

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 dwelling and erect replacement dwelling, erect single storey detached garage/workshop, infill existing pedestrian access and widen vehicle access. (Revised scheme).

LOCATION: Bay House, Route De Rocquaine, St. Pierre Du Bois.

APPLICANT: Mr T Holland & Mrs C Singer

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: 03/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/12/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects: 1204_27, _28, _29, _30, _31, _32, _33, _34, _35 & _36.

Application Ref: FULL/2022/2287

Property Ref: F011320000

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.No development, including site works, shall begin on site until details of existing and proposed levels, including ground levels and finished floor levels of all buildings, have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the details agreed under the terms of this condition.

Reason - To ensure that the proposed dwelling is resilient to flooding, given the site's location on an exposed coast road which is prone to flooding at times and in the interests of visual amenity.

5.The permeable hard surfaces shall not be constructed until a written specification for their construction has been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing and all other sustainable design features set out in the submitted Planning Application have been installed/completed/made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9 including to minimise surface water run-off and to increase the resilience to flooding.

6.No stone shall be brought onto site until details showing the means of construction and bonding of the stone walls of the replacement dwelling, including details of the type and colour of stone, the method of pointing and the strength and colour of mortar mixes, have been submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - In the interests of visual amenity.

7. Prior to the installation of the timber cladding, details of the timber cladding, including its finish, shall be submitted to and agreed in writing by the Authority. The works shall then be completed in accordance with the agreed details.

Reason - In the interests of visual amenity.

8. Before the dwelling is first occupied:

(a) The existing pedestrian access shall be infilled with stone to match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone roadside wall; and

(b) The ends of the enlarged opening of the vehicular access shall be finished off using stone to match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone roadside wall.

Reason - In the interests of visual amenity.

9. Prior to the first occupation of the dwelling, details of the privacy screen to the first floor window in the south elevation shall be submitted to and agreed in writing by the Authority and the privacy screen shall be installed in accordance with the agreed details. The privacy screen shall thereafter be retained at all times.

Reason - To protect the reasonable amenities of neighbouring residents.

10. The sill of the ground floor window in the south elevation serving the utility shall be set a minimum of 1.8 metres above the finished internal floor level.

Reason - To protect the reasonable amenities of neighbouring residents.

11. 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.

Expiry Date: This permission will cease to have effect on 02/04/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed garage/workshop to be used only for purposes incidental to the enjoyment of the dwelling house. Any other use including any use in connection with a trade or business would require a separate grant of planning permission.

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/2022/2287
Property Ref: F011320000
Valid date: 08/12/2022
Location: Bay House Route De Rocquaine St. Pierre Du Bois Guernsey
GY7 9HT
Proposal: Demolish dwelling and erect replacement dwelling, erect
single storey detached garage/workshop, infill existing
pedestrian access and widen vehicle access. (Revised scheme).
Applicant: Mr T Holland & Mrs C Singer

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).

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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. No development, including site works, shall begin on site until details of existing and proposed levels, including ground levels and finished floor levels of all buildings, have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the details agreed under the terms of this condition.

Reason - To ensure that the proposed dwelling is resilient to flooding, given the site's location on an exposed coast road which is prone to flooding at times and in the interests of visual amenity.

5. The permeable hard surfaces shall not be constructed until a written specification for their construction has been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing and all other sustainable design features set out in the submitted Planning Application have been installed/completed/made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9 including to minimise surface water run-off and to increase the resilience to flooding.

6. No stone shall be brought onto site until details showing the means of construction and bonding of the stone walls of the replacement dwelling, including details of the type and colour of stone, the method of pointing and the strength and colour of mortar mixes, have been submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - In the interests of visual amenity.

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Reason - In the interests of visual amenity.

9. Prior to the first occupation of the dwelling, details of the privacy screen to the first floor window in the south elevation shall be submitted to and agreed in writing by the Authority and the privacy screen shall be installed in accordance with the agreed

details. The privacy screen shall thereafter be retained at all times.

Reason - To protect the reasonable amenities of neighbouring residents.

10. The cill of the ground floor window in the south elevation serving the utility shall be set a minimum of 1.8 metres above the finished internal floor level.

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11. 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.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed garage/workshop to be used only for purposes incidental to the enjoyment of the dwelling house. Any other use including any use in connection with a trade or business would require a separate grant of planning permission.

OFFICER'S REPORT

Site Description:

The site consisted of a detached cottage fronting onto Route de Rocquaine and forms part of a ribbon development of residential properties along the coast road. The former cottage has recently been demolished following planning permission being granted to demolish and rebuild the dwelling in December 2021. The site is Outside of the Centres.

Relevant History:

11/08/2021 – FULL/2020/1891 – Application refused to demolish dwelling and erect replacement dwelling, infill existing pedestrian access and widen vehicular access. The application was subsequently approved at appeal on 20/12/2021 (PAP/008/2021).

