

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: Variations to plans previously approved to erect a two-storey garage (north boundary) (Protected Building) - Install external staircase, enlarge dormer windows, material and fenestration alterations.

LOCATION: Castle Carey, L'Hyvreuse, St. Peter Port.

APPLICANT: Mr & Mrs Clegg

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: 07/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JG Architecture Ltd: 2317-CC1/02.01A & /02.02A.

Application Ref: FULL/2023/0759

Property Ref: A111150000

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 6 months of the date of this decision, details of the proposed tree planting, including the species, sizes and number of trees to be planted, shall be submitted to and agreed in writing by the Authority.

Reason - In the interests of visual amenity and to conserve the character and appearance of the Conservation Area.

5.The tree planting shall be fully completed, in accordance with the details agreed under the terms of the above condition 4, in the first planting season following the first use of the garage or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees 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 - In the interests of visual amenity and to conserve the character and appearance of the Conservation Area.

6.No materials to be used on the exterior of the buildings shall be installed until such time as written details and samples of those materials (including the finish/treatment of the timber cladding) have been submitted to and agreed in writing by the Authority. The development shall thereafter be carried out only in accordance with the details and samples so agreed.

Reason - In the interests of visual amenity and to conserve the character and appearance of the Conservation Area.

7.The existing trees to be retained, including the Laurel Bay to the north of the garage and trees 0945, 0947, 0948, 0950 and 0951, as identified on drawing number 2317-CC1/02.01A, shall be retained and shall not be felled, lopped, topped or uprooted without the previous written agreement of the Authority. Any trees removed, dying, being severely damaged or becoming seriously diseased shall be replaced with trees of such size and species as previously agreed in writing by the Authority within one year of the date of any such loss, for a period of five years from the date development begins.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

8.Within the root protection areas of the trees to be retained as identified under the above condition 7, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

9.The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 13/03/2020, issued under planning application reference FULL/2019/0914, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

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

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed garage and first floor store/office, to be used only for purposes incidental to the enjoyment of the dwelling house. It does not permit the creation of a separately occupied annex or an independent dwelling, or for use in connection with a trade or business. 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/2023/0759
Property Ref: A111150000
Valid date: 05/05/2023
Location: Castle Carey L'Hyvreuse St. Peter Port Guernsey GY1 1OY
Proposal: Variations to plans previously approved to erect a two-storey garage (north boundary) (Protected Building) - Install external staircase, enlarge dormer windows, material and fenestration alterations.

Applicant: Mr & Mrs Clegg

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 6 months of the date of this decision, details of the proposed tree planting, including the species, sizes and number of trees to be planted, shall be submitted to and agreed in writing by the Authority.

Reason - In the interests of visual amenity and to conserve the character and appearance of the Conservation Area.

5. The tree planting shall be fully completed, in accordance with the details agreed under the terms of the above condition 4, in the first planting season following the first use of the garage or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees 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.

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Reason - In the interests of visual amenity and to conserve the character and appearance of the Conservation Area.

7. The existing trees to be retained, including the Laurel Bay to the north of the garage and trees 0945, 0947, 0948, 0950 and 0951, as identified on drawing number 2317-CC1/02.01A, shall be retained and shall not be felled, lopped, topped or uprooted without the previous written agreement of the Authority. Any trees removed, dying, being severely damaged or becoming seriously diseased shall be replaced with trees of such size and species as previously agreed in writing by the Authority within one year of the date of any such loss, for a period of five years from the date development begins.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

8. Within the root protection areas of the trees to be retained as identified under the above condition 7, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

9. The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 13/03/2020, issued under planning application reference FULL/2019/0914, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed garage and first floor store/office, to be used only for purposes incidental to the enjoyment of the dwelling house. It does not permit the creation of a separately occupied annex or an independent dwelling, or for use in connection with a trade or business. This would require a separate grant of planning permission and involve different planning policy considerations.

OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested for variations to plans previously approved to erect a two-storey garage to the north-east of the site (FULL/2019/0914). The variations include enlarging dormer windows to the front and rear, alter roof form to omit part hipped gable ends, install external staircase and alterations to fenestration and external materials. The garage is proposed to be finished with Oak boarding, aluminium fenestration and a red clay tiled roof.

