

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: Demolish existing dwelling and outbuildings, erect replacement dwelling with associated landscaping.

LOCATION: Maybelle House, Rue Des Bordes, St. Saviour.

APPLICANT: Mr S & Mrs M Le Page

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: 09/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/11/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects: 1203_8A, 9, 10, 11, 12 & 13

Application Ref: FULL/2022/2177

Property Ref: E010420000

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.The permeable hard surfacing shall not be constructed until full details of that surfacing, including a written specification for its laying, have been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing has been laid and the PV panels have been installed in accordance with the approved details.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

5.The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

6.Prior to the commencement of any work in connection therewith a landscaping scheme for the front garden area, to include those details specified below, shall be 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.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity.

7.The landscaping scheme for the front garden shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development 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 ensure a satisfactory external appearance in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 08/03/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the site is inspected by a suitably qualified person prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg.

Your attention is brought to the issue of avoidable light pollution and its effects on the natural environment and associated wildlife, in particular bats. The existing landscape is not currently subject to extensive artificial lighting and it is therefore requested that external lighting be avoided or kept to a minimum as much as possible.

The Authority does not recognise all of the land outlined on the submitted plans as forming the domestic curtilage associated with the dwelling presently known as Maybelle House. The land recognised as domestic curtilage by the Authority is identified in red on the plan enclosed with this decision notice.

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/2022/2177
Property Ref: E010420000
Valid date: 25/11/2022
Location: Maybelle House Rue Des Bordes St. Saviour Guernsey GY7 9PX
Proposal: Demolish existing dwelling and outbuildings, erect replacement dwelling with associated landscaping.

Applicant: Mr S & Mrs M Le Page

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.

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agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing has been laid and the PV panels have been installed in accordance with the approved details.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

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Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

6. Prior to the commencement of any work in connection therewith a landscaping scheme for the front garden area, to include those details specified below, shall be 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.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity.

7. The landscaping scheme for the front garden shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development 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 ensure a satisfactory external appearance in the interests of visual amenity.

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the site is inspected by a suitably qualified person prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg.

Your attention is brought to the issue of avoidable light pollution and its effects on the natural environment and associated wildlife, in particular bats. The existing landscape is not currently subject to extensive artificial lighting and it is therefore requested that external lighting be avoided or kept to a minimum as much as possible.

The Authority does not recognise all of the land outlined on the submitted plans as forming the domestic curtilage associated with the dwelling presently known as Maybelle House. The land recognised as domestic curtilage by the Authority is identified in red on the plan enclosed with this decision notice.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Maybelle House' is an early 20th century bungalow which is set back from and faces northeast onto Rue des Bordes. The dwelling sits in the northeast corner of a large rectangular plot, the southern part of the site is still within agricultural use and falls outside of the recognised domestic curtilage. To the northwest and southeast are neighbouring detached dwellings and to the northeast (across the road) and southwest is open land. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2022/1798 - Infill existing vehicle access to south-east boundary and remove section of earthbank to create new vehicle access to north-east boundary – Approved November 2022.

FULL/2022/1323 - Change of use of agricultural land to domestic garden (2,982 m2) – Approved October 2022.

Existing Use(s):

Residential use class 1: dwelling house.

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

GP1: Landscape Character and Open Land
GP8: Design
GP9: Sustainable Development
GP13: Householder Development
IP6: Transport Infrastructure and Support Facilities
IP7: Private and Communal Car Parking
IP9: Highway Safety, Accessibility and Capacity

Representation(s):La Societe Guernesiaise

By email dated 17th January 2023 stated the following:

"In respect of this application, we would like to highlight that buildings of this type can be used by roosting bats (or other wildlife). This likelihood can increase when the property is located within a variable landscape with habitats such as farmland or woodland nearby. The ongoing Bailiwick Bat Survey has shown that there are bat populations in this particular part of the island.

