

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 detached 1.5 storey garage/games room to north-east boundary (Revised Scheme).

LOCATION: Land Opposite Ocean Echoes, Rue de la Rocquette, Castel.

APPLICANT: Mr S Holland

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: 21/03/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Turnstone Architecture Ltd: 314-25 P4 & 314-26 P4

Application Ref: FULL/2023/1028

Property Ref: D005530000

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. Notwithstanding the details on the approved plans, full details of the planting of a hedge to the north east boundary and full details of the construction of an earthbank and planting of a hedge to the south east boundary, to include:

- species,
- density of planting,
- height at time of planting,
- number and spacing;

shall be submitted to the Authority and approved in writing by 31st December 2024.

Reason - To ensure that the planting scheme is satisfactory and to protect residential amenity in accordance with Policy GP8 - Design.

5. The landscaping scheme, approved under condition 4 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. The window(s) and rooflights in the north east elevation(s) of the building hereby approved shall be glazed with obscure glass to a minimum level of Pilkington 3 or equivalent and be fixed shut, both of which shall thereafter be retained at all times. No changes shall be made to these windows nor shall any additional windows be inserted in this elevation.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

Expiry Date: This permission will cease to have effect on 21/03/2027 unless development is commenced by that date.

THIS PERMISSION SHALL BE READ IN CONJUNCTION WITH THE RELATED PLANNING COVENANT SIGNED BY THE PARTIES ON 21st MARCH 2024.

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/2023/1028
Property Ref: D005530000
Valid date: 05/06/2023
Location: Land Opposite Ocean Echoes Rue de la Rocquette Castel
Guernsey GY5 7AX
Proposal: Erect detached 1.5 storey garage/games room to north-east
boundary (Revised Scheme).
Applicant: Mr S Holland

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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).

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Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

OFFICER'S REPORT

Site Description:

The property comprises of a detached dwelling with a detached garage and associated domestic land situated to the north-west of Rue De La Rocquette and an area of domestic land situated to the south-east of Rue De La Rocquette which is physically separated from the dwelling by the access road Rue De La Rocquette. A detached 1½ storey garage/home office is currently under construction on the land to the south-east of Rue De La Rocquette.

The land to the south-east of Rue De La Rocquette is bounded on 3 sides by neighbouring residential properties, the fourth side is bounded by the access road, Rue De La Rocquette. The site is Outside of the Centres.

Relevant History:

18/4/2023 – FULL/2022/1970 – Refused permission to Erect detached 1.5 storey garage/games room to north-east boundary.

22/11/2021 – FULL/2021/2107 – Permission granted to erect 1½ storey garage/home office to south-west boundary.

30/07/2020 – FULL/2020/0238 – Permission granted for the change of use of agricultural land to domestic garden.

06/08/2019 – FULL/2019/1259 – Permission granted for the temporary change of use of agricultural land to storage and parking (retrospective).

D550

23/08/2019 – FULL/2019/1372 – Permission granted to erect garage, home office/studio and outdoor kitchen to west of dwelling.

23/11/2018 – FULL/2018/2578 – Permission granted for the change of use of agricultural land to domestic garden.

06/10/2016 – FULL/2016/0922 – Permission granted to extend domestic curtilage and erect rear extension.

25/04/2014 – FULL/2014/0864 – Permission granted to erect an oak framed car port to front of property.

26/09/2013 – FULL/2013/2316 – Permission granted to extend domestic curtilage and erect earth banks and gate to front of property and remove existing greenhouse wall to rear of property (retrospective).

01/05/2012 – FULL/2012/0669 – Permission granted to demolish existing and erect replacement dwelling.

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

This is a revised planning application following a previous refusal of consent. Permission is requested to erect a detached 1½ storey garage/games room with a total floor area of approximately 150sqm along the north-east boundary of the parcel of domestic land to the south-east of Rue De La Rocquette. The first floor would be accessed via an external staircase adjacent to the north elevation of the building.

