

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: Erect 1.5 storey extension to south (front) elevation (revised scheme).

LOCATION: Glenwood, Rohais De Bas, St. Andrew.

APPLICANT: Mr & Mrs A Burgess

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: 13/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd: 6275/A/1b.

Application Ref: FULL/2023/0288

Property Ref: K00012B001

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 12/06/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

1. For the avoidance of doubt, this decision permits the erection of an extension to be used as an integral part of and incidental to the principal dwelling presently known as Glenwood. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

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/2023/0288
Property Ref: K00012B001
Valid date: 20/02/2023
Location: Glenwood Rohais De Bas St. Andrew Guernsey GY6 8YZ
Proposal: Erect 1.5 storey extension to south (front) elevation (revised scheme).

Applicant: Mr & Mrs A Burgess

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

1. For the avoidance of doubt, this decision permits the erection of an extension to be used as an integral part of and incidental to the principal dwelling presently known as Glenwood. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

OFFICER'S REPORT

Site Description:

The property known as 'Glenwood' is a one and a half storey detached dwelling which is set back from and faces southwest onto Rohais de Bas. To the northwest are six other detached dwellings all facing the road; to the northeast and east is woodland belonging to the neighbouring house. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2022/1058	Erect 1.5 storey domestic outbuilding to south elevation.	Refused 28/12/2022
FULL/2016/0815	Replace one window on rear dormer with patio doors and create a balcony.	Granted 16/06/2016
FULL/2015/2634	Raise ridge height, install dormer window on rear elevation and 3 dormer windows on front elevation of dwelling	Granted 11/12/2015
FULL/2011/1258	Alter and extend vehicular access, install gates and alter boundary wall (revised) - Increase access gate width from 3m to 3.4m.	Granted 18/05/2011
FULL/2009/1446	Alter and extend existing vehicular access, install gates and alter boundary wall.	Granted 18/09/2009
PAPP/2009/0950	Variations to works previously approved - raise ridge height and change conservatory to sun lounge (options 1 & 2).	Granted 19/05/2009
PAPP/2008/0889	Extension and alterations.	Granted 01/04/2008
PAPP/2007/3665	Extension and alterations.	Granted 17/12/2007
PAPP/2001/3512	Construct a conservatory	Granted 22/10/2001

Existing Use(s):

Residential – Use Class 1

Brief Description of Development:

Planning permission is sought to erect a 1.5 storey extension to the front (south) elevation of the property. This is a revised scheme to address the issues raised following the refusal of planning permission reference FULL/2022/1058 for similar but much larger scheme.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

One letter of representation was received from the occupier of a neighbouring property. The grounds for objection are summarised as follows:

- The garage is of a size and layout that could be easily converted into a new dwelling;
- The proposed extension will be next to one of the busiest roads on the Island
- the proposal will be visible from three different roads, the Rohais, Rohais de Bas and Rohais de Haut;
- there will be a visual impact from the road possibly in three directions due to the height, scale and massing;
- the trees could be removed at a later date and if removed the extension would be on full view.

Consultations:

None

Summary of Issues:

- Whether the design and appearance of the proposed extension is acceptable;
- Whether the proposal would have any detrimental impacts on the amenities afforded to the occupiers of neighbouring properties;
- Whether the proposal would negatively impact on highway safety.

Assessment against:**1 - Purposes of the law.**

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

Whether the design and appearance of the proposed extension is acceptable;

Policy GP13 of the Island Development Plan indicates that alterations and extensions to residential properties will be supported where there is no significant adverse impact on the amenities of adjoining properties; the design, scale, mass and form of development does not detract from the character of an open area; and there is no adverse effect on the special interest of a Conservation Area, Area of Biodiversity Importance, Protected Building or Protected Monument.

In this case, Policy GP8, relating to Design, would also be relevant, which states a number of criteria that new development will be expected to adhere to in order to achieve a high standard of design which respects and where appropriate enhances the character of the environment.

The previous application (ref: FULL/2022/1058) was refused on the grounds that:

“the flat roofed and the eaves design, together with the overall size of the proposed extension would not be well designed or in sympathy with its setting and would be out of keeping with the established character of the locality. The first floor of the extension by virtue of its bulk and massing and design, would be detrimental to the visual amenities of the locality contrary to Policy GP8(a) of the Island Development Plan.”

The scheme the subject of this report has been redesigned to address the issues raised in the previous reason for refusal. The single storey element that projected within circa 1m from the northern boundary of the site has been omitted from the scheme, which has reduced the size of the extension at ground floor and positioned it away from the boundary by circa 3.5m distance. This will enable the trees along this boundary to be retained and will also ensure that the scheme does not harm the structural integrity of the roadside embankment/boundary wall which was also raised in consideration of the previous application.

The comments from the representor relating to the scale of the proposal and that it will be visible from three roads have been noted. However, the level of the land between the edge of the road and the property the subject of this application lowers in height. The application drawing shows that the level of the site will be reduced by a further 450mm from the existing levels, which compared to the roadside will be a drop in level of circa 1.9m. This combined with the existing trees on the site and the roadside boundary wall will reduce any harm resulting from the proposal on the character of the surrounding area. Furthermore, the extension will be seen well in context with the existing built form irrespective of the boundary screening on the site and any harm on the visual character of the area would therefore not be so substantial to warrant the refusal of planning permission.

The comments from the representor regarding the scale of the proposal and that it could be easily converted into a separate residential property are noted. However,

the scale of the extension is subservient to the host dwelling and will provide a double garage (which is not unusual for a house of this size) with a games room above for the applicant. Should the applicant wish to convert this into a separate residential property in the future, then this would need to be fully assessed as part of a further application. It is recommended however that an informative is included on any permission to advise the applicant that the proposal should be used only for a purpose ancillary to the main dwelling and not as a separate office use or as a separate residential dwelling.

The design of the scheme and the materials to be used complement the host dwelling and it is considered that this revised scheme has addressed the previous reasons for refusal and therefore complies with Policy GP8 and GP13 in this respect.

Whether the proposal would have any detrimental impacts on the amenities afforded to the occupiers of neighbouring properties;

Policy GP8 requires *inter alia* that proposals for new development will be expected to consider the health and well-being of neighbours of the development by means of providing adequate privacy, daylight and sunlight.

The proposal will be positioned to the front of the existing property utilising part of an existing parking area and a section of the garden. To the west the proposal will be positioned circa 15m from the boundary shared with the neighbouring property in this direction. To the north/east the nearest residential property is situated circa 70m and a large swathe of trees separates the application site from that property.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

Considering the above the proposal would not cause any undue harm with regard to privacy, light loss or overshadowing on any neighbouring properties. The scheme complies with Policies GP8, GP9 and GP13 in this respect.

Whether the proposal would negatively impact on highway safety.

The existing vehicle access point onto the site is to remain unaltered. The scheme will create a double garage which is capable of accommodating two cars and further space exists to the front of the property to park additional cars. Space also exists to allow for vehicles to safely access the site, to turn within the site and to leave forward facing. The scheme would therefore not cause harm to highway safety.

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; any possible fall-back position by way of extant planning permissions or exempt development; 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 have no adverse impact on protected trees, buildings or sites.

Date: 07/06/2023

