

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 detached garage to west of property. Demolish and rebuild chimneys, replacement roof covering and parapets, repair windows to main building (Protected Building).

LOCATION: Mentone, L'Abbaye, Vale.

APPLICANT: Mr & Mrs A Chapple

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: 08/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arctech - AC-23-1124-04A & -05A

Application Ref: FULL/2023/1030

Property Ref: C010570000

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.Prior to removal of the GRP roof cladding, drawings of the increased roof depth of the affected areas, including the junction with the main roofs, shall be submitted to and agreed in writing by the Authority.

Reason - The junction with existing roofs is ambiguous and therefore details of potential increased depth of roof is needed to ensure that the special interest of the protected building is preserved.

5.Reinstatement of salvageable purple slates shall be first prioritised for use on the front (south-west) roof slope of Mentone Cottage (the 1.5 storey part of the building), and then on the rear (north-east) roof slope of such building. Any salvageable grey slates shall be prioritised on the side (south-east) roof slope of the 2 storey part of the building (Mentone House).

Reason - To ensure that the existing purple and grey slates are reused on prominent roof slopes of the building to preserve the special interest of the protected building.

6.Prior to installation, full details of new bricks (and pots, if applicable) to be used in the replacement chimneys and copings shall be agreed in writing by the Authority.

Reason - To ensure that the new bricks (and pots, if applicable) are appropriate and preserve the special interest of the protected building.

7.All leadwork shall be installed in accordance with Lead Sheet Association (LSA) guidance.

Reason - To ensure that all leadwork is installed in accordance with best practice to preserve the special interest of the protected building.

Expiry Date: This permission will cease to have effect on 07/11/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed garage to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

Should it be found, following opening up works, that alterations to the windows, dormer windows, fascias or rainwater goods go beyond 'repair' works as permitted under the Land Planning and Development (Exemptions) Ordinance, 2007 and need replacing, it is advised that you contact the Authority as a separate application might be required.

The Authority does not recognise all of the land outlined on the submitted plan(s) as forming the domestic curtilage associated with the properties presently known as Mentone and Mentone Cottage.

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/2023/1030
Property Ref: C010570000
Valid date: 23/06/2023
Location: Mentone L'Abbaye Vale Guernsey GY3 5SF
Proposal: Erect single storey detached garage to west of property.
Demolish and rebuild chimneys, replacement roof covering
and parapets, repair windows to main building (Protected
Building).

Applicant: Mr & Mrs A Chapple

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. Prior to removal of the GRP roof cladding, drawings of the increased roof depth of the affected areas, including the junction with the main roofs, shall be submitted to and agreed in writing by the Authority.

Reason - The junction with existing roofs is ambiguous and therefore details of potential increased depth of roof is needed to ensure that the special interest of the protected building is preserved.

5. Reinstatement of salvageable purple slates shall be first prioritised for use on the front (south-west) roof slope of Mentone Cottage (the 1.5 storey part of the building), and then on the rear (north-east) roof slope of such building. Any salvageable grey slates shall be prioritised on the side (south-east) roof slope of the 2 storey part of the building (Mentone House).

Reason - To ensure that the existing purple and grey slates are reused on prominent roof slopes of the building to preserve the special interest of the protected building.

6. Prior to installation, full details of new bricks (and pots, if applicable) to be used in the replacement chimneys and copings shall be agreed in writing by the Authority.

Reason - To ensure that the new bricks (and pots, if applicable) are appropriate and preserve the special interest of the protected building.

7. All leadwork shall be installed in accordance with Lead Sheet Association (LSA) guidance.

Reason - To ensure that all leadwork is installed in accordance with best practice to preserve the special interest of the protected building.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed garage to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

Should it be found, following opening up works, that alterations to the windows, dormer windows, fascias or rainwater goods go beyond 'repair' works as permitted under the Land Planning and Development (Exemptions) Ordinance, 2007 and need replacing, it is advised that you contact the Authority as a separate application might be required.

