740000

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 the original grant of this permission, 24.03.21.

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 24/03/2021, issued under planning application reference FULL/2020/1287, 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 24/03/2023 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/2022/2163
Property Ref: E009740000
Valid date: 02/11/2022
Location: Le Bouvee de Haut Le Frie Baton Road St. Saviour Guernsey GY7 9PJ
Proposal: Variation to plans previously approved to demolish and erect replacement dwelling and detached garage. Remove and replace hedge, alter vehicular access and erect gate - Alter levels to create garage at lower ground floor level and link extension at ground floor level to north (side) elevation and erect extension at first floor level to west (rear) elevation.

Applicant: Mr & Mrs A Flouquet

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 the original grant of this permission, 24.03.21.

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 24/03/2021, issued under planning application reference FULL/2020/1287, 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

Site Description:

The property to be known as 'Le Bouvee de Haut' is situated to the west of Le Frie Baton Road and is bounded to the west and south by agricultural land and a neighbouring residential property to the north. The dwelling house is located within the domestic curtilage to the north of the site, the remainder of the site comprises agricultural land.

Le Frie Baton is in a steep valley between two hills, the site is on the eastern slope of the hill to the west of the highway. The area is firstly characterised by the underlying landscape, an escarpment with a valley overlooking a flat low-lying western bay, on which there are a number of trees and lush vegetation, earth banks, fields and predominantly large single houses.

The site has some views out towards Richmond but views to and from the site are currently restricted by planting and hedges. The earth banks and hedges that line the property boundary contribute to the generally rural appearance of the area. Views to the site from the road are partially restricted by the earth banks and hedges but the site is relatively open to the fields behind.

The site is located Outside of the Centres and within an Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

FULL/2022/1312 - Erect single storey link extension and first floor extensions to the north and west elevations. Refused October 2022.

FULL/2020/1287 - Demolish and erect replacement dwelling and detached garage. Remove and replace hedge, alter vehicular access and erect gate – Approved March 2021.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is a variation to the previously approved application FULL/2020/1287, and it is to significantly alter the ground levels to create a garage at a lower ground floor level, erect a link extension at ground floor level to link the main house to the garage, and erect a first floor extension to the west rear elevation, covering the previously approved balcony.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There has been one letter of representation and the issues are:

- The understanding is that the development itself, if permitted in its current form, will increase the built area by around 95 square metres, which is an increase of approximately 34%. This is certainly not insubstantial.
- The massing would be much greater, and particularly the proposal to extend to the west over the approved balcony.
- The plot of land upon which the development would be situated is small.
- The development would take up a large part of that plot. It would increase the massing very significantly indeed and to an unacceptable extent.
- The development would over-shadow in an unattractive, unfair and overbearing way, the property to the north, which is at a lower level.
- There is no objection even to a significant development, but just not of the size and massing that is proposed.
- There is no issue with the extension linking the garage to the dwelling.
- There are concerns about the western elevation of the proposed development. The neighbours amenity area is immediately and almost exclusively to the west and south of their property. The development would affect their amenity area completely.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

This variation application is to alter the ground levels to the east side of the new building to create a garage at a lower ground level, so the ridge line of the garage remains the same as the previously approved design, FULL/2020/1287. Erect a single storey link between the garage and dwelling and add an additional ground floor bedroom, erect a first floor extension over the previously approved west facing balcony to increase the size of the master bedroom and ensuite bathroom.

The single storey link between the two approved structures is not contentious and is considered to comply with policy as it would not alter the character of the area nor would it impact upon the neighbouring property to the north.

The first floor extension over the approved balcony would extend the width of the property and hipped roof by 1.8m, which is not considered to be an unrealistic request. An additional 1.8m is not considered to be such an addition to the bulk and mass of the dwelling to warrant a refusal.

The lowering of the ground level to create the garage at a lower ground level is not considered to be good design and the slope of the drive is considered to be too steep. However, it has left a reasonable existing ground level buffer (approx. 5m) between the edge of the drive and the road.

At present there is only a hedge shown within this buffer area, which is not considered to be enough, therefore in order to protect visual amenity a landscaping scheme for this buffer area must be submitted. Especially as a landscaping scheme was conditioned for the previous approved application, which was never submitted, meaning the previous approval is in breach of condition, which is being dealt with by enforcement.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 09/03/2023