

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: Sub-divide existing dwelling to create two dwellings.

LOCATION: Arras, Rue Du Pont Vaillant, Clos Raymond Leterrier, Vale.

APPLICANT: Mr P Ozanne

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: 18/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Chateaux Architectural Design - 21/036/05 Rev 'B'

Application Ref: FULL/2023/1064

Property Ref: C019880000

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 boundary fence to the detached garden associated with Arras and the shed shall be erected prior to the first occupation of Arras/unit 1.

Reason - In order to provide a area of external open space for the enjoyment of the occupiers of unit 1, to manage the potential for mutual overlooking between units 1 and 2 and to offer the occupiers of unit 1 with space for secure and covered cycle storage to enable occupiers to travel by alternative modes of transport.

Expiry Date: This permission will cease to have effect on 17/07/2026 unless development is commenced by that date.

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/2023/1064
Property Ref: C019880000
Valid date: 08/06/2023
Location: Arras Rue Du Pont Vaillant Clos Raymond Leterrier Vale
Guernsey GY6 8BU
Proposal: Sub-divide existing dwelling to create two dwellings.

Applicant: Mr P Ozanne

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.

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Reason - In order to provide a area of external open space for the enjoyment of the occupiers of unit 1, to manage the potential for mutual overlooking between units 1 and 2 and to offer the occupiers of unit 1 with space for secure and covered cycle storage to enable occupiers to travel by alternative modes of transport.

OFFICER'S REPORT

Site Description:

Arras is a detached pitched roof dwelling with extensions to the rear. The accommodation comprises the main house and an attached dower to the rear. A detached workshop is situated immediately adjacent to the southwest site boundary and northwest elevation of the wing. Vehicular access to the site is currently prevented to southeast onto Rue Du Pont Vaillant due to a low trellis fence (exempt to erect and remove). A second access is via the clos road to the rear, through the northeast site boundary. The rear garden area is laid to gravel with a domestic glasshouse situated to the northeast of the workshop. A wall and fence approximately 1.8m high overall marks the boundary with Etape de ma Vie to the northeast, a hedge marks the northwest boundary and the southwest boundary with Monkey Mia is marked by a fence approximately 1.8m high. The boundary with Ibex to the east is marked by a low wall (approximately 1.2m high) and the garage and off-road parking to this property is situated adjacent to the common boundary and accessed via the clos road (not Rue du Pont Vaillant). An obscure glazed window in the southwest elevation of Ibex faces the application site.

Residential development surrounds the site which is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application relates to the subdivision of the existing dwelling into two units of residential accommodation.

The roof is to be replaced and two chimney stacks removed along with replacement windows and insulating render however these works represent exempt development and do not require the specific grant of planning permission.

Unit 1 – one bedroom unit facing Rue du Pont Vaillant with detached garden to the rear incorporating a new shed. The kitchen and dining room serving this property have windows facing northeast to the site boundary with the parking area for the neighbouring dwelling, Ibex. Vehicular access for the dwelling is from Rue du Pont Vaillant.

Unit 2 – one bedroom unit facing northeast towards the boundary with proposed unit 1. Bedroom outlook is northwest towards the remainder of unit 2 and its parking/amenity space. The existing workshop is to be retained and a greenhouse repositioned within the site. Vehicular access for this dwelling is from the adjoining clos road.

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

OC1: Housing Outside of the Centres
GP8: Design
GP9: Sustainable Development
IP6: Transport infrastructure and support facilities
IP7: Private and Communal Car Parking
IP9: Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed development, its impact on the locality, on residential amenity and the health and well-being of future occupiers.

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.

Policy OC1 makes provision for the subdivision of an existing dwelling where:

- a) the resultant development would be compatible with the character and amenities of the surrounding area

In this case, the site is surrounded by other residential development and will retain the appearance of a single dwelling from Rue Du Pont Vaillant. The residential use of the site is compatible with its surroundings and, particularly given that no extensions (criterion c. is therefore not applicable) and few alterations are proposed, the scheme will not have a detrimental impact on the character of the area.

- b) the development would be acceptable in terms of provision of a satisfactory living environment and amenities (GP8 and Annex I are also applicable)

Principle outlook for unit 1 would be across the front garden area to the road beyond, with more limited outlook to the side of the property. There is an existing dividing fence between unit 1 and the dower (to be unit 2) which would remain and so outlook from the kitchen of unit 1 would remain largely unaltered. Unit 1 would not be unduly overlooked by any neighbouring residential neighbours. The internal accommodation is considered satisfactory having regard to both the Guernsey Technical Standards and DCLG guidance. Unit 1 has been allocated a detached garden which would require occupiers to cross the access driveway to unit 2 and within this would be a new shed to serve as cycle storage. Overall Unit 1 addresses OC1, GP8 and the aims of Annex I of the IDP.

Unit 2 is to be formed from the existing dower accommodation with somewhat constrained outlook for the bedroom which is tunnelled between unit 2 and dividing fence to unit 1. This room does however, serve a bedroom and would not alter from the existing situation on site, it is also noted that a new rooflight is proposed in the rear roofslope in order to enhance natural light to the room. The lounge is situated at the garden end of proposed unit 2 and faces across the accessway for the rear of the site offering reasonable outlook from the principle living accommodation. Neither the kitchen nor bathroom benefit from a window but both may be served by mechanical ventilation and will not alter from the existing situation.

Privacy to this unit is managed by the existing boundary fence between the two buildings and proposed fence around the garden associated with unit 1. Privacy will not be adversely affected by other residential neighbours. The accommodation just meets the minimum accommodation size (kitchen, living and bathroom) for a two person unit whilst the bedroom does slightly exceed the minimum standards as required by the Building Regulations (Part G). Unit 2 would also be served by the majority of the external open space on the site and the existing workshop and repositioned greenhouse. Unit 2 overall has been designed to consider the health and well-being of occupiers.

The parking/access arrangements to the site would not alter from the existing available accesses where there are two vehicle access points to the site. The division of the property into two dwellings will not result in a significant increase in traffic movements nor have a detrimental impact on highway safety. The level of parking available is satisfactory for two small residential units.

As the built development on the site remains largely unaltered, with the exception of a new garden shed, the impact on residential amenity in terms of overshadowing would remain unchanged. Privacy would also be largely unaffected given existing/exempt boundary treatments. Although the site would be occupied by two dwellings instead of one this would not substantially increase the potential for noise nuisance to occur over and above the existing in this residential area.

In view of the above it is recommended permission is granted for the proposed subdivision subject to a number of planning conditions.

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.

Date: 18/07/2023

