

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 part of garage and extension, erect 1.5 storey dwelling to west (side) of existing dwelling, erect wall to rear, lower existing north (roadside) wall and demolish section of wall to widen vehicle access.

LOCATION: West Lydford, Robergerie, St. Sampson.

APPLICANT: Mr S Martin

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: 17/05/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/12/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services - 6331/A/1

Application Ref: FULL/2022/2195

Property Ref: B007710000

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 dwelling hereby permitted shall not be first occupied until the section of roadside wall onto Robergerie has been reduced to 900mm in height from ground level and has been finished to match the remainder of the wall as shown on the approved plan (ref 6331/A/1).

Reason - To make sure that the scheme takes the form hereby granted, to secure the satisfactory appearance of the completed development and in the interests of highway safety.

5.Within four weeks of of the extension to the vehcile access hereby approved being formed, the end of the extended opening shall be finished off using materials and a method of construction which match the remainder of the wall.

Reason - To secure the satisfactory appearance of the completed development.

Expiry Date: This permission will cease to have effect on 16/05/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

1. Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.

It is recommended that site clearance, construction and deliveries are limited to the following times:

Mondays to Saturdays - 0800 hours to 1800 hours.

Action which creates a nuisance may be subject to action by the Office of

Environmental Health and Pollution Regulation.

2. This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

3. Any hard surfacing of the parking area to the front of the property should be carried out using porous materials or provision should be made for all run-off water to be taken to a permeable or porous area. Advice about surfacing types and construction methods is contained within a UK Government publication: 'Guidance on the permeable surfacing of front gardens'. This contains useful guidance and can be viewed at www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens.

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/2022/2195
Property Ref: B007710000
Valid date: 07/12/2022
Location: West Lydford Robergerie St. Sampson Guernsey GY2 4NG
Proposal: Demolish part of garage and extension, erect 1.5 storey dwelling to west (side) of existing dwelling, erect wall to rear, lower existing north (roadside) wall and demolish section of wall to widen vehicle access.

Applicant: Mr S Martin

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. The dwelling hereby permitted shall not be first occupied until the section of roadside wall onto Robergerie has been reduced to 900mm in height from ground level and has been finished to match the remainder of the wall as shown on the approved plan (ref 6331/A/1).

Reason - To make sure that the scheme takes the form hereby granted, to secure the satisfactory appearance of the completed development and in the interests of highway safety.

5. Within four weeks of the extension to the vehicle access hereby approved being formed, the end of the extended opening shall be finished off using materials and a method of construction which match the remainder of the wall.

Reason - To secure the satisfactory appearance of the completed development.

INFORMATIVES

1. Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.

It is recommended that site clearance, construction and deliveries are limited to the following times:

Mondays to Saturdays - 0800 hours to 1800 hours.

Action which creates a nuisance may be subject to action by the Office of Environmental Health and Pollution Regulation.

2. This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

3. Any hard surfacing of the parking area to the front of the property should be carried out using porous materials or provision should be made for all run-off water to be taken to a permeable or porous area. Advice about surfacing types and construction methods is contained within a UK Government publication: 'Guidance on the permeable surfacing of front gardens'. This contains useful guidance and can be viewed at www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens.

OFFICER'S REPORT

Site Description:

The site consists of a traditional detached two storey dwelling with a single storey wing attached to the west gable and rear extensions. The dwelling is constructed of rendered walls and a slate roof and fronts onto the highway Robergerie. The site includes parking to the front of the dwelling and a mature rear garden. There is a gravelled track to the side (west) of the dwelling providing vehicular access to the rear of the site and to neighbouring properties.

The site is in The Bridge Main Centre Outer Area and the Delancey Conservation Area. The site is bounded to the east and south by open and undeveloped land designated as Important Open Land.

Relevant History:

FULL/2019/0539	Erect dwelling to south (rear) of existing property including erect wall and replace boundary fencing.	Granted 02/10/2020
PREA/2019/0035	Pre-application enquiry regarding erect dwelling to rear of property.	
FULL/2012/377	demolish part of garage/store and shed and erect 1 1/2 storey dwelling to side of property and extend parking area to front.	Granted 17/09/2012

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

Planning permission is sought to demolish part of the existing garage and extension and to erect a 1.5 storey dwelling to the west side of the existing dwelling, to erect a wall to the rear of the property, to lower the existing roadside wall onto Robergerie and to demolish a section of the roadside wall to widen the vehicle access.

