

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: Raise and alter roof ridge height to create accommodation at 1st floor level, extend and alter at ground floor level, alter fenestration and install solar panels to outbuilding, create additional vehicle access. (Revised).

LOCATION: Mahalo (formerly Vandola), Route De Rocquaine, St. Pierre Du Bois.

APPLICANT: Mr & Mrs M & H Le Maitre

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: 27/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Direct Architectural Solutions - 1445-SK-01A, 02B & 03B.

Application Ref: FULL/2023/1041

Property Ref: F011500000

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 four weeks of the new access being brought into use, the end(s) of the new opening shall be finished off using materials and a method of construction which match the remainder of the wall.

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

Expiry Date: This permission will cease to have effect on 26/10/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

1. Please note that only one fan is allowed in the air source heat pump and the noise level emitted when calculated at 1 metre from the outside face of the closest elevation of the nearest neighbouring noise sensitive building (the neighbouring property) does not exceed 5 decibels below the LA90 level of the background noise measured at that location prior to the installation of the pump unit. Failure to comply with this would require the submission of a further application for planning permission for the air source heat pump alone.

2. This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

3. Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.

It is recommended that site clearance, construction and deliveries are limited to the

following times:

Mondays to Saturdays - 0800 hours to 1800 hours.

Action which creates a nuisance may be subject to action by the Office of Environmental Health and Pollution Regulation.

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/2023/1041
Property Ref: F011500000
Valid date: 26/06/2023
Location: Mahalo (formerly Vandola) Route De Rocquaine St. Pierre Du Bois Guernsey GY7 9HT
Proposal: Raise and alter roof ridge height to create accommodation at 1st floor level, extend and alter at ground floor level, alter fenestration and install solar panels to outbuilding, create additional vehicle access. (Revised).
Applicant: Mr & Mrs M & H Le Maitre

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 four weeks of the new access being brought into use, the end(s) of the new opening shall be finished off using materials and a method of construction which match the remainder of the wall.

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

INFORMATIVES

1. Please note that only one fan is allowed in the air source heat pump and the noise level emitted when calculated at 1 metre from the outside face of the closest elevation of the nearest neighbouring noise sensitive building (the neighbouring property) does not exceed 5 decibels below the LA90 level of the background noise measured at that location prior to the installation of the pump unit. Failure to comply with this would require the submission of a further application for planning permission for the air source heat pump alone.

2. This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

3. Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.

It is recommended that site clearance, construction and deliveries are limited to the following times:

Mondays to Saturdays - 0800 hours to 1800 hours.

Action which creates a nuisance may be subject to action by the Office of Environmental Health and Pollution Regulation.

OFFICER'S REPORT

Site Description:

The application site comprises a detached dormer bungalow situated to the east of Route de Rocquaine. Surrounding the site, the area comprises residential properties to the south, a former German bunker to the north, open fields to the east and the coast to the west.

The vehicle access point into the site from Route de Rocquaine is situated in the southwest corner of the site.

The site is situated Outside of the Centres and part of the site and a small section (part of the rear garden area) is situated within the Agricultural Priority Area as designated in the Island Development Plan.

Relevant History:

None relevant

Existing Use(s):

Residential – Use Class 1

Brief Description of Development:

Planning permission is sought to raise and alter the roof form and ridge height to create accommodation at first floor, to extend and alter at ground floor level, alter fenestration and install solar panels to outbuilding and to create an additional vehicle access.

During the course of consideration, the application was deferred to address concerns raised regarding the potential to overlook the neighbouring property from the proposed balcony to the rear of the premises. Revised plans were submitted and the balcony to the rear has been omitted and replaced with a glazed gable. The application was readvertised to allow the representors to review the revised plans and make any additional comments on the drawing.