We would recommend that the buildings, in particular the roofspaces, be inspected for current or recent use by bats by a suitably qualified person prior to any building works. This would reduce the risk of disturbing or destroying animals which are legally protected under the Animal Welfare Ordinance 2012.

We would request that, if this application is considered further, an informative note be added to the Information Sheet as follows –

'Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the site is inspected by a suitably qualified person prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term)

to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg

We would also highlight the environmental impact of light pollution on many types of wildlife such as birds, bats and insects. Such pollution can be particularly problematic when introduced into a landscape such as this one, where existing sources of artificial light are relatively sparse. We would ask that the Planning Service consider this aspect in relation to the application.

We would further request that, if this applications is approved, an informative note be added to the Information Sheet as follows –

‘Your attention is brought to the issue of avoidable light pollution and its effects on the natural environment and associated wildlife, in particular bats. The existing landscape is not currently subject to extensive artificial lighting and it is therefore requested that external lighting be avoided or kept to a minimum as much as possible’.

Consultations:

None.

Conclusion/Brief comment:

This application is to demolish the existing dwelling and outbuildings, and erect a replacement one and a half storey dwelling with associated landscaping to the rear. The property will be located centrally on the roadside boundary to the northeast, slightly to the northwest of the original dwelling.

The main considerations of this application relate to the:

- principle of the development;
- design, form, scale and massing of the proposed development;
- impact on neighbour amenity and the living environments of future occupiers;
- highway safety and on-site parking.

Principle of replacement dwelling

Proposals for the replacement of existing dwellings on a one-for-one basis are considered as a form of householder development under the provisions of IDP Policy GP13, which operates a general presumption in favour of such development unless the existing building is of such architectural or historic quality that its retention would be preferred.

In this case the existing dwelling is not of sufficient architectural or historic quality to warrant retention and the principle of the development is therefore considered to be acceptable.

Design, form, scale and massing of the proposed development

Policy GP13: Householder Development sets out a number of criteria that should be satisfied. The preceding text to Policy GP13, paragraph 19.14.10 states:

In considering proposals for the replacement of a dwelling on a one for one basis, consideration will be given to the impact of the new building on the openness of the area rather than a comparison between the impact of the existing dwelling compared with the impact of the new. A replacement dwelling can therefore be larger than the dwelling it is replacing and have a greater impact upon the openness of the area concerned compared with the existing dwelling and will be supported where the Authority is satisfied that the proposed impact is acceptable when considered against all relevant policies of the Island Development Plan.

There are also various policy criteria that must be satisfied in order for Policy GP8: Design to be met.

Although the proposed replacement dwelling is larger than the one that it replaces, the application site is located in an area where development is varied in terms of its size, height and design. Furthermore, the topography of the site is essentially flat on the southwest of the road Rue des Bordes, and rises upward to the northeast, and is screened by mature trees to the northeast and northwest, meaning the site is only easily visible in views on the approach from the southeast.

The orientation of the property with the roof running northwest to southeast, parallel to the road means that despite the fairly substantial increase in width of the house (from 12.5m to 20m) is not evident in long views when approaching from the southeast, along Rue des Bordes. In addition, the proposed dwelling is set approx. 4m back further from the road than the existing, which means the proposed dwelling will be less prominent on the approach as it is largely screened by the neighbouring dwelling until close proximity. There are no other long views of the property in the surrounding area and the new dwelling does not significantly impact upon views across the open land to the rear, as sufficient space either side of the dwelling is retained.

The proposed pitched roof form represents a good standard of design, although, due to the size of footprint proposed, the resulting pitch and form of roof would not be traditional. The fenestration proposed, particularly at first floor level, lacks coherence however the design of the building would not demand a unified pattern of fenestration. The proposed palette of external materials does not match any of the immediate neighbouring properties, however there is no uniform design or palette of materials in the locality and, as this is not a particularly sensitive area, it is considered that the proposed development will not have an adverse impact on the

character of the local built and open environment concerned. Notwithstanding this, it is considered relevant and necessary to condition a landscaping scheme for the front garden to ensure that the new dwelling assimilates effectively into the landscape.