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

Policy MC2: Housing in Main Centres and Main Centre Outer Areas

Policy GP1: Landscape Character and Open Land

Policy GP4: Conservation Areas

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport Infrastructure & Support Facilities

Policy IP7: Private and Communal Car Parking
Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

In total four letters of representation were received (two from the same property address and two from separate addresses) objecting to the application. The grounds for objection are summarised as follows:

- Loss of Light
 - The northeast of the neighbouring property Teatro dei Sogni sits within a few feet of the proposed dwelling which will effect light into the kitchen and bedroom. A two storey building as proposed will significantly reduce light source to this bedroom;
- Access
 - To build the dwelling contractors will need to block/use the gravel driveway between Teatro Dei Sogni and the application site, the driveway is in constant use and is the only access point. Access needs to be maintained 24/7. The scheme may also damage the access track and costs for maintenance are shared between properties.
- Health
 - Implementation of the scheme will create dust, noise and grime spread. Doors and windows of neighbouring properties will have to remain closed. Advice from public health is to keep properties well ventilated to prevent the spread of Covid and other diseases. Keeping doors and windows closed will be bad for both general and mental health. It could also cause harm to our daughter who is asthmatic.
- Visibility
 - Cars existing the driveway have limited visibility to the right if cars are parked to the front of the application site. Increasing the access to create two further parking spaces will exacerbate this issue which will not be solved by decreasing the height of the wall.
 - The property Silverstream was refused permission to demolish a wall and create vehicle access to the front on the grounds that it was within a Conservation Area. There is not difference here.
- Overcrowding
 - The current property is three bedrooms which allows for 6 adults to reside, the proposal will allow for a further 4 adults. If all properties along the road did the same the infrastructure would suffer. With all planned and proposed developments in the north of the island it is questioned whether a further 2 bedroom property is justified.
- Green Land
 - A neighbouring property was refused permission to demolish a wall to create car parking on the basis it was green land. Widening the driveway and increasing the footprint will impact the green land.
- Services

- No services are shown and the existing driveway should not be dug up to provide these as access to neighbouring properties is required 24/7.
- Water
 - Surface water run-off could affect the road and the property opposite the application site.
- Impact on neighbouring property
 - It is not possible to build the west gable wall over the existing wall as it has no foundations and is seriously damaged. The wall will need to be demolished and a new gable wall built. This will have an effect on the stability of the access driveway to the south of the property which is required to take occasional heavy traffic.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. the principle of housing development on this site,
2. design and impact of the development on the character and appearance of the Conservation Area,
3. the impact of the development on the amenity of people living in the area,
4. whether the development would result in a satisfactory living environment for the occupiers of the new dwellings, and
5. parking and access issues.

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 set out in 2 below.

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

The principle of housing development on this site

As set out in Policy MC2, the majority of the Island's housing supply is to be provided within and around the Main Centres. The site is located in a Main Centre Outer Area and is not designated as Important Open Land. Due to its limited size and relationship with neighbouring properties, the site is unable to accommodate a mix of dwellings. As such Policy MC2 supports the development of the site for housing where it accords with all other relevant policies of the Island Development Plan which is assessed in detail below.

Design and impact of the development on the character and appearance of the Conservation Area,

The site is within a Conservation Area. It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting Conservation Areas, to secure so far as possible that the special historic, architectural, traditional or other special characteristics are preserved. This is reflected in Policy GP4 which supports development that conserves, and where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.

Within Conservation Areas Policy GP8 seeks to ensure that new development achieves a particularly high standard of design whilst making effective and efficient use of land and respecting the character of the local built environment or the open landscape concerned. Development should also give consideration to the amenities of occupiers and surrounding neighbours, provide soft and hard landscaping where this reinforces local character or mitigates the development, provide accessibility for all and offer flexible and adaptable accommodation.

Policy GP1 sets out that development will be supported where it respects the relevant landscape character type within which it is set, where development does not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area, and takes advantage where practicable of opportunities to improve visual and physical access to open and undeveloped land.

The proposal is of an appropriate scale, mass and form so as not to detract from the openness of the surrounding area. The extension is of 1.5 storey construction and will make the most effective and efficient use of the site which is encouraged under Policy GP8 of the IDP. The design and the materials to be used will be subservient to the host dwelling and would not harm the character or appearance of the surrounding Conservation Area.

The roadside wall to the front of the property is of granite construction and provides a feature of the Conservation Area. The proposal to lower the wall by 200mm in height to 900mm from ground level will maintain an acceptable means of enclosure for the property that would continue to contribute to, and would not harm the immediate street scene, or the character and appearance of the surrounding area.

With regards to the section of wall to be demolished this is situated along the access track to the side of the property and does not form a prominent roadside feature onto Robergerie or within the Conservation Area. Its demolition would therefore not cause significant harm to the character or appearance of the Conservation Area and a substantial section of wall to the west of the property will also be maintained.

Considering the above, the design and appearance of the scheme is acceptable and complies with Policies GP4, and GP8, of the Island Development Plan.

