

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 single storey extension and extend raised terrace area to north (rear) elevation, erect link extension to west (side) and south (front) elevation, erect single storey detached outbuilding/garden room to east boundary.

LOCATION: Oceanu, Rue Du Rocher, Torteval.

APPLICANT: Mr & Mrs M Richards

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: 13/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design: 20-1225 PD/05 & PD/06A

Application Ref: FULL/2023/0839

Property Ref: G004720000

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 12/07/2026 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 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/2023/0839
Property Ref: G004720000
Valid date: 24/05/2023
Location: Oceanu Rue Du Rocher Torteval Guernsey GY8 0PQ
Proposal: Erect single storey extension and extend raised terrace area to north (rear) elevation, erect link extension to west (side) and south (front) elevation, erect single storey detached outbuilding/garden room to east boundary.

Applicant: Mr & Mrs M Richards

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.

OFFICER'S REPORT

Brief Description of Development:

The application site comprises a 1.5 storey detached dwelling-house, located on a corner plot between Rue Du Rocher and Route De Pleinmont. The property lies on top of an escarpment, declining in a south-north direction, leading down to the coast. Due to the elevated nature of the site, the property is highly visible from multiple vantage points.

The property is located Outside of the Centres and is within an Agriculture Priority Area as defined in the Island Development Plan, and has been subject to various extensions and alterations over the years.

Most recent planning permission was granted for extensions and alterations to the property at basement, ground, and first floor level to provide additional accommodation and the erection of a detached home gym. This permission has not been implemented to date, but remains extant, and the approval of this application would prevent the implementation of the extant scheme.

The current proposal is for single storey extensions to the south elevation to link the existing outbuilding into the main dwelling and create a new porch area, the erection of a proposed garden room to east boundary, a single storey extension to the north and extension of the existing raised external terrace area with revised position of swimming pool. The application also involves the installation of rooflights and the complete re-roofing of the existing house.

Relevant History:

FULL/2021/1314	Extend and alter at basement, ground and first floor level to provide additional accommodation.	Granted
FULL/2018/2229	Erect glazed link and extend dwelling to north and east elevations.	Granted
FULL/2014/3518	Variation to plans previously approved to erect glazed link and extend dwelling (north and east elevations) to provide pool equipment room and garden room in basement and home office on ground floor - alter levels of proposed extension, alter fenestration on north and west elevation and install windows on east elevation.	Granted
FULL/2014/2527	Erect glazed link and extend dwelling (north and east elevations) to provide pool equipment room and garden room in basement and home office on ground floor.	Granted
FULL/2010/3160	Variations to works previously approved - install external spiral staircase from first floor terrace on north elevation.	Granted

FULL/2010/1490	Clad dwelling and store, alter fenestration, install new dormer window on side (north) elevation and install 2 roof lights on front (east) elevation - Option F	Granted
----------------	---	---------

Existing Use(s):

Residential Dwelling- 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:

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Conclusion/Brief comment:

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.

Policy GP13 (Householder Development) states that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Area, Area of Biodiversity Importance, protected building or protected monument.

In this instance Policy GP8 (Design) is also relevant. The preceding text to this policy refers to the need to consider the material planning considerations as specified in Part IV, Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007.

The extension to the dining room at the rear is acceptable and has no significant visual or physical impact. The proposed extensions to the south elevation are mostly flat roofed and acceptable in terms of design. The height and scale of the proposed arched porch to the south elevation, however, is considered to be excessive and over scaled in relation to the bungalow. Despite this, it is not prominent from the road, and would not cause unacceptable harm to the character of the area or visual

amenity, especially as Policy GP8 and GP13 provide a greater degree of choice with regards to householder development to enable reasonable aspirations to be met.

The single storey detached outbuilding sits forward of the east elevation of the dwelling and so would not be exempt development. The garden room proposed is 6m by 5.5m and is 3.2m at the highest point. It is located adjacent to the site's eastern boundary, approx. 2.5m from the outside of the boundary hedge which runs along Rue du Rocher.

It is likely that the garden room will be visible above the boundary hedge, however the neighbouring dwelling is also located close to the road opposite the garden room which means the visibility and proximity to the boundary is less harmful. The garden room is also significantly smaller and less prominent in the landscape than the previously approved large rear extension which occupies part of the same footprint.

Due to the close proximity between the proposed garden room and the mature hedge which runs along the eastern boundary, it is reasonable and necessary to attach a condition to the decision to ensure that the east boundary hedge remains given that the hedge will help mitigate the visual impact of the development.

With regard to the extension/revision of the raised terrace, and relocation of the swimming pool to the northern edge of the terrace. The existing terrace and pool are enclosed to the west by a mature hedge located on a steep bank which runs along the curved edge of the existing terrace and forms the boundary with the residential garden area and agricultural land. Land levels fall by approx. 1.2m down to the east and north east of the existing terrace which means that proposed squaring off of the terrace and resultant loss of the mature hedge results in an area of raised terrace. The application was deferred and revised plans requested to include the revised terrace in the west elevation drawing in order to understand how high the terrace will be, and how the western edge will appear in the landscape and in context with the dwelling. The retained hedge boundary screens the majority of the development, with only a 3m section of terrace exposed which decreases in height from 1.3m to 0.7m, and this relatively small section does not appear overly prominent or harmful in the landscape setting.

Overall, the proposal represents a good standard of design that would respect the local built environment and open landscape concerned. The re-roofing of the dwelling would appear to comprise exempt development.

Consideration has been given to the effect of the development on the amenities of neighbouring residents. It is considered that the proposed extensions and works will have no effect on neighbour amenity due to the orientation, distance and relationship to neighbouring properties.

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.

Recommendation:

Grant with Conditions



Date: 11/07/23

