

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 detached garage, erect 1.5 storey extension with link at first floor level to west (side) elevation, infill window and install rooflight to north (rear) elevation (Revised Scheme).

LOCATION: The Barn, L'Heritages Des Monts, Bordeaux, Vale.

APPLICANT: Mr & Mrs G Van-Katwyk

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: 02/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arctech - GVK-22-1065-02E & -03E.

Application Ref: FULL/2023/0155

Property Ref: C00439A001

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.For the avoidance of doubt, the GRP roof hereby approved to the south elevation of the property shall not be used as a balcony or terrace, however named, at any time.

Reason - To protect the amenities of neighbouring residents.

Expiry Date: This permission will cease to have effect on 01/03/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed garage to be used only for purposes incidental to the enjoyment of the dwelling house. 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/2023/0155
Property Ref: C00439A001
Valid date: 13/01/2023
Location: The Barn L'Heritages Des Monts Bordeaux Vale Guernsey
GY3 5NB
Proposal: Demolish detached garage, erect 1.5 storey extension with link
at first floor level to west (side) elevation, infill window and
install rooflight to north (rear) elevation (Revised Scheme).
Applicant: Mr & Mrs G Van-Katwyk

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. For the avoidance of doubt, the GRP roof hereby approved to the south elevation of the property shall not be used as a balcony or terrace, however named, at any time.

Reason - To protect the amenities of neighbouring residents.

INFORMATIVES

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

OFFICER'S REPORT

Site Description:

The application site, known as The Barn, comprises a detached dwelling-house with a detached garage to the west. The dwelling was once a barn associated with the neighbouring property to the south known as L'Heritage Des Monts, for which planning permission was granted in the late 1990s to convert the barn into an independent unit of accommodation.

The façade of The Barn faces south, directly towards the neighbouring property and features fenestration at ground floor level, with small rooflights above. The property is served by a vehicle access which runs between the house and garage.

The property is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

The Barn & L'Heritage Des Monts

FULL/2022/0748	Demolish detached garage, erect 1.5 storey extension with link at first floor level to west (side) elevation, infill window and install rooflight to north (rear) elevation.	Refused
FULL/2017/0909	Replace window with door and erect balcony on north elevation.	Granted
FULL/2014/0513	Relocate garage door from south to north elevation and install windows to south elevation.	Granted

PAPP/1999/1991 C00439A000	Convert barn to a dwelling	Granted
PAPP/1998/3420	Demolish barn and erect a dwelling.	Refused
PAPP/1996/5178	Convert barn to dwelling.	Granted
PAPP/1996/3236	Conversion of barn to dwelling.	Refused

Adjacent site to the west
C004390000 + C00439B000

FULL/2022/1509	Convert outbuildings to create 5 dwellings with associated gardens, parking and landscaping.	Granted
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Existing Use(s):

Residential

Brief Description of Development:

Planning permission was refused in 2022 to demolish a detached garage and erect a 1.5 storey extension with link at first floor level to the west (side) elevation and infill a window and install rooflight to the north (rear) elevation. The application featured a projecting pitched roof, gable window and terrace area to the south, and a gable window to the west.

The reason for refusal was primarily based on the relationship between the proposed development and its overbearing and unneighbourly relationship with the adjacent property to the south known as L'Heritage Des Monts, and if approved, would result in an unacceptable degree of overlooking.

In response to the refusal, the agent has submitted a revised application in attempt to overcome the reasons for refusal. In particular, the agent has introduced a fixed glazed window serving the first-floor bedroom which is to be setback from the roof plane of the extension. In addition, the former balcony has been omitted and replaced with a non-accessible, GRP flat roof. The external face of the proposed fixed doors will be setback from the eaves by approximately 2.5m. The rooflight over the reading room has also been omitted from the scheme.

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

None.

Consultations:

None.

Summary of Issues:

- The impact of the development on neighbour amenity.

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).**

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.

In light of the revised drawing, the proposed extension adopts a good standard of design by virtue of its scale, form, massing, siting and materials. Due to its position and design, the proposal will not have a detrimental impact on the character of the area or visual amenity.

Careful consideration has been afforded to the effect of the development on the amenities of neighbouring residents. By virtue of the changes made to the scheme, the extent of overlooking from the recessed gable window to the south of the extension would not cause unacceptable harm to the amenities of neighbouring residents of L'Heritage Des Monts. In particular, the views afforded from the gable window towards the rear elevation of the house would be restricted by the roof by virtue of the recessed gable window. Views out from the gable window would predominately be directed over the existing parking area, and towards the elongated garden of the neighbouring property. Given that the area of garden overlooked from the development is not as sensitive compared to other areas of garden that are more widely used by the applicant as set out in FULL/2022/0748 and are situated closer to the neighbours dwelling, the degree of harm would not be so substantial to justify refusal. It is however necessary to attach a condition to the decision to ensure that the flat roof element adjacent to the glazed gable to the south of the property is not used in anyway as a balcony/terrace, however named.

With regards to the glazed gable to the west of the proposed bedroom, this will face directly towards agricultural land, despite planning permission being granted for the conversion of a redundant building under application FULL/2022/1509.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 02/03/23