

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 detached garage/office, erect new roadside wall, relocate and create gated vehicle access and pedestrian access to bin store to south boundary.

LOCATION: Mazack, Route Du Tertre, Castel.

APPLICANT: Mr & Mrs D Crouse

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: 08/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JG Architecture Ltd: 2228/02.01B.

Application Ref: FULL/2023/0353

Property Ref: D01116A001 + D01116A000

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.Within four weeks of the new access being brought into use, the end(s) of the new opening shall be finished off using materials and a method of construction which match the remainder of the wall.

Reason - To secure the satisfactory appearance of the completed development.

5.Prior to the commencement of any work in connection therewith, details of the proposed hedge along the south-western (roadside) boundary, shall be submitted to and agreed in writing by the Authority and shall include a planting schedule, noting the species, sizes, numbers and densities of plants proposed.

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

6.The boundary hedge planting 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 plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To ensure the implementation of an agreed landscaping scheme to make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

7.For the avoidance of doubt, the proposed garage and home office shall be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection

with a trade or business, or as a separate unit of accommodation would require a separate grant of planning permission.

Reason: To ensure the appropriate use of the outbuilding as the site is located outside the centre where an alternative use may be contrary to IDP Policies.

8. Notwithstanding the details shown on the approved plan 02.01B, prior to its installation, details of the gate shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - This condition is imposed to make sure that the gate is of satisfactory design and does not have any adverse impact on the character of the area.

Expiry Date: This permission will cease to have effect on 07/06/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The applicant is advised that for the purposes of Condition 8, the proposed vehicular entrance gate design shall not be entirely closed/solid, but feature an open section to the frontage.

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/2023/0353
Property Ref: D01116A001 + D01116A000
Valid date: 13/02/2023
Location: Mazack Route Du Tertre Castel Guernsey
Proposal: Erect 1.5 storey detached garage/office, erect new roadside wall, relocate and create gated vehicle access and pedestrian access to bin store to south boundary.

Applicant: Mr & Mrs D Crouse

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. Within four weeks of the new access being brought into use, the end(s) of the new

opening shall be finished off using materials and a method of construction which match the remainder of the wall.

Reason - To secure the satisfactory appearance of the completed development.

5. Prior to the commencement of any work in connection therewith, details of the proposed hedge along the south-western (roadside) boundary, shall be submitted to and agreed in writing by the Authority and shall include a planting schedule, noting the species, sizes, numbers and densities of plants proposed.

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

6. The boundary hedge planting 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 plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To ensure the implementation of an agreed landscaping scheme to make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

7. For the avoidance of doubt, the proposed garage and home office shall be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business, or as a separate unit of accommodation would require a separate grant of planning permission.

Reason: To ensure the appropriate use of the outbuilding as the site is located outside the centre where an alternative use may be contrary to IDP Policies.

8. Notwithstanding the details shown on the approved plan 02.01B, prior to its installation, details of the gate shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - This condition is imposed to make sure that the gate is of satisfactory design and does not have any adverse impact on the character of the area.

INFORMATIVES

The applicant is advised that for the purposes of Condition 8, the proposed vehicular entrance gate design shall not be entirely closed/solid, but feature an open section to the frontage.

OFFICER'S REPORT

Brief Description of the site:

The site is located to the east of Vazon and occupies a triangular plot to the north of Route de Tertre which is bound by agricultural land to the north and north-east and a neighbouring residential dwelling immediately adjacent to the eastern boundary. The land rises gently to the north of the site, meaning the dwelling is elevated approx. 0.5m above the road level.

Relevant History:

FULL/2022/1607- COU of agricultural land to domestic garden –Approved
21/12/2023

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 proposed development includes the erection of a 1.5 storey detached garage with office space above, the erection of a new roadside wall, relocation of vehicular access (5m wide) and erection of gates, with pedestrian access to bin store.

The proposed triple garage is positioned adjacent to the sites southern boundary, and will replace the existing single storey outbuilding, providing additional domestic storage in conjunction with the existing detached double garage onsite. The first floor above the garage is proposed to be used as a home office.

The proposed garage is 6m in height, 11m wide and 7m deep, and has a large central projecting gable to its east elevation. This is considered to be large, set close to the site boundary and will be visually prominent in this relatively open section of garden with open, undeveloped agricultural land beyond. However, the previous application (2022/1607) conditioned an evergreen boundary hedge, in a similar position to that shown, along the length of the southern boundary, which will assist in screening the garage and should it be allowed to grow above 1.5m in height the existing views of open agricultural land to the north and east will gradually be lost. The hedge will result in a change to the open character of this section of the road where boundaries are generally composed of low walls with open frontages, and this means that the introduction of a new building along the boundary is likely to be less harmful than if the hedge had not been previously approved and conditioned.

On this basis, the degree of harm caused is not considered to be sufficient to rebut the general support in favour of householder development (Policy GP13) when taking into account the reasonable aspirations of the property owner to create additional domestic storage and office space, and the outbuilding will be conditioned accordingly on this basis.

Overall, the proposed design of the garage and materials palette achieves a good standard of design for the purposes of Policy GP8. The previously approved and conditioned hedging shown on the plan will be subject to a new condition, as the position and extent varies slightly from that previously approved under 2022/1607 due to the relocation of the access.

The application was deferred to allow for the provision of amended plans, at the request of the Officer, in order to overcome concerns regarding the height of the proposed gates, piers and the solid design of the gates where a more rural open design would be more appropriate. Originally proposed with brick piers up to 2.4m in height with solid timber gates 2m high across the 5m wide opening. This was considered in contrast to the character of the area where only low boundaries are evident, development is more sparse as the site is located on the edge of the more built up area of Vazon, where the character is considerably more rural than the western end of Route de Tertre, within Vazon itself.

The agent has amended the plans to reduce the height of the gate and piers but has not considered the requested amendments to the gate design. Examples of high gates in the wider area have been put forward, none of these are in the immediate vicinity of the site and each was considered on its own merits.

The revised scheme elevation plan proposes 1.8m high piers with 1.7m high automated entrance gates. This reduction in height provides a visual improvement to the scheme, while the design of the gates remains a solid 1.7m high across the width of the opening which has a more urban appearance. This, in combination with the boundary hedge which once established will provide an entirely enclosed site. The use of a more appropriate designed boundary gate for the rural setting which has an open design or includes an open section to the design, will prevent a fortress like

appearance and provide a visual break in the long conifer hedging to the boundary, preventing significant harm to the rural character of the area. For the reason above, the currently proposed gate design is not accepted and Condition 8 is considered appropriate, necessary and reasonable to secure an improved design.

The erection of the new granite roadside wall, and bin enclosure at 0.85m would constitute exempt development under the newly revised Land Planning and Development (Exemptions) Ordinance, 2023.

The external staircase and first floor windows of the garage building are not considered to result in any significant harm to neighbour amenity due to the position and orientation far enough away from neighbouring properties to prevent material overlooking.

The relocated access (approx. 10m to the east) is acceptable in terms of highway safety and traffic management, as adequate visibility splays have been incorporated and there is no significant change to traffic levels anticipated above the existing level.

The proposal is therefore considered acceptable in relation to the relevant sections of Policies GP8, GP9 and GP13.

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: 06/06/2023

