

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: Change of use of agricultural land to domestic garden (339 sq.m.), erect 1.5 storey extension to side, single storey extension and extend at 1st floor level to north (rear) elevation. Create agricultural vehicle access.

LOCATION: Aston Place, La Folie Lane, Vale.

APPLICANT: Mr A Dorey

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: 17/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd - 7743-01 B1C, B2A, B3A Rev A, B4A Rev A & B5

Application Ref: FULL/2023/0917

Property Ref: C01219A000

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.The landscaping scheme shall be fully completed, in accordance with the details shown on Plan 7743-01 B5, by the end of the planting season following the grant of consent (by 31st March 2025). 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 help assimilate the development into its surroundings, in the interests of residential amenity and to provide biodiversity enhancements in line with the Strategy for Nature SPG.

5.Within four weeks of the revised and new accesses being brought into use, the ends of the new openings shall be finished off using materials and a method of construction which match the remainder of the front roadside boundary wall.

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

6.Prior to first use/occupation of the extension hereby permitted, the existing glasshouses shall be demolished and all ancillary materials, works and structures shall be removed from the site.

Reason - To ensure the clearance of the glasshouses in accordance with Policy OC7.

Expiry Date: This permission will cease to have effect on 16/10/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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 Aston Place. 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/2023/0917
Property Ref: C01219A000
Valid date: 14/06/2023
Location: Aston Place La Folie Lane Vale Guernsey GY3 5SE
Proposal: Change of use of agricultural land to domestic garden (339 sq.m.), erect 1.5 storey extension to side, single storey extension and extend at 1st floor level to north (rear) elevation. Create agricultural vehicle access.

Applicant: Mr A Dorey

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. The landscaping scheme shall be fully completed, in accordance with the details shown on Plan 7743-01 B5, by the end of the planting season following the grant of consent (by 31st March 2025). 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 help assimilate the development into its surroundings, in the interests of residential amenity and to provide biodiversity enhancements in line with the Strategy for Nature SPG.

5. Within four weeks of the revised and new accesses being brought into use, the ends of the new openings shall be finished off using materials and a method of construction which match the remainder of the front roadside boundary wall.

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

6. Prior to first use/occupation of the extension hereby permitted, the existing glasshouses shall be demolished and all ancillary materials, works and structures shall be removed from the site.

Reason - To ensure the clearance of the glasshouses in accordance with Policy OC7.

INFORMATIVES

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 Aston Place. 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 application site is occupied by a semi-detached, one and a half storey pitched roof dwelling which is situated to the north of La Folie Lane.

The property is located Outside of the Centres as defined by the Island Development Plan.

Relevant History:

PREA/2023/0416 – Pre-app advice sought regarding the extension and subdivision of the dwelling and other alterations.

Existing Use(s):

01	Dwellinghouse
28	Agricultural

Brief Description of Development:

The proposal includes the erection of a 1.5 storey side extension, along with a single storey rear extension and 1st floor rear extension to north (rear) elevation.

The proposal also includes the change of use of agricultural land to domestic garden (339sq m) and the creation of a new agricultural vehicular access to the rear of the site.

The application was deferred to enable the application to provide information to address the Strategy for Nature, 2020 Supplementary Planning Guidance and a landscaping plan was provided as a result. It was also deferred due to concerns regarding the proposed width of the agricultural access and to correct inconsistencies between floor plans and elevations regarding the position of windows and doors. In addition, revised plans were accepted to show that the existing glasshouses will be removed from the site.

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

GP8 – Design
GP9 – Sustainable Development
GP13 - Householder Development
GP15 – Extension of Curtilage
OC7 – Redundant Glasshouse Site Outside the Centre

Representations:

Six letters of representation have been received, these are summarised below:

- Biodiversity provisions required in line with Strategy for Nature
- Impact on protected building adjacent to site.
- Inaccurate description of development
- Proposed extension is tantamount to a new dwelling- separate front entrance shown on some plans, easily capable of becoming a separate self contained dwelling with own access and parking. This is contrary to the IDP.
- No application of OC5(B) or OC6
- Proposed agricultural access is overly wide
- Poor standard of design and amenity
- Permission was never granted for the demolition of the glasshouse which once stood on the application site.
- Plans do not show the loss of the existing boundary wall to provide new access
- Potential for residential backfill on agricultural land rear of site.
- Vineries to rear are overgrown, collapsed and a haven for rats
- No waste management plan and burning of waste on site is occurring which is a nuisance to local residents, inc waste from applicants business.

- Vinery site to rear is commercial waste dumping ground
- Former glasshouse site should be returned to agricultural use.

Consultations:

N/A

Summary of Issues:

- Principle of the development
- Extension of curtilage
- Design of extension and access
- Other matters – Inc impact on protected building, waste management, bonfires/rats

Assessment against:

Proposed Change of Use:

It is proposed to change the use of part of the existing agricultural land located to the east of the dwelling to domestic garden. This area of agricultural land and the land immediately to the north is a former glasshouse site. Aerial photographs indicate that the glasshouse in this section of the site was removed between 1979 – 1990. While the glasshouses in the land to the north remain, they are in a very poor condition and largely collapsed and overgrown. The southern section of the site has been returned back to open agricultural land. Policy OC7 is therefore relevant. The site is not within or adjacent to an APA, is not considered to contribute to a wider area of open land.

The application was deferred due to concerns regarding compliance with Policy OC7 as the glasshouse to the north were shown to be retained. The agent has now confirmed that the glasshouse structures to the rear of the site will be removed as part of this application, which is reflected in the revised plans. An existing outbuilding is to be retained and converted for residential storage which is considered acceptable as it is located within the existing residential curtilage and it would be unsustainable to require the removal of the building to then build another within the residential garden for domestic use.