The replacement of a dwelling with a multi-storied dwelling represents an efficient and effective use of land and is encouraged by planning policy.

The replacement dwelling proposed will not have an unacceptable adverse impact on the character or quality of the built environment or the character and amenity of the locality and therefore the aims of Policies GP13 and GP8 of the Island Development Plan have been satisfactorily addressed in this respect.

Impact on neighbour amenity and the living environment of future occupiers

GP8: Design indicates that new development will be supported where it is demonstrated that it will not have an unacceptable impact on neighbouring amenity and considers the health and well-being of the future occupiers.

Although much larger, the proposed dwelling will be situated in a similar position to the existing dwelling on the site and at a distance to neighbouring properties. At first floor level windows are proposed in both the northwest and southeast elevations that will face towards neighbouring properties. To the northwest a separation distance of circa 20m will remain between the side elevation of the proposed dwelling and the neighbouring property in this direction. To the southeast a separation distance of over 30m will remain between the southeast side elevation of the proposed property and the neighbouring property ('Xi Hai An') which is sufficient to prevent any undue harm in this respect.

The two southwest facing windows at first floor level (serving a snug and bedroom), will predominately face down the length of the garden and, due to the angles, the views of the neighbouring properties either side will be of the extended agricultural parts of the properties rather than of the private domestic amenity areas.

Given the separation distances between the properties it is considered that any harm on neighbouring properties with regard to the loss of light, overlooking or overshadowing would not be so substantial as to warrant the reason for refusal.

The site is capable of accommodating the replacement dwelling proposed, which would be served by ample external amenity space for the enjoyment by future occupiers.

The scheme has been designed to provide the future occupiers of the dwelling with flexible living accommodation and ample private amenity space. The scheme will provide access for all and enable future occupiers to remain in the property for longer. The scheme accords with Policies GP8, GP9 and GP13 in this respect.

Highway Safety

Policies IP7 and IP9 relate to private car parking and highway safety, accessibility and capacity respectively, whilst Policy GP1 is relevant insofar as it relates to existing built and natural features, including boundary features, that contribute to landscape character.

Alterations to the vehicular access were approved separately under FULL/2022/1798 and this application does not propose any further changes to the approved works. Conditions applied to that decision remain in place and do not need to be repeated as part of the determination of this application.

The scheme incorporates onsite parking and hardstanding for turning. The level of off-road parking provision is acceptable having regard to IP7 and the Supplementary Planning Guidance. Although a relatively large area of hardstanding is proposed it is noted that hardstanding within the domestic garden of a dwelling constitutes exempt development that does not require the specific grant of planning permission. The level of hardstanding will not result in harm to the character and appearance of the area.

With regard to sustainable design principles, the drawings show that the area of hardstanding will comprise permeable paving and is therefore in accordance with Policy GP9 of the IDP.

The scheme does not indicate that any covered and secure cycle storage will be provided although this could be provided for within the garage or addressed through the provision of storage within a shed in the future. As such the scheme satisfies Policies IP6 and IP7 with regard to parking and ways in which future occupiers can utilise alternative modes of transport.

Waste Management Plan and Sustainable Development

The application has been accompanied by a Waste Management Plan which is considered to be satisfactory in this case, the implementation and monitoring of which can be further controlled by planning condition.

With regard to Policy GP9: Sustainable Development, the application has been supported by a statement setting out that the scheme will be the subject of a full Building Control application and is designed to meet and exceed current technical standards in terms of heat loss, energy efficiency, water usage and drainage etc. It has been demonstrated that the proposed development has taken into account the use of energy, resources and any adverse impact on the environment. Solar PV panels are proposed across the south facing roofslope.

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

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.

Recommendation:

Grant with Conditions



Date: 27/02/2023