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

GP8: Design,
GP9: Sustainable Development
GP13: Householder development
IP7: Private and Communal Parking

Representations:

In total three letters of representation have been received, two from a local architect on behalf of the owners of a neighbouring property and one from the occupiers of a property further south. The grounds for objection are summarised as follows:

Design and impact on the character of the area:

- Prior to submission, discussions were held with neighbours, the submitted scheme does not correspond with the scheme previously discussed;
 - o A revised design was discussed at the meeting which would have less of an impact and this does not form part of the proposal;
- The scale and massing of the scheme circa 112m² extra floorspace is excessive, with a five bedroomed house designed with limited amenity area;

- The west elevation dwarfs the neighbouring property Driftwood completely;
- The wider viewpoint to agricultural land to the east is completely obliterated due to the 800mm rise in ridge height and remodelled roof design;

Impact on neighbours

- The south elevation will block out the evening sun setting to the amenity area for Driftwood;
- Sun path analysis should have been submitted to the occupiers Driftwood which have not been received;
- The recessed balcony in the east elevation completely invades the privacy of the amenity area and the area used for the spa pool at Driftwood;
- The north elevation invades privacy to the amenity area for Driftwood to the north and adjacent to the bunker site;
- The solar panels on the gym roof from a visual perspective are unattractive and unacceptable to the occupiers of Driftwood;
- Understood that an air source heat pump is to be installed which could cause noise disturbances;
- The proposal will make the amenity area of Driftwood very dark and natural light through the stain glass window will be reduced;
- The parking area will restrict views of the parking area for Driftwood if a motorhome is purchased in the future this would be even worse;
- A suggestion for privacy screening along the east boundary of the site is proposed which would overshadow the adjacent greenhouse;
- The east elevation will invade the privacy of the garden area associated with the neighbouring property Le Domaine Sauvage.

Other issues

- The location plan fails to demonstrate the 'wrap around' domestic curtilage of Driftwood;
- No pre-application submission was submitted;
- The site visit was completed early in the process and prior to the end of the consultation process;
- At the time of the site assessment the officer was not in possession of the representations.

Following deferral of the application and the receipt of revised plans, the application was readvertised to allow the representors the chance to review the plans and make any further comment. One letter of objection was received from the occupiers of a neighbour dwelling that had commented on the previous submission. The comments raised in the previous letter of representation were repeated other than the following points:

- The omission of the kitchen balcony facing east has respected the privacy towards the land parcel to the rear of the site;
- The location plan still fails to demonstrate the 'wrap around' land parcel owned by and forming part of the domestic curtilage of the neighbouring property;

- A general lack of consideration for my clients enjoyment of their land has still somewhat been disrespected.

Consultations:

None

Summary of Issues:

- Whether the design and appearance of the proposal is acceptable;
- Whether the proposal would have any detrimental impacts on the amenities afforded to the occupiers of neighbouring properties;
- Whether the proposal would negatively impact on highway safety.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Whether the design and appearance of the proposal is acceptable

Policy GP13 of the Island Development Plan is generally supportive of proposals for domestic extensions, alterations and other such householder development 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 adversely affect the special interest of a Conservation Area or Area of Biodiversity Importance or protected building or protected monument.

Policy GP8 of the Island Development Plan states a number of criteria that new development will be expected to adhere to in order to achieve a high standard of design which respects and where appropriate enhances the character of the environment.

The application site is not within a Conservation Area or close to any Protected Buildings. There is a variety of building forms and styles in the surrounding area. Paragraph 19.9.5 of the IDP which forms the preceding text to Policy GP8 states that: *'In other, less sensitive areas' (not within Conservation Areas, Sites of Special Significance and Protected buildings), 'a good standard of design will be expected, however the Island Development Plan adopts a supportive position with regard to building design in these areas to enable the property owner to exert personal choice in design matters. This adopts the flexible and proportionate approach that underpins the Plan Objectives of the Island Development Plan.'*

Paragraph 19.9.9 of the IDP states that: *“In accordance with the Strategic Land Use Plan, the Island Development Plan requires the most effective and efficient use to be made of the Island’s finite land resource. New development will be expected to take into consideration and to respect, but not necessarily replicate, the character of a location, including the density of surrounding development. In this respect new development will be expected to demonstrate the most effective and efficient use of land. The Strategic Land Use Plan identifies multi-storey buildings as constituting a more efficient use of land than single storey buildings. Therefore, development proposals should consider a multi-storey design from the outset, unless there are overriding reasons why this design approach would be unacceptable within a particular locality.”*