The applicant's agent has provided confirmation (by letter dated 4th November 2022) that the design and specification of the scheme comply with all parts of the Guernsey Technical Standards 2012, specifically in terms of: thermal efficiency (insulation); drainage; water efficiency; materials to be used; waste storage and disposal; and the conservation of fuel and power. The proposal has been designed to take into account the use of energy and resources and to reduce any impact on the environment in accordance with Policy GP9 of the IDP.

The impact of the development on the amenity of people living in the area,

Policy GP8 of the IDP requires new development to consider the health and wellbeing of the occupiers and neighbours of the development by means of providing adequate daylight, sunlight and private communal open space.

Objections have been received regarding the impact of the proposal on neighbouring properties with particular reference to overshadowing and loss of light to principal windows. The objections have been noted and carefully assessed during a visit to the site as part of the consideration of this application.

The scheme will face northwest and has been designed with a pitched roof, the height of which has been kept to a minimum at 1.5 storey. The relationship between the application site and the neighbouring property to the southwest (Teatro Dei Sogni) is that the scheme has the potential to overshadow part of the northeast facing gable. However, given the orientation of the properties, that the proposal will be set away from the boundary with the neighbouring property and that the pitched roof form will project further within the application site (away from the neighbouring property), any overshadowing would only be for a limited period, during the early hours of the morning. Any overshadowing resulting from the proposal would therefore not be so substantial to warrant the refusal of planning permission.

Views from the windows proposed at first floor in the front elevation will be towards the neighbouring property Myrtle Cottage and towards the rear garden area of on the property Spiros on the opposite side of Robergerie. However, a separation distance of circa 20m will remain, which is more than sufficient to prevent any overlooking. To the rear the windows will face over the garden area of the application site and no windows are proposed in the side elevations of the proposal. The scheme would therefore not cause harm to the privacy of neighbouring properties.

With regards to concerns raised relating to noise and dust during construction this is outside of planning control however, it is recommended that should planning permission be granted an informative is included to inform the applicant of the reasonable times for construction.

Concerns have been raised regarding the potential for flooding to occur due to the hard surfaced area to be extended to the front of the site. The site is not within a

flood risk area however to reduce any additional impact it is recommended that an informative is included for the hard surfaced areas to be constructed using permeable paving methods.

Comments relating to harm caused to the access driveway or its obstruction during construction of the dwelling have been noted. However, these are not a material planning considerations that can be taken into account in the determination of this application. It is recommended however that an informative is included on any permission to confirm that planning permission does not override any third party rights of a property owner.

Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings, and

The health and well-being of the occupiers of the development requires consideration as set out in part (d) of Policy GP8 and explained in more detail in Annex I (Amenities). The objective to build at high densities is to be balanced, but not override, the need to create acceptable living environments. Although there are no rigid standards for amenity provision, the factors to be considered include internal space provision, privacy, aspect/outlook, access to external open space and daylight/sunlight.

The proposed dwelling would substantially exceed the Guernsey Technical Standards minimum internal space standards and it would exceed the best practice minimum internal space standards which are published on the Authority's website. The dwelling includes adequate privacy and there are windows the front and rear elevations providing good daylight and sunlight levels and adequate outlook to the principal rooms. Although the outdoor space for the proposed dwelling will be limited in terms of its size, they would be southeast facing and of reasonable quality. Overall, the proposal would provide a satisfactory quality of residential environment for future occupiers of the existing and proposed dwelling, in accordance with Policy GP8.

Parking and access issues.

The comments raised from the representors relating to additional traffic movements and visibility from the vehicle access point have been noted. However, the additional dwelling would result in a modest intensification of use of the existing shared driveway to the side of the dwelling and the parking area to the front of the dwelling, neither of which is likely to raise any significant road safety or traffic management concerns. It is also worth noting that planning permission was granted in 2012 for a similar scheme and in 2020 permission was granted for a dwelling to the rear of the site (with parking for four cars to the front) neither of which were considered to present highway safety concerns.

Parking to the front of the property is an existing arrangement that cannot therefore be controlled and the lowering in height of the wall to increase visibility will only improve on this existing situation.

On-site car parking provision is adequate for the size and type of dwellings proposed. There is adequate space around the dwelling to provide secure and covered bicycle parking. The proposal accords with policies IP6, IP7 and IP9 and the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; the effect of the proposed which the site could be put without further planning permission; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would not impact on any Protected Buildings, trees, monuments or on any SSS's.

For the reasons set out within this report the proposal complies with the relevant provisions of the Island Development Plan and satisfies the other relevant material planning considerations; it is therefore recommended that planning permission be granted with conditions.

Date: 12/05/2023