As a result, the proposal is acceptable in relation to Policy OC7 which requires sites to be cleared of glasshouses and ancillary structures, but must also be in accordance with Policy GP15.

As the proposal includes a change of use of this agricultural land to domestic garden, Policy GP15 applies. This states that the extension of curtilage will be supported where:

- a) It would not have an unacceptable impact on the landscape character
- b) It would not have an unacceptable impact on the biodiversity interest of an Area of Biodiversity Importance.
- c) It is demonstrated that the land cannot positively contribute to the commercial agricultural use of an APA or cannot practicably be used for

- commercial agriculture within an APA without unacceptable adverse environmental impacts; and,
- d) It is demonstrated that it would not involve an unacceptable loss of established boundary features which contribute positively to the character of an area, unless the new or replacement boundary treatment makes an equal or enhanced contribution to the character of the area
 - e) It would not adversely affect the reasonable amenities of neighbours.

The site is not within an Area of Biodiversity Importance (ABI) and is not within an APA. In light of this, the change of use to residential garden is not considered to have an unacceptable impact on the landscape character as the parcel of land is bounded by the other residential development or road on three sides, this means that the land is already read as residential garden. The views of the site from the road in the wider landscape are interrupted by the presence of residential development located to either side, and the change of use is only proposed for a relatively small strip of land and is not considered to harm the wider landscape character.

No significant established boundary features will be lost, and the impact of the change of use on neighbours is not considered to be any more harmful to neighbours than the existing agricultural use in terms of the potential for noise or disturbance. The proposal is therefore considered to be in accordance with Policy GP15 of the IDP.

Although the site is not located in an Area of Biodiversity Importance, in line with the States' Strategy for Nature, 2020, which has been adopted as Supplementary Planning Guidance, the application must be accompanied by information demonstrating environmental benefits in respect of biodiversity that will be incorporated should planning permission be granted.

The site is identified in the 2018 Habitats Survey of Guernsey as dense scrub and bare ground. The application's biodiversity statement proposes the planting of three new trees including 2 x silver birch and 1 x common lime along with a length of native hedging and other planting within the application site. This landscaping will be secured by condition, and therefore the scheme accords with the aims of the Strategy for Nature.

Proposed side and rear extension:

Policy GP13 (Householder Development) indicates that proposals for extensions and alterations to existing residential properties will be supported subject to certain criteria being met including with regards to the impact on the amenities of neighbouring properties, taking into account the surrounding character and where they accord with all the relevant policies of the Island Development Plan. In addition, the preceding text of Policy GP13 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. These include the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used, as well as its likely effect on the character and amenity of the locality in question and its likely effect on the reasonable enjoyment of neighbouring properties.

The proposed rear extension introduces a flat roof dormer across the entire width of the existing dwelling at first floor level and allows for the introduction of additional first floor accommodation. The design is not particularly sympathetic to the existing traditional dwelling, but it is not prominent, located to the rear and matches the design and form of the neighbours rear extension. The design is therefore acceptable due to the flexibility in design choice afforded by Policy GP13 of the IDP.

The new dormer introduces new first floor overlooking of the adjoined neighbours rear garden, however, the existing rear first floor windows of the adjoined neighbour currently allow overlooking of the application site. The new overlooking is therefore considered acceptable due to its mutual relationship and is not uncommon within the locality.

The flat roof rear extension is 4m x 7.4m and 3m in height, this is acceptable in terms of its scale and is unlikely to have a significant impact on the adjoining neighbours due to the single storey design.

The side extension measures 6m in width, and introduces additional living accommodation at ground and first floor, with a dormer to the front and rear. The side extension has its own staircase, with access to the main dwelling at ground and first floor level and offers accommodation which is well integrated into the main dwelling. The extension replicates the design, scale and form of the original dwelling and is therefore acceptable in design terms with no significant harm to neighbouring amenity due to the intervening distance between the side extension and any neighbours to the east. The extensions proposed are considered to be a reasonable aspiration of the property owner and achieve a reasonable standard of design. The scheme uses suitable materials, respects the local landscape character and current levels of neighbour amenity, in accordance with Policies GP13 and GP8.

Access track:

The application retains the existing site access and introduces an additional access to the agricultural land beyond. The proposal originally included a 5.7m wide access track and was deferred due to concerns regarding the proposed width of the agricultural access. This has been reduced in width to 4.5m with a wider entrance to the road in order to achieve the necessary visibility splays. There is no perceived impact on highway safety or traffic management as a result and the proposal provides vehicular access to the agricultural land beyond.

Impact on protected buildings:

Neighbour comments in relation to the impact of the proposal on the neighbouring protected building (La Foie) have been considered, however, the separation distance of at least 40m between the dwellings is sufficient to prevent any significant harm to the protected building or its setting.

Other matters:

Neighbour objections relating to the use of the extension as a separate dwelling are noted, but this is not proposed in the application. An informative note will be used to remind the applicants that any use of the extensions as a separate unit would require planning permission.

A waste management plan is not required by Policy GP9 in this instance.

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; the likely effect on roads and other infrastructure, traffic and essential services; any possible fall-back position by way of extant planning permissions or exempt development; and 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 impact on protected trees, monuments or buildings. The is not within or adjacent to a SSS.

It is concluded that the scheme accords with the aims of Policies GP1, GP8, GP9, GP13 and GP15 of the Island Development Plan and it is recommended that the application is approved.

Date: 11/10/2023