

**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 attached garage, erect 1.5 storey detached garage/office/studio with external staircase to east of main dwelling.

**LOCATION:** Les Tilleuls, St. Jacques, St. Peter Port.

**APPLICANT:** Mr & Mrs J & M Friel

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:** 10/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** JG Architecture - 2313 02.01A & 02.02A.

**Application Ref:** FULL/2023/0513

**Property Ref:** A206350000

**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.No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) full details of any tree and hedge planting;
- ii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iii) finished levels or contours;
- iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

5.The landscaping scheme 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 make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

6.Notwithstanding the information submitted, the east facing window hereby approved to the side of the garage must be glazed with obscure glass to a minimum industry standard privacy level 3 and this window shall be retained as such thereafter.

Reason - To protect neighbour privacy and amenity.

**Expiry Date: This permission will cease to have effect on 09/07/2026 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](http://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](mailto: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/2023/0513  
**Property Ref:** A206350000  
**Valid date:** 14/03/2023  
**Location:** Les Tilleuls St. Jacques St. Peter Port Guernsey GY1 1SP  
**Proposal:** Demolish attached garage, erect 1.5 storey detached garage/office/studio with external staircase to east of main dwelling.  
  
**Applicant:** Mr & Mrs J & M Friel

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

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## **OFFICER'S REPORT**

### **Site Description:**

The property known as 'Les Tilleuls' is a 1970's detached two storey dwelling which is set back, at a higher level from and faces north onto St Jacques. There are other detached dwellings to the east, south and north across the road and a single storey garage to the east. The property is located in the St Peter Port Main Centre Outer Area and within a Conservation Area as defined in the Island Development Plan.

**Relevant History:**

There is no relevant history pertaining to this application.

**Existing Use(s):**

Residential use class 1: dwelling house.

**Brief Description of Development:**

This application relates to the demolition of the eastern attached garage, with the south wall being retained, and erect a one and a half storey timber detached garage/office/studio with external staircase to the northeast boundary.

The application was deferred because the proposed garage was too close to the roadside boundary and considered to be too large for the site.

The agent amended the drawings, realigning the proposed detached garage to the east of the main dwelling and removing the south wall of the previous garage, the size was also reduced and the application was re-advertised.

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

GP4: Conservation Areas

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

**Representations:**

One letter of representation was received initially (11/04/23) and the issues are:

- The development would make an obvious difference to the immediate landscape the neighbour looks over, replacing one dominated by a well-established lime tree and garden shrubs, with a two storey building very close to the road boundary bank (much closer than the existing building), and also close to the party wall where the neighbour's garage is situated. There would appear to be no reason why the proposed building should not be sited further to the south, away from the road boundary bank.
- It is noticed that the applicant states that no trees or hedges are to be removed and it is particularly important that the existing tree and hedges are preserved to provide an element of 'green' screening of the development. The neighbour would also be concerned as to the effect and potential damage of the foundations and groundworks of the new building upon the roots and stability of the mature lime tree.

- There is a window on the north gable elevation looking into the neighbour's property which will affect privacy and does not appear necessary if there are three windows on the west elevation. The neighbours regret that a two storey building is being proposed to replace a small single storey garage.

A second letter of representation was received after the second advertising period (16/06/23) and the issues are:

- The revised scheme now shows no less than three windows at first floor level on the north elevation, in contrast to the single window previously objected to.
- The first floor of the new building is shown as 'office/studio' and adequate lighting can easily be provided by Velux or other fitted glass without any need for three conventional opening windows. Light is also provided by the window shown on the eastern wall and a further window could be provided on the western wall.
- When Les Tilleuls was built care was taken to ensure that the house and its outlook would be to the south rather than the north. At ground floor level the kitchen, study, lounge and conservatory all face south and the north elevation simply contains the entrance lobby and a single window at the western end of the building. At first floor level all three bedrooms face south and only one window on the north elevation is a small frosted glass window in the bathroom.
- The proposal for three north facing windows in the office/studio is out of keeping with the architectural style of the main dwelling and also results in an unacceptable and unnecessary loss of privacy for the neighbouring property opposite (St Jacques).

#### **Consultations:**

None

#### **Summary of Issues:**

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

#### **Assessment against:**

##### **1 - Purposes of the law.**

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

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

The initial location of the proposed garage was too close to the northern roadside boundary, and due to the ground level being higher than the road level, the one and a half storey garage/office/studio would have been imposing on the surrounding conservation area.

The proposed garage/office/studio has now been reduced in size and has been turned 90 degrees and relocated to alongside the main house to the east, with the hardstanding of the demolished garage between the main house and the detached proposed garage.

The new location is considered to be much more acceptable as it retains the existing building line, which is set back from the road. It protects the majority of the existing mature planting along the roadside boundary, which will help to screen the new building.

The new building will now be set back 8m from the roadside boundary and will be over 22m from the opposite neighbours property, thus eliminating any overlooking concerns.

The proposals achieve a good standard of design, using materials which complement the existing materials. The scale and massing of the new proposed garage is not considered to have a detrimental effect on the character and amenity of the surrounding conservation area. The east facing window has been obscure glazed by condition, in order to ensure it will not have a harmful impact on the neighbour due to its proximity to the shared boundary.

The drawing shows an area for turning outside the garage, however, driving turning circles involve more than a 6m diameter circle. The north boundary planter is to be altered and so some of the existing mature planting may be affected. Therefore a condition shall be added to ensure details of future planting are submitted and approved by the authority before works commence.

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

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

## **3 - General material considerations set out in the General Provisions Ordinance.**

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. Where relevant the issues are considered in section 2 above.

**4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

**Date:** 06/07/2023