The Authority does not recognise all of the land outlined on the submitted plan(s) as forming the domestic curtilage associated with the properties presently known as Mentone and Mentone Cottage.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a detached protected building located to the north of L'Abbaye. The property has recently been extended to the north in a contemporary manner (FULL/2019/1456).

The whole of Mentone and Mentone Cottage, together with the roadside wall and gate, is a protected building (PB1179). The 2013-2016 extension and the outbuildings are not included. The house is a building of merit within the Vale Church Conservation Area where architectural form is mainly focussed on 19th century cottages of stone, sometimes rendered, and slate/clay pan-tile behind low stone walls.

The property is located Outside of the Centres and is located within a Conservation Area as designated in the Island Development Plan.

Planning permission is sought to erect a pitched roof double garage and car port to the west of the property. The application also seeks to demolish and rebuild chimneys, replace the roof covering and parapets, and refurbish and repair windows to the main house.

A Statement of Significance has been provided which sets out a basic history of the site. No attempt has been made to apportion value of elements of the building or impact of the development on the overall special interest of the protected building.

The application was deferred as concerns were raised over the replacement roof. It was advised to re-use salvageable purple and grey slates on the prominent roof slopes of the property as a priority. Clarification was also sought in relation to the reconstruction of the copings, and detailing of the replacement flat roof.

The agent has amended the drawings and is seeking to re-use the existing slates and has clarified other matters.

Relevant History:

CURT/2022/2039	Definition of Curtilage	
CURT/2022/2041	Definition of Curtilage	
FULL/2019/1456	Demolish outbuilding. Erect single storey extension to east elevation, install cladding and internal alterations (Protected building).	Granted
FULL/2013/2416	Demolish existing lean-to store and glasshouse and erect extension with glazed link to rear (west) of property (Protected Building).	Granted
FULL/2013/0022	Install five roof lights to west elevation, alterations to rear lean-to extension including replace roof	Granted

	covering with slate and install rooflight, install window in west elevation and internal alterations (Protected Building).	
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Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation

☒

accords with policy

☒

within curtilage

☒

design acceptable

☒

visual amenity acceptable

☒

no material neighbour impact

☒

traffic not affected

☒

Policies considered most relevant:

GP4 Conservation Areas

GP5 Protected Buildings

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.

In addition to the relevant policies set out above, it is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings and Conservation Areas, to secure so far as possible that the special historic, architectural, traditional or other special characteristics are preserved.

Garage:

The proposed garage is located to the west of the house and respects the forward building line of properties in the surrounding area. The garage is within a reasonable distance to the dwelling and adopts a 'high' standard of design by virtue of its scale, form, massing, siting and materials for the purposes of Policy GP4 and GP5. In addition, the landscaping to the front of the property will help to 'soften' the appearance of the garage into its landscape and therefore will not be highly visible from public vantage points.

Overall, due to its design and position, the proposal will not have a detrimental impact on the character or appearance of the Conservation Area, visual amenity, or the amenities of neighbouring residents.

Refurbishment works

It is apparent that the roof has undergone a mix of repair works over the years due to the colouration of slates in situ, and slippage of slates on certain aspects of the roof are visible. The agent has confirmed that the existing slates will be re-used on prominent roof slopes. It is reasonable that a condition be attached to ensure that the older purple slates are re-used on the prominent roof-slope of Mentone Cottage, with salvageable grey slates used on the prominent roof-slope of Mentone House.

Due to the limited information provided in respect of the replacement GRP roof to the rear of Mentone Cottage, it is reasonable to attach a condition to require a large scaled drawing(s) of the increased roof depth of the affected areas, including the junction with the main roof, to fully assess the effect on the protected building.

The works to the chimneys and copings and windows are also acceptable, subject to appropriate conditions.

Overall, in light of the amendments secured and assurances provided as set out on Drawing AC-23-11-24-05A and the Statement of Significance when read together, the proposed 'refurbishment' works would have a limited effect on the overall special interest of the protected building. Each aspect of the works has been outweighed by the reasonable aspirations of the property owner (Policy GP5) to maintain and repair their property.

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, accords with the purpose of the Law, and the requirements of the material considerations; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 03/11/23