

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 and extend at ground and 1st floor level, create additional vehicle access and parking to east boundary.

LOCATION: Les Niaux Farm, Les Niaux, Castel.

APPLICANT: Mr A P Le Lerre & Miss L Corbet

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: 04/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd - 7617-01 B1, B2, B3, B4 & B5.

Application Ref: FULL/2023/1056

Property Ref: D00263A000

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 revised access being brought into use, the new wall hereby approved to the front (northern) boundary shall be constructed in accordance with the approved plans with the end of the opening 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.

5.Notwithstanding the information submitted, the south westerly facing window within the captains dormer on the rear elevation, shall be glazed with obscure glass to a minimum industry standard privacy level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and shall be retained as such thereafter. For the avoidance of doubt. the remaining two west and north west facing windows within the dormer do not need to be obscure glazed or fixed shut.

Reason - To protect neighbour privacy and amenity.

Expiry Date: This permission will cease to have effect on 03/10/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the site is inspected by a suitably qualified person prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term)

to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg

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/2023/1056
Property Ref: D00263A000
Valid date: 22/06/2023
Location: Les Niaux Farm Les Niaux Castel Guernsey GY5 7AF
Proposal: Raise and alter roof ridge height and extend at ground and 1st floor level, create additional vehicle access and parking to east boundary.

Applicant: Mr A P Le Lerre & Miss L Corbet

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 revised access being brought into use, the new wall hereby approved to the front (northern) boundary shall be constructed in accordance with the approved plans with the end of the opening 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.

5. Notwithstanding the information submitted, the south westerly facing window within the captains dormer on the rear elevation, shall be glazed with obscure glass to a minimum industry standard privacy level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and shall be retained as such thereafter. For the avoidance of doubt. the remaining two west and north west facing windows within the dormer do not need to be obscure glazed or fixed shut.

Reason - To protect neighbour privacy and amenity.

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the site is inspected by a suitably qualified person prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg

OFFICER'S REPORT

Site Description:

Les Niaux Farmhouse is a detached two storey farmhouse set on the hairpin bend adjacent to the existing protected Mill. The dwelling is set into the valley, with higher land to the south, there is an access track from Route des Talbots to the west which serves both the rear of the Farm and Les Niaux Grange, which is located to the south of the application site.

The dwelling has a slate roof with render to the front (east) and sides, and granite to the rear elevation. There is an existing pedestrian access ramp from the front garden to the rear of the site.

Relevant History:

N/A

Existing Use(s):

01- Residential dwelling

Brief Description of Development:

The proposal is for alterations to raise the ridge height of the roof and introduce a central flat roof section, with small extensions to the sides at ground and first floor levels. A captain's dormer is also proposed to the rear elevation.

The proposal includes the introduction of a new vehicular access to the frontage, with access steps to the rear, replacing the existing ramped access.

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

GP8 – Design

GP9 – Sustainable development

GP13 – Householder development

IP9 – Highway safety, accessibility and capacity.

Representations:

One letter of representation was received from a neighbour which raised the following concerns:

- The proposed increase in chimney and roof height is overbearing and dominant in relation to neighbouring dwelling at Les Niaux Grange.
- Captains dormer will allow direct overlooking into existing bedrooms and lounge.
- Neighbours have a legal right of access to the existing ramp by "pram, wheelbarrow and bicycle" and the proposed steps remove this and reduce the level of access which has not been agreed.
- Handrail or safety measure should be installed along the length of the access.

La Société have also submitted a letter of representation and raise concern for the potential for roosting birds to use the building and the likelihood of bats being present. They recommend that the existing house and roofspace is inspected for current or recent use by bats by a suitably qualified person, prior to any building works and notes the protection of bats by the Animal Welfare Ordinance 2012. La Société have requested an informative note be added to remind the applicant of the above.

Consultations:

N/A

Summary of Issues:

The key considerations include:

- Principle of development
- Impact on neighbour amenity
- Impact on the character of the area

- Highway considerations
- Other matters

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.

Principle of development:

The principle of the works is considered acceptable in relation to Policy GP13 which allows for alterations/extensions of residential properties as long as there is no significant adverse impact on the amenities of neighbours, the scale, design, mass and form would not detract from the open character of the area, and they do not adversely impact upon areas of special interest or protection.

Impact on neighbour amenity:

The proposal introduces an increase in the ridge height of the dwelling from 6.6m to 7.6m, with a chimney up to 8.8m in height. This relatively modest increase in height is not considered to result in an overbearing impact on neighbours, and is unlikely to result in harmful overshadowing or loss of light due to the orientation to the north of the neighbours.

The inclusion of a captains dormer to the rear elevation may result in some overlooking of the neighbours at Les Niaux Grange, it is therefore considered reasonable and necessary to condition the obscure glazing of the south-westerly facing window pane to prevent any harmful loss of privacy to the neighbours. The remaining west and north westerly windows look out over the application site and the rear of other neighbours' gardens and so these can remain clear glazed.

Impact on the character and appearance of the area

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 increase in ridge height is relatively modest and will ensure that the dwelling does not appear overly prominent. The proposed flat roof section appears bulky however, its location to the centre of the roof ensures it is not prominent from the road.

The proposed works use materials to match the existing building and retains the existing granite elevation to the west.

The existing access to the front is pedestrian only, with a granite wall enclosure which is largely overgrown by bamboo. The introduction of a 4m wide vehicular entrance will result in the loss of an approx. 3m section of wall but will open up the site to better reveal the traditional style dwelling in the landscape and retain the existing boundary tree. In this respect, the proposal is not considered harmful, and retains good sections of the existing wall.

Highway Considerations:

In terms of highway safety and traffic management, the proposed access is situated on a tight hairpin bend where land levels slope very steeply down to the north. However, the position on the hairpin allows good visibility splays in both directions, the steepness of the slope and tight corner means that speeds are likely to be low and the road has restricted access for residents only which means that the road is generally very quiet. The parking area appears to have space for turning onsite so exit can be in a forward gear, which means that the access appears acceptable in terms of highway safety, meeting the requirements of Policy IP9.

Other matters:

Neighbours have raised concerns regarding the legal right of access, this is a private civil matter between the parties concerned and not a material planning considerations which would influence a decision on this planning application. Additionally, the request for a hand rail along the entire length of the shared access is noted, however it is not considered relevant or necessary to condition its provision.

The potential use of the site by bats is also noted and an informative note will be used to advise the applicant of the protection of bats by the Animal Welfare Ordinance 2012.

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 effect of the proposed which the site could be put without further planning permission; 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 not impact on the setting of any the nearby Protected Buildings, protected trees, monuments or on any SSS's.

For the reasons set out within this report the proposal complies with the relevant provisions of the Island Development Plan and satisfies the other relevant material planning considerations; it is therefore recommended that planning permission be granted with conditions.

Date: 28/09/2023