

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: Raise and alter roof ridge height to create accommodation at 1st floor level with 1st floor terrace to west and south elevations and extend and alter at ground floor level.

LOCATION: Contree Des Clercs, Rue Du Campere, St. Pierre Du Bois.

APPLICANT: Mr & Mrs A Bates

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: 06/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Limited: 7641-01/B1, /B2, /B3 & /B4.
7641-01

Application Ref: FULL/2023/0093

Property Ref: F009120000

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.

Expiry Date: This permission will cease to have effect on 05/04/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where (enter species as identified by Societe) may be roosting/nesting* (delete as appropriate) and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present 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 on 07781 166924 or email info@societe.org.gg.

To limit the potential impact of light pollution on wildlife within the adjoining rural landscape, it is recommended that external lighting is avoided or kept to a minimum.

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/2023/0093
Property Ref: F009120000
Valid date: 18/01/2023
Location: Contree Des Clercs Rue Du Campere St. Pierre Du Bois
Guernsey
Proposal: Raise and alter roof ridge height to create accommodation at
1st floor level with 1st floor terrace to west and south
elevations and extend and alter at ground floor level.

Applicant: Mr & Mrs A Bates

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.

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where (enter species as identified by Societe) may be roosting/nesting* (delete as appropriate) and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present 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 on 07781 166924 or email info@societe.org.gg.

To limit the potential impact of light pollution on wildlife within the adjoining rural landscape, it is recommended that external lighting is avoided or kept to a minimum.

OFFICER'S REPORT

Site Description:

The site is located close to the west coast and Rocquaine Bay, and is accessed via Rue Campere. The site slopes steeply to the south-east and the south, and also falls fairly steeply down towards Rue Campere to the north of the site.

The existing dwelling is located towards the centre of the open L shaped site, and is a bungalow which appears to have been previously extended to the east and south. The existing bungalow is a mix of white render with granite to the north elevation and concrete tiles over. There are two large outbuildings within the curtilage and a domestic glasshouse.

The site is located Outside the Centre and within the Agricultural Priority Area as identified in the Island Development Plan (IDP).

Relevant History:

PREA/2022/2038 – Extend and alter dwelling

CURT/2021/2054 – Definition of curtilage

Existing Use(s):

01 Residential Dwellinghouse

Brief Description of Development:

The application proposes the raising of the roof to introduce first floor accommodation, along with extensions and alterations including the formation of first floor terraces, a new chimney, and new materials including re-roofing the dwelling in natural slate. The application also includes the provision of solar panels to the roof of the outbuilding located to the west of the dwelling.

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

GP1 – Landscape Character

GP8 – Design

GP9 – Sustainable Development

GP13 – Householder Development

Representations:

Four letters of representation have been received from local neighbours objecting to the proposal, the main points of these are summarised:

- Addition of a first floor to already elevated dwelling will make the house highly visible and prominent in the landscape and detract from the rural beauty.
- Loss of privacy and potential overlooking of neighbouring gardens and dwellings from first floor and balconies.
- Impact of overlooking on dog walkers, hikers, horse riders and passers-by.
- Resultant dwelling would be excessive in height and width.
- Proposal is not in keeping with surrounding dwellings, appears incongruous due to sheer size and would harm landscape character.
- Dwelling is already very large, and proposal doubles the size. Elevated position will mean proposal appears to be three storeys high.

One letter of representation was received on behalf of La Société Guernesiaise which highlights that buildings of this type can be used by roosting bats and other wildlife particularly when the property is located within a variable landscape with habitats such as farmland or woodland nearby. La Société Guernesiaise recommend that the building is inspected for current or recent use by bats and other wildlife by a suitably qualified person prior to any demolition works to reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012. La Société Guernesiaise recommend that it would also be beneficial to include measures to support roosting bats and nesting birds.

In addition La Société Guernesiaise highlight the environmental impact of light pollution on wildlife particularly when such pollution is introduced into a landscape such as this one where existing sources of artificial light are relatively sparse. La Société Guernesiaise recommend that an informative note to highlight the above and to encourage external lighting to be avoided or to be kept to a minimum is included in the decision notice.

Consultations:

None

Summary of Issues:

The main considerations are:

- The principal of development
- The impact on the landscape character
- Neighbouring amenity

- Other issues

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 (Householder Development) indicates that proposals for extensions and alterations to existing residential properties 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 open character and where they accord with all the relevant policies of the Island Development Plan. In this instance Policies GP1, GP8 and GP9 are also relevant.