The application property comprises a large and highly significant protected building, orientated north-south on the south side of L'Hyvreuse and set within extensive, mature landscaped grounds with views to the south and east over Town. The site is located within the Main Centre Outer Area and Conservation Area under the Island Development Plan.

Relevant History:

13/03/2020 – FULL/2019/0914 – Permission granted to erect a two storey garage with clock tower and removal of hedge (north boundary). (Protected Building).

23/06/2017 – FULL/2017/1267 – Permission granted to erect a 1.5 storey triple bay oak framed garage/car port with clock tower and external staircase (north boundary) (Protected Building).

Existing Use(s):

Residential Use Class 1

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

GP4 – Conservation Areas
GP5 – Protected Buildings
GP8 – Design
GP9 – Sustainable Development
GP13 – Householder Development

Conclusion/Brief comment:

The agent advises that since the approval of application FULL/2019/0914, the concrete slab of the garage has been constructed and that the revised scheme is the same ridge height and footprint as the previously approved scheme.

Since the approval of application FULL/2019/0914, tree 0946 which was identified as being of poor physiological condition, has been removed. This has had the effect of opening up the site in public views, especially from the harbour, and as a result the garage would currently form a highly visible structure within the hillside town.

During the course of consideration, the application was deferred due to concerns about the impact of the proposal on the character and appearance of the Conservation Area resulting from the loss of trees and the prominence of the garage from public viewpoints, together with the size and horizontal nature of the dormer window in the east elevation and the resultant solid to void ratio of the east elevation. In response, revised plans have been submitted which include additional tree planting to the east and north of the garage and a reduction in the width of the east elevation dormer window.

The St Peter Port Conservation Area Appraisal Overview and the Hillside Town Appraisal identifies that one of the main contributions of this site to the wider Conservation Area is that it is part of a swathe of green space that is defined by

groups of trees. This green swathe together with Beau Sejour and Les Cotils and Candie Gardens is almost continuous and is very important to the town overall as it 'bookends' the town together with the green space of Le Val Des Terres. The Conservation Area Appraisal also notes that buildings within the hillside town generally have a vertical emphasis in their fenestration and a high solid to void ratio.

The revised proposal includes the loss of tree 0949 which is unfortunate. However, the retention of the remaining trees and the planting of 5 trees to the east of the garage and 3 trees to the north of the garage has the potential to mitigate for the loss of tree 0949 and to provide a more effective screen of the garage following the removal of tree 0946. As a result, the proposal will reinforce the existing green swathe which will conserve the character and appearance of the hillside town. Whilst the design and proportions of the east gable window do not entirely accord with the proportions and high solid to void ratio which is the dominant pattern of fenestration within the hillside town, the revised design incorporating a reduced width dormer window when combined with the additional tree planting would achieve an acceptably high standard of design in order to conserve the character and appearance of the Conservation Area. The application is considered to comply with the aims and objectives of policies GP4 and GP8.

Information was submitted with the original application which demonstrated that the existing trees should not be adversely affected by the proposed development, subject to a specific foundation design, a condition was attached to the original permission to secure this. To protect the remaining trees it is recommended that digging is restricted and no materials are stored within the root protection areas, this can be dealt with by condition.

The size of the east dormer window has the potential to increase overlooking of neighbouring properties to the east. However, due to a combination of the change in levels and the distance to neighbouring properties, the revised proposal is unlikely to have any significant adverse effects on the amenities of neighbouring residents.

Being located within the grounds of a protected building, the proposed development has the potential to impact on its setting. In this case however a separation distance of approximately 45m and screening provided by substantial mature trees along the north site boundary mean that the garage and protected building would not be readily perceived together. The proposed design is considered to be acceptable, and there would be no adverse impact on the setting of the protected building. The application accords with the purposes of the Law and the aims and objectives of Policy GP5.

Information has been submitted which demonstrates that sustainable development principles have been considered in developing this scheme, in accordance with the requirements of Policy GP9.

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.

It is recommended that the application is approved.

Recommendation:

Grant with Conditions



Date: 06/07/2023