24/04/2019 – FULL/2019/0037 – Permission granted to demolish existing dwelling and outbuilding and erect a replacement dwelling. Extend front boundary wall to infill existing pedestrian access.

31/07/2018 – FULL/2018/1558 – Permission granted for the change of use of agricultural land to domestic garden.

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested for a revised scheme to demolish the existing dwelling and erect a replacement two storey dwelling, erect a detached garage/workshop, infill pedestrian access and widen the existing vehicular access by 1 metre to a total width of 4 metres.

The replacement dwelling is proposed to be of a modern design with single storey flat roof and two storey pitched roof elements. The dwelling would be finished with a mix of granite, rendered and timber clad walls at ground floor level, timber cladding at first floor level and a slate roof, powder coated aluminium fenestration and glass balustrades to the first floor roof terrace.

The application is supported by a Design Statement which sets out details to explain the design response of the proposal and includes details regarding the sustainability, accessibility and adaptability of the development.

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

GP1 - Landscape Character and Open Land

GP8 - Design

GP9 - Sustainable Development

GP13 – Householder Development

IP7 - Private and Communal Car Parking

IP9 - Highway Safety, Accessibility and Capacity

Representations:

2 objections were received in response to the application, main points as follows;

- Poor incongruous plans which are little different to the earlier poor plans.
- The design is oppressive, it takes no notice of surrounding buildings, the materials and style are reminiscent of brutal architecture and has no place in such a prominent position along the west coast.
- No objections to rebuilding the cottage but the proposal is a poor design for the wrong place with the wrong materials.
- One representation welcomes the replacement of the metal cladding with wood but considers that the building is not in keeping with the area.
- Previously approved replacement cottage was by far the best proposal.
- Concerned about the loss of additional cottages in future and the loss of part of Guernsey's culture.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Design, scale and impact of the development on the character and appearance of the area.
2. The impact of the development on the amenity of people living in the area.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

Policy GP13 indicates that proposals for the demolition of existing dwellings and the erection of replacement dwellings on a one for one basis will be supported subject to certain criteria being met including with regards to the impact on the amenities of neighbouring properties, taking into account the surrounding character and where they accord with all the relevant policies of the Island Development Plan. In this instance the proposal includes alterations to the access and Policies GP1, GP8, GP9, IP7 and IP9 are also relevant. In addition, the preceding text of Policy GP13 refers to the need to consider the material planning considerations as specified in Part IV, Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007. These include the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used, as well as its likely effect on the character and amenity of the locality in question and its likely effect on the reasonable enjoyment of neighbouring properties.

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.

Policy GP8 seeks to ensure that new development achieves a good standard of design making effective use of land whilst 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 and provide accessibility for all.

Planning permission was granted at appeal in December 2021 (PAP/008/2021) to demolish the existing dwelling and to erect a replacement dwelling. This current application is for a revised scheme to erect a replacement dwelling. The overall design of the replacement dwelling is similar to the previously approved scheme. The main changes to the previously approved scheme involve relocating the dwelling 2 metres further forward (to the west); the width of the ground floor element on the front (west) elevation has increased by 2.5 metres and the width of the 1st floor element has increased by 3.3 metres; the metal cladding at first floor level has been replaced with timber cladding to the walls and a slate roof; the footprint of the ground floor element has been increased to the rear, particularly along the south boundary; the chimney on the front elevation has been omitted; and a detached double garage and workshop is proposed to the rear.

Previous permissions have established the principle of the demolition of the existing dwelling and the replacement with a dwelling of a contemporary design and materials.

Policy GP8 requires development to make the most effective and efficient use of land. In this respect, it highlights that multi-storey buildings are a more efficient use of land than single storey buildings and it states that development proposals should consider a multi-storey design from the outset, unless there are overriding reasons why this design approach would be unacceptable within a particular locality. In addition, the preceding explanation to Policy GP8 sets out that *“Design however relates not only to the architectural style of a building but to constructional efficiency and the quality and sustainability of the materials used. Achieving more sustainable development may require a move away from the traditional design, location and orientation of buildings (Policy GP9: Sustainable Development)”* and that *“the correct approach to building design will depend upon the particular location of development and the specific factors affecting the proposals. Whilst new development should acknowledge the surrounding built form, flexibility in the design of development will be allowed in order to ensure proposals also address issues of sustainable design, mitigation and adaptation to climate change and creating flexible and adaptable spaces within buildings as well as recognising the personal choice and aspirations of*

property owners. Development should respect the palate of traditional local materials without necessarily being bound by them, unless the special interest of a Conservation Area or protected building or protected monument would be adversely affected”.

The proposal would result in an increase to the scale and mass when compared to the previously approved dwelling, with a 12% increase in the footprint and an increase in the width of both the ground and first floor elements along the front (west) elevation of 2.5 metres and 3.3 metres respectively.