The application has been submitted with a copy of the letter forming part of the previous application, FULL/2022/1970 stating that the garage/games room will be used for the storage of private cars by the applicant and their father with the first floor providing a hobby/games room for the applicant's children. The proposed garage/games room is intended to replace a previously proposed detached garage, home office/studio situated to the south-west of the dwelling and to the north-west of Rue De La Rocquette which was approved in August 2019 (FULL/2019/1372) but has not been built.

In addition, a further covering letter has been submitted noting changes made to the scheme which includes:

- North-east elevation windows and roof-lights to be un-openable and obscure glazed
- Planting of a boundary hedge to the north east and south east boundaries
- Accurate siting of new house to north east on location plan.

It also notes that the previous permission granted in August 2019 for a home office/studio has not been commenced and the permission is no longer extant and that the applicant, should the Authority be so minded, is willing to enter into a planning covenant to restrict the use of the proposed structure for ancillary domestic purposes only and is not to be used for business purposes or as a separate dwelling. Justification for the siting of this proposed structure in close proximity to a similar structure currently under construction as approved under FULL/2021/2107 is given, noting that the location of the structure is to retain a hobby space for the benefit of the applicant within one area, whilst retaining the immediate area around the house for other domestic ancillary activities for the benefit of the family.

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

GP1 - Landscape Character and Open Land

GP8 - Design

GP9 - Sustainable Development

GP13 – Householder Development

Representations:

One letter of representation has been received noting the lack of detail in regard to the planting and whether this will be native. It also questions the statement made by the applicant in relation to the condition of grassland.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

- Whether the proposal is ancillary to the existing dwelling.
- Design and impact of the development on the character and openness of the area.
- The impact of the development on the amenity of people living in the area.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The application is a revised scheme following the previous refusal in April 2023 (FULL/2022/1970) which was refused for the following reason:

Situated on the opposite side of the access road Rue De La Rocquette, the proposed garage/games room is not well related to the existing dwelling. The distance to the dwelling and the layout of the site, including existing boundary treatments along Rue De La Rocquette, provides further separation. Notwithstanding the details submitted regarding the proposed use of the garage/games room, when combined with the floor area of the previously approved garage/home office which is currently under construction, the combination of the siting, size and nature of the proposed garage/games room gives the impression that the proposal would form a separate planning unit and would not be ancillary to the existing dwelling. It has not been demonstrated that the proposal constitutes householder development ancillary to an existing dwelling and therefore the proposal does not accord with Policy GP13.

The current application includes a number of revisions as noted above which have been incorporated in order to protect the amenity of the neighbour to the north-east along with an element of planting along this boundary. Although planting and obscure glazing of windows within the northeast elevation were incorporated within the previous scheme the inclusion of these elements along with the now obscure glazing and fixed rooflights to this same elevation will further reduce impacts on this adjacent neighbour.

In addition to these changes and notwithstanding that the previous approval for the erection of a detached garage with home office/studio adjacent to the house (FULL/2019/1372) had expired prior to the submission of and determination of the last application, the applicant has now agreed to enter into a planning covenant to ensure that the ancillary building is retained for domestic activities in connection with the house. The most recent covering letter also explains how the external space connected with the house is to be utilised identifying areas for domestic hobby activities whilst other spaces, immediately adjacent to the house will be used for more 'family' orientated activities. The combination of this justification but more importantly, the written agreement of the applicant within the covering letter, dated 30th May 2023, to enter into a covenant, to restrict the use of the building to

ancillary usage only and for the lifetime of the building, ensures that the building will remain in perpetuity for its intended approved purpose and will not be used for any other purpose which would be contrary to current planning policy.

The planning covenant was signed by the parties on 21st March 2024. With this addition, it is therefore, for the reasons above, concluded that the current proposal satisfies the relevant planning policies as noted above. The application is therefore recommended for approval subject to conditions.

Date: 21/03/2024

