

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/dower unit to north of dwelling (Revised Scheme).

LOCATION: Courtil de L'Auge, Rue Des Eturs, Castel.

APPLICANT: Ms A K Curr

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: 02/08/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTECH Freelance Architecture: AC-23-1111-01C

Application Ref: FULL/2023/1129

Property Ref: D007970000

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.No development, including site works, shall begin on site until the existing trees along the north-west boundary of the site as indicated on the plan have been protected, in a manner previously agreed in writing by the Authority. Each tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

5.The existing trees along the north-west boundary of the site as indicated on the plan attached to this decision notice shall be retained and shall not be felled, lopped, topped or uprooted without the previous written agreement of the Authority. Any trees removed, dying, being severely damaged or becoming seriously diseased shall be replaced with trees of such size and species as previously agreed in writing by the Authority within one year of the date of any such loss, for a period of five years from the date development begins.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

Expiry Date: This permission will cease to have effect on 01/08/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed garage/dower unit/outbuilding to be used only for purposes incidental to the enjoyment of the dwelling house and as an integral part of the principal dwelling presently known as Courtil de L'Auge. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

For the avoidance of doubt, the proposed use of the first floor of the outbuilding as a design studio shall be carried out in accordance with the criteria set out in Class 3 Section 2 of the Land Planning and Development (Exemptions) Ordinance, 2023. Any use in connection with a trade or business which falls outside of the criteria set out in Class 3 Section 2 of the Land Planning and Development (Exemptions) Ordinance, 2023 would require a separate grant of planning permission.

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/2023/1129
Property Ref: D007970000
Valid date: 20/06/2023
Location: Courtil de L'Auge Rue Des Eturs Castel Guernsey GY5 7DU
Proposal: Erect detached 1.5 storey garage/dower unit to north of dwelling (Revised Scheme).

Applicant: Ms A K Curr

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. No development, including site works, shall begin on site until the existing trees along the north-west boundary of the site as indicated on the plan have been

protected, in a manner previously agreed in writing by the Authority. Each tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

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Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed garage/dower unit/outbuilding to be used only for purposes incidental to the enjoyment of the dwelling house and as an integral part of the principal dwelling presently known as Courtil de L'Auge. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

For the avoidance of doubt, the proposed use of the first floor of the outbuilding as a design studio shall be carried out in accordance with the criteria set out in Class 3 Section 2 of the Land Planning and Development (Exemptions) Ordinance, 2023. Any use in connection with a trade or business which falls outside of the criteria set out in Class 3 Section 2 of the Land Planning and Development (Exemptions) Ordinance, 2023 would require a separate grant of planning permission.

OFFICER'S REPORT

Site Description:

The site comprises of a detached dwelling and curtilage situated between Rue des Eturs and Rue a Gots. The site is located within an Agriculture Priority Area and Outside of the Centres. A protected monument (a water trough and forecourt, PM144) is located adjacent to the site entrance along Rue des Eturs but no works are proposed within the vicinity of the protected monument.

Relevant History:

11/05/2023 – FULL/2023/0262 – Application refused to erect detached 1.5 storey outbuilding to north boundary (Revised).

21/02/2023 – FULL/2022/1710 – Permission granted to demolish existing dwelling and erect replacement dwelling.

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested for a revised scheme to erect a detached 1½ storey outbuilding to the north of the dwelling comprising of garages/car port/stores at ground floor level and a dower unit/design studio/carers accommodation at first floor level.

The outbuilding is proposed to be finished with oak cladding and a natural slate roof.

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:

None

Consultations:

None

Summary of Issues:

The main issue in deciding this application is the scale and design of the development and its impact on the appearance and character of 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).**

Planning permission was refused in May 2023 to erect a detached 1.5 storey outbuilding inside the north boundary (FULL/2023/0262). The application was refused on account that the scale and siting of the outbuilding would result in a visually dominant feature when viewed from the highway which would detract from the character and visual amenity of the locality, contrary to Policy GP8.

This current application is for a revised scheme and seeks to address the reasons for the refusal of the previous scheme by re-siting the outbuilding approximately 12 metres further back from the highway. Siting the dwelling further back from the highway has addressed the concerns previously raised and although the outbuilding remains of a substantial scale, it is unlikely to have a significant adverse effect on the character and visual amenity of the locality. The siting, scale and design of the proposal accords with Policies GP8 and GP13.

The trees along the north-west boundary make a positive contribution to the character and appearance of the area and would provide a degree of screening to the outbuilding, particularly when viewed from the public highway to the west. As a result it is recommended that the trees are retained. The revised siting of the outbuilding is likely to be outside of the root protection area of the trees along the north-west boundary. The proposed driveway is partially within the root protection area of the trees and it is recommended that details of tree protection measures are submitted to ensure that the trees are protected during construction works, this can be dealt with by condition.

The agent advises that the first floor of the outbuilding will be used by the owner for their business as a design studio and it will be future proofed for a carer to occupy should the need arise. It is advised that no services will be metered separately and should a carer be employed, meals will be cooked and taken in the main house.

The revised siting of the outbuilding is closer to and better related with the main dwelling. Together with the information submitted about the proposed use, it has been demonstrated that the accommodation is ancillary and well-related to the existing dwelling, in accordance with Policy GP13. Based on the information

submitted, the business use of the first floor of the outbuilding as a design studio by the occupier of the dwelling constitutes exempt development.

Due to the distance to neighbouring boundaries the outbuilding is unlikely to have any significant adverse effects on the amenities of neighbouring residents.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

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.

It is recommended that the application is approved.

Date: 02/08/2023