The building is generally proposed to be finished in high quality materials. The base of the building is heavyweight stone which is supposed to mimic the sea wall and the other boundary walls in the area which are typically stone, this gives an interesting connection to both structures and ties the design to its site. The cottage on top is the same shape as the traditional cottages which contribute to the character of the area, but it is a modern interpretation of these buildings. The large and deep holes in the ground floor of the building reveal the shape of the cottage within it as you move around the site resulting in an interesting interplay with the two forms.

The area is not characterised by extensive landscaping, particularly to the frontage of properties, with this likely due to the coastal location, the overtopping of waves and the difficulty for many plants to survive in such conditions. Whilst it is unclear whether and how effectively the proposed soft landscaping will become established, it would not be necessary for an extensive soft landscaping scheme in this instance. The hard landscaping is reasonable in its materiality and extent.

The alterations to the roadside wall involving the closing of the pedestrian access and the modest widening of the vehicular access are appropriate and would have no adverse effects on the character and appearance of the area.

Whilst the revised dwelling is larger than the previously approved dwelling, it would be similar to the scale of neighbouring buildings to the south and Policy GP8 encourages multi-storey designs as a more efficient use of land. The replacement dwelling would be situated on a similar footprint to the previously approved dwelling, thereby largely retaining the gap to the neighbouring property to the north and the views from the public highway through the site towards the open land to the east. Although views towards the open land would be partially disrupted by the detached garage and workshop and bringing the dwelling forwards by 2 metres will increase its presence along the coast road. The property is not located within a Conservation Area or other sensitive area, as set out in the preceding explanation to Policy GP8. Policy GP8 provides support for personal choice in design matters in such circumstances and the introduction of a contemporary two storey design to the area has been established by the previously approved dwelling. There is a mix of style of properties within the wider area and the contemporary two storey design and materials proposed would not detract from the openness of the area and would not have a significant adverse effect on the character of the local built environment, in accordance with Policies GP1, GP8 and GP13.

In terms of its accessibility and adaptability, the replacement dwelling has a well-designed and efficient layout which has clearly taken 'accessibility for all' into account from inception and will be able to accommodate change in the future.

Policy GP9 is wide-ranging and includes requirements for sustainable design and construction with reference to the design, layout and orientation of buildings, flood risk and surface water run-off, renewable energy, the use of materials and the management of waste. The application is supported by a Sustainability Statement which sets out how the development has been designed to take into account sustainable design principles. Measures have been incorporated to reduce the risk of flooding including retaining the raised floor level of the dwelling and the use of permeable paving and surfaces. The information submitted is sufficient to demonstrate that the development has been designed to take into account the use of energy and resources and that the replacement dwelling will be significantly more efficient than the former building and the requirements of the Guernsey Technical Standards, in accordance with Policy GP9. A Waste Management Plan has been submitted which sets out how construction waste is to be minimised and dealt with.

The south elevation of the replacement dwelling would be set back between 0.5 and 0.8 metres from the south boundary, with the two-storey element set back a further 2.1 metres. Although the ground and first floor elements are situated closer to the neighbouring boundary and the ground floor extends further along the neighbouring boundary than the previously approved scheme, situated to the north of the adjoining residential property, the replacement dwelling would not overshadow the neighbouring property and the siting, scale and extent of the south elevation walls are unlikely to have a significant overbearing effect. A window is proposed at first floor level in the south elevation but a timber slat privacy screen would be installed to direct views away from the more private areas on the neighbouring property. The agent has confirmed that the ground floor window in the south elevation is to be installed at a high level with a cill height a minimum of 1.8m above the floor level. The installation of the timber slat privacy screen for the first floor window and the high cill height for the ground floor window would be sufficient to protect the amenities of neighbouring residents and conditions can be applied to ensure these features are installed and retained as proposed. Overall, the replacement dwelling is unlikely to have any significant adverse effects on the amenities of neighbouring residents.

In summary, the replacement dwelling would be larger than the previously approved dwelling and existing properties, particularly to the north, but it would be more similar to the scale of buildings to the south and Policy GP8 encourages multi-storey designs as a more efficient use of land. The introduction of a contemporary two storey design to the area has been established by the previously approved dwelling and Policy GP8 provides support for personal choice in design matters in less sensitive areas such as this. The replacement dwelling is generally proposed to be finished in high quality materials, it would be accessible and adaptable, it has been designed to take into account the use of energy and resources and it will be

significantly more efficient than the former building and the requirements of the Guernsey Technical Standards. Overall, the contemporary two storey design would not detract from the openness of the area and would not have a significant adverse effect on the character of the local built environment. The replacement dwelling is unlikely to have any significant adverse effects on the amenities of neighbouring residents. The proposal accords with the policies of the Island Development Plan.

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.

It is recommended that the application is approved.

Date: 28/03/2023