

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 erect replacement dwelling.

LOCATION: Fel Cottage, Verte Rue, Vale.

APPLICANT: Mr & Mrs L Hughes

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: 21/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Torode drawing no's: 6263-03D & 04C

Application Ref: FULL/2023/0097

Property Ref: C019760000

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.Notwithstanding the detail show on approved plan 6263-03D, before the development hereby approved is first occupied or brought into use the windows serving bedroom 3 and the ensuite to bedroom 2 in the east (side) elevation shall be permanently glazed with obscured glass of a minimum industry standard privacy level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and these windows shall be retained as such thereafter.

Reason: To protect amenity and privacy.

5.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) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants.

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

6.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 20/02/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.
- (5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2023/0097
Property Ref: C019760000
Valid date: 20/01/2023
Location: Fel Cottage Verte Rue Vale Guernsey GY6 8BP
Proposal: Demolish existing dwelling and erect replacement dwelling.

Applicant: Mr & Mrs L Hughes

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. Notwithstanding the detail show on approved plan 6263-03D, before the development hereby approved is first occupied or brought into use the windows serving bedroom 3 and the ensuite to bedroom 2 in the east (side) elevation shall be

permanently glazed with obscured glass of a minimum industry standard privacy level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and these windows shall be retained as such thereafter.

Reason: To protect amenity and privacy.

5. 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) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants.

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

6. 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.

OFFICER'S REPORT

Brief Description of the site:

The site is rectangular, located to the south of Verte Rue, Vale and is occupied by a detached bungalow, with attached garage to the side, rear extensions and conservatory and a swimming pool within the rear garden. The proposal is for the demolition of the existing dwelling and replacement with a detached 4/5-bedroom dwelling over two storeys with an attached double garage with rooms above.

Relevant History:

None relevant to the application.

Existing Use(s):

01 Residential dwelling

Assessment: *(Tick as appropriate)*

no representation	☒
accords with policy	☒
within curtilage	☒
design acceptable	☒

visual amenity acceptable	☒
no material neighbour impact	☒
traffic not affected	☒

Policies considered most relevant:

GP8 – Design

GP9 – Sustainable Development

GP13- Householder Development

Conclusion/Brief comment:

The demolition of the existing dwelling and erection of a replacement dwelling falls to be considered under IDP Policy GP13: Householder Development. This policy supports the replacement of residential units on a one for one basis in principle, subject to the new dwelling contributing positively/improving to the character of the area, particularly where the existing dwelling does so.

The existing building makes some contribution to the character and visual amenity of the area by virtue of its traditional design and spacious setting although the gravelling of the entire frontage and series of flat roof extensions to the rear and poor quality dormers have eroded this.

The proposed building is a two-storey dwelling which provides a more efficient use of land than the existing dwelling. The design form proposed is a main detached 2 storey dwelling with front gable, and the addition of an attached garage with rooms above which appears subservient due to its set back, reduced ridge and eaves height. The proposed replacement dwelling is significantly wider and higher than the bungalow it replaces, however, its location within a wide plot and adjacent to a dwelling of similar height to that proposed, means that it will not appear out of character. Narrower separation distances are evident in the wider vicinity and there is no loss of significant views between the houses as there is a glasshouse site to the rear rather than open countryside. The scheme retains a separation gap on either side and not eroding the character of the area.

Materials proposed include cedar cladding and traditional granite walls to the frontage with smooth render to the sides and rear, with slate over and these are considered suitable.

It is concluded that the proposed replacement building, and introduction of some soft landscaping to the frontage will make an improved contribution to the character of the area, the proposal is supported by IDP Policy GP13: Householder Development.

In terms of amenity, the new first floor front facing windows provide views into less sensitive front gardens and the road and are acceptable. The new rear facing first floor windows serving Bedroom 4 are set further back than the building line of the neighbour to the west, which means that direct views of the most sensitive amenity area immediately adjacent to the rear of the neighbour will not be possible, some oblique views of their garden will be possible but are not considered significantly harmful to amount to a reason for refusal.

The first-floor side windows proposed to the east elevation serve bedroom 3 and the ensuite to bedroom 2, and are located approx. 13m away from the neighbour to the east. The position of the bedroom window particularly means that some new views towards the existing conservatory to the rear of the neighbour may be possible, where they currently enjoy privacy. Although there is a large intervening tree, it is deciduous and as bedroom 3 is also served by two other south facing windows, it is considered reasonable and necessary to condition this window, and that of the ensuite, to be obscure glazed and non-opening below 1.7m above cill height.

The existing access arrangements are to be retained, and soft landscaping provision for the front garden conditioned to ensure the enhancement of the site.

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: 16/02/2023