The concerns raised through the public consultation process with regard to the design of the proposal and in particular the height, scale and bulk/massing of the development have been noted and have been carefully assessed on site. Whilst it is noted that the proposed alterations will appear taller and the volume and bulk and massing larger than the existing building, situated in a non-sensitive location (i.e. not a protected building and not within a Conservation Area) where a more flexible approach to design is advocated within the IDP, the proposal is considered to be acceptable in this respect. Furthermore, the coast road to the south is characterised by a mixture of dwelling types of no uniform design or material and to the north is a large industrial building with residential properties of mixed type and design further north.

The design of the scheme takes a traditional form with the two side elements designed with lowered ridge heights to reduce the bulk and massing of the scheme and its impact on the character of the surrounding area. Although larger in terms of its scale the design of the proposal shares similar characteristics with the property to the south La Domaine Sauvage.

Considering the above, the fact that multi-storey design is considered to be an efficient and effective use of land and is supported by planning policy and given the varied nature of development in the locality, the design is acceptable and any harm on the character of the area would not be so substantial to warrant the refusal of planning permission. The scheme complies with Policies GP8 and GP13 of the IDP in this respect.

The creation of an additional vehicle access proposed would result in the loss of a section of boundary wall. However only a 3m section of wall will be lost and a sufficient roadside boundary granite wall will remain and will continue to provide an attractive boundary feature. Any resulting harm on the character of the area would not be so substantial to warrant the refusal of planning permission.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

Whether the proposal would have any detrimental impacts on the amenities afforded to the occupiers of neighbouring properties

GP8: Design indicates that new development will be supported where it is demonstrated that it will not have an unacceptable impact on neighbouring amenity and considers the health and well-being of the occupiers.

Concerns have been raised through the public consultation process regarding the impact of the development on the privacy afforded to the garden areas of neighbouring properties, the loss of sunlight/daylight and the potential to overshadow the property and garden area of the neighbouring property. These concerns have been noted and carefully assessed on site as part of the consideration of the application.

As referred to in the brief description of development section of this report, the application as initially proposed included a balcony to the rear (east) to serve the first floor kitchen. The balcony had the potential to overlook the garden area to the rear of the property that forms the domestic curtilage associated with the neighbouring property Driftwood. The application was deferred and revised plans have been submitted. As part of the revised scheme the balcony has been omitted and replaced with a glazed gable. The revised drawings show that the glazed gable will be positioned 1.7m above the internal finished floor level of the first floor, to provide light into the proposed kitchen, whilst preventing overlooking into the garden area of the neighbouring property. A similar glazed gable 1.7m from the finished level of the first floor is also proposed for the en-suite in this elevation. Other than a velux window no other windows are proposed at first floor level facing east. Windows already exist at ground floor level in this elevation in similar positions as those proposed and any additional harm would therefore not be so substantial to warrant the refusal of permission.

A glazed gable is proposed in the north elevation at first floor level and concerns have been raised that views from this window would overlook the wrap around section of garden area in this direction belonging to the neighbouring property Driftwood. However, the section of land referred to is open and forms an access track/parking area for Driftwood. It is currently open and visible from the highway and does not provide private amenity space for the neighbouring property. Furthermore its distance from the property and the fact that it is sectioned off from the remainder of the garden area associated with the property by a gate further emphasises that this area is not used as private domestic garden. Should the neighbours decide to use this area as private amenity space a separation distance of circa 10m would remain between the glazed gable and amenity area which given the close relationship between the properties that already exist would be acceptable.

In the south elevation of the property at present a small ground floor window exists which faces directly towards a small window in the north elevation of the neighbouring property Driftwood. As part of the redevelopment scheme this ground floor window has been omitted. Although at first floor level an additional window will

be installed to serve a bedroom, views from this window will face towards a blank section of wall of the neighbouring property Driftwood. It would not be reasonable to ensure that this is obscure glazed.

Views from the windows and the proposed balcony in the front (west) elevation will face towards the coast and would not cause harm to any neighbours.