In addition, the preceding text to this policy 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 area and its impact on the reasonable enjoyment of neighbouring properties.

The site is not located in a Conservation Area or other sensitive area and there are no protected buildings that would be affected by the proposal. However, the site is elevated and located within an area with an open landscape character. The IDP accepts that new development will not necessarily be obliged to replicate the character or form of the surrounding developments.

The existing 1970's bungalow is wide, approx. 36m from east to west, and has no particular architectural merit, and is not overly prominent in the landscape. The proposal would result in the introduction of a first floor with pitched roof over, with extensions to form new first floor terraces to the east and south of the dwelling. The mass and bulk of the dwelling would increase due to the increased height of the proposal.

Landscape:

The impact of the proposal on the open landscape and character of the area has been carefully considered. The existing dwelling is visible behind the neighbouring dwelling when viewed from Rue du Campere, although it is elevated above these, its existing bungalow design and setback of almost 50m means that it is not harmful. The creation of first floor accommodation and raising the roof by approx. 3.4m will mean the dwelling is more prominent, however the setback remains the same, and along with the pitched roof design, this mitigates the harm.

The main ridge of the proposal is approx. 18m long, with lower sections adjacent, and this will inevitably be more prominent than the existing bungalow. Wider views

have been considered to assess the impact on the landscape. From Rue des Cambrees to the east, much of the dwelling is obscured by existing trees and hedging, while the new ridgeline may be visible, it is mainly the flank which will be viewed and in the context of the surrounding residential dwellings it will not appear incongruous.

The elevated site is not readily viewed from Rue des Clercs to the west and south west due to the changes in land levels where the road follows the low valley. Views have also been considered from Rue de la Croute to the southwest, and although the existing dwelling is visible in the distance from some sections of the road, its context alongside other residential dwellings is acceptable, and the increased ridge line does not project above the existing background land levels.

The site and existing dwelling are not visible in wider views from the coast road, and it is not anticipated that the proposed extensions will change this.

The proposal would therefore not have a significant impact on the landscape and views of the site. The extended dwelling represents multi-storey development which is more efficient and an effective use of land and would offer more flexible and adaptable accommodation for future occupants. The proposal achieves a good standard of design, suitable materials and would have no adverse impact on the character and visual amenity of the area. The proposal accords with Policies GP1 and GP8.

Amenity:

The proposal involves an increase in the height of the main ridge of the dwelling by about 3.4 metres to introduce a new first floor, alterations to form a large first-floor terrace, with a small terrace to the master bedroom and small extensions to create an enclosed porch area.

The new first floor windows, and west facing terrace are approx. 35m from the boundary with the neighbouring properties and a minimum of 40m from the neighbouring dwellings themselves. This distance and presence of intervening outbuildings, boundary hedging and trees, despite the elevation of the site, is sufficient to prevent any significant harm to the amenity of neighbours and a reason for refusal could not be substantiated on these grounds. There is no demonstrable harm resulting from the proposal which would necessitate obscure glazed windows at first floor level or privacy screens to the terraces.

The proposal would result in a substantial increase in the height and mass of the building when viewed from the adjoining dwellings. The neighbouring dwelling are located to the north and northwest, and are on lower ground, and these factors are especially important when assessing the impact, the proposal would have in relation to any loss of sunlight.

A shadow analysis has been submitted which demonstrates that the resultant dwelling will not overshadow the neighbouring properties or their gardens.

Overall, the proposal is unlikely to have any significant adverse impacts on the amenities of neighbouring residents.

Other matters:

The existing vehicular access arrangements would remain unchanged, new pedestrian steps are proposed to the front entrance. These works would cause no significant harm to the character and appearance of the area.

The new solar PV array is proposed to the south facing slope of the existing garage, and the Agent has confirmed that the panels would not project more than 30cm from the plane of the roof slope and this means this aspect of the proposal would constitute exempt development.

To address the comments raised on behalf of La Société Guernesiaise regarding the potential impact of light pollution on wildlife it is recommended that a note is attached to the decision notice to discourage or minimise the use of external lighting. It is also recommended that a note is attached to the decision notice to make the applicant aware of the potential issues with disturbing animals which are protected under the Animal Welfare Ordinance 2012.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

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: 04/04/2023