Concerns have also been raised with regard to the fact that the proposed solar installations would be unsightly for the neighbouring property and that the air source heat pump could cause harm. However only three solar panels are proposed on the roof of a single storey outbuilding which is situated to the rear of the site. It is considered that the installation would be of domestic scale, would be a reasonable aspiration of the property owner and the visual impact would also be limited. With regard to the solar panels on the roof of the property these are exempt from planning control.

With regard to the air source heat pump the drawings show that the unit will be installed more than 1m from the boundary with the neighbouring property, and measure no more than 1m in height or 1m in width and therefore constitutes exempt development for which no planning permission is required. The air conditioning unit does not form part of the assessment of this application. However it is advised that the section of the Exemption Ordinance relating to acceptable noise parameters is included on any permission as an informative to make the applicant fully aware of the requirements.

With regard to the loss of light and overshadowing to the windows of the neighbouring property Dritwood, given the position of the application building (west facing) and the existing inter-relationship with Driftwood the proposal would not cause additional harm or overshadowing to the principal windows of the neighbouring dwelling. With regard to additional overshadowing it is noted that the proposal will increase the bulk and massing of the existing building. However, again given the position of the property, the existing inter-relationship, and that the property already overshadows part of the 'wrap around' garden area belonging to the neighbouring property, any additional harm would be limited for a small part of the day and would not be so substantial to warrant the refusal of planning permission.

The representor also raises concern regarding potential overshadowing from privacy hedging that the applicant suggests could be planted along the eastern boundary of the site. The planting of hedging does not constitute development and does not therefore form part of the assessment of this application.

For the above reasons the scheme would not result in unacceptable harm to the amenities of surrounding residential occupiers and the scheme accords with Policies GP8 and GP13 in this respect.

Whether the proposal would negatively impact on highway safety.

The site is currently accessed onto Route de Rocquaine in the southeast corner of the site. Space exists to safely accommodate two to three off road parking spaces. The scheme also proposes to remove a section of boundary wall to the northwest corner of the site to create an additional vehicle access and car parking space.

There are no set standards within the adopted IDP policy and Supplementary Guidance for car parking provision for site located Outside of the Centres as these need to be assessed on a case by case basis. In this instance the provision of car parking is sufficient for the size of dwelling proposed.

The creation of the vehicle access point will be situated adjacent to an existing opening and on a straight section of highway and visibility splays in both directions are sufficient to satisfy highway requirements. The comments from the objector are noted regarding potential to block views from approaching traffic should a motorhome or vehicle be parked in the space is noted. However sufficient space exists within the parking spaces for the vehicle to be positioned a safe distance from the highway so as to prevent any obstruction.

For these reasons the proposal would not cause harm to highway safety and complies with the relevant provisions of the IDP in this respect.

Other issues

Concerns have been raised with regard to the fact that the resultant scheme is too large for the site and would result in insufficient private amenity space for the size of dwelling. However, the proposal includes an area of private amenity space to the north and given the location of the site in a coastal location within walking distance from the coastal footpath network and a beach, any shortfall in amenity space would not be a reason to refuse planning permission.

With regard to concerns raised regarding the site visit that was undertaken early in the process, again there is no control over when a site is visited as part of the application so long as the site is visited prior to determination. Officers try to visit the site prior to the expiration of the site notice so that its display can be recorded (although given current workloads this is not always achieved). Irrespective the points raised in the objection letter are material planning considerations that officers are required to assess as standard practice as part of a planning application, irrespective of whether an objection has been received.

For the avoidance of doubt however given that additional concerns were raised, the site was revisited on 25/10/2023 to further assess the revised drawings and any impact on the surrounding area and neighbouring properties.

The issues relating to the fact that the drawings do not show the 'wrap around' garden area belonging to Driftwood have been noted. However, it was noted during

the initial application site visit and following a review of the planning history for the neighbouring property and any impact has been fully assessed as part of the application.

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; any possible fall-back position by way of extant planning permissions or exempt development; 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 adverse impact on protected trees, buildings or sites and for the reasons contained within this report it is recommended that planning permission is granted.

Date: 27/10/2023

