

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 1.5 storey extension to create dower unit to south-west (front) elevation, erect single storey extension to north-east (rear) elevation, alterations to fenestration, erect garden room to south-east boundary. Remove hedge to front of property (part retrospective).

LOCATION: La Fontaine, Les Petites Mielles, L'Islet, St. Sampson.

APPLICANT: Mr & Mrs C Tyne

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: 24/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Create Ltd: 948-3-001B, 002B, 003, 004A, 006B, & The Jacob Woodlands Log Cabin specification sheet.

Application Ref: FULL/2023/1133

Property Ref: B016750000

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.

Expiry Date: This permission will cease to have effect on 23/10/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving for the swimming pool on the site. The Archaeology team can be contacted on 01481 220729 or 01481 220722 , or mobiles 07781 102219 or 07911 721210 .

For the avoidance of doubt, this decision permits the erection of an extension to be used as an integral part of and incidental to the principal dwelling presently known as La Fontaine. 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.

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/2023/1133
Property Ref: B016750000
Valid date: 20/07/2023
Location: La Fontaine Les Petites Mielles L'Islet L'Islet St. Sampson
Guernsey GY2 4RX
Proposal: Erect 1.5 storey extension to create dower unit to south-west (front) elevation, erect single storey extension to north-east (rear) elevation, alterations to fenestration, erect garden room to south-east boundary. Remove hedge to front of property (part retrospective).
Applicant: Mr & Mrs C Tyne

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.

INFORMATIVES

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving for the swimming pool on the site. The Archaeology team can be contacted on 01481 220729 or 01481 220722 , or mobiles 07781 102219 or 07911 721210 .

For the avoidance of doubt, this decision permits the erection of an extension to be used as an integral part of and incidental to the principal dwelling presently known as La Fontaine. 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.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'La Fontaine' is a one and a half storey detached granite pre-1900 dwelling which is set back from and faces southeast onto Les Petites Mielles. There are detached neighbours in each direction. The property is situated within the L'Islet Local Centre as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

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:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Consultations:

The Office of Environmental Health and Pollution Regulation.

1st August 2023

'I have reviewed the submitted documents for planning application FULL/2023/1133 and note the proposal to install an air source heat pump (ASHP) at the north boundary of the property. I have concerns relating to the proximity of residential properties and the noise impact that an ASHP may have on neighbouring residents. There is currently insufficient information provided for me to comment fully on the application.

I note that a specification sheet is provided, for a Calorex Inverter Heat Pump, Top Outlet V-PAC (X-range), which details sound levels at both 1m and 10m. It is not clear which of the three models detailed on the sheet that the applicant proposes to install. It is also not clear whether the sound levels provided in the specification are for sound power or sound pressure, so I have not been able to carry out an acoustic distance calculation based on this data. I have carried out a rudimentary distance measurement using an on line mapping tool and note that the nearest noise sensitive property is approximately 5m away from the proposed location of the ASHP. There is no further acoustic information provided as part of the application and no indication whether any acoustic attenuation is, or is not, required.

At a minimum, I require the following information to assess the application further:

- Confirmation of the exact proposed unit model*
- Confirmation of which sound level is being used within the manufacturer's specification (sound power level or sound pressure level)*
- Distance to the closest noise sensitive property (this includes domestic gardens)*
- Evidence that the noise level the proposed pump would operate at would be at*

least 5 dB(A) below the lowest background noise level at any time (this is generally at night)
• *Details of any proposed attenuation measures to reduce the level of the air source heat pump*

I would urge the applicant to contact an acoustic consultant I have attached a list of consultants who are prepared to operate on the island. Please note that inclusion on the list does not infer any kind of recommendation by the department. Any measurements and assessment shall be made in accordance with British Standard 4142:2014.'

Guernsey Museums and Galleries, Archaeology.
2nd August 2023

'I would like to make a brief comment about the above application.

The extension works including the excavation for a swimming pool are in the immediate vicinity of a number archaeologically significant sites and findspots. These include the Sandy Hook Dolmen site, a prehistoric cist along Sandy Lane and a further destroyed prehistoric cist. In addition, prehistoric finds such as stone axes, pottery and flint have been found. The site does not appear to have been overly developed, therefore the potential for archaeological remains is moderately high.

I would be grateful if you could place an informative notice on any approval to the effect that the Assistant Archaeologist should be contacted if anything of archaeological interest is uncovered during the groundworks.'

Conclusion/Brief comment:

This application is to demolish an existing conservatory and erect a one and a half storey extension to the front southwest elevation, to erect a single storey extension to the northwest elevation, to replace an existing porch and some alterations to the fenestration. Permission is also sought for the erection of a timber cabin along the southeast boundary in the rear garden and retrospective permission to remove a hedge at the front of the property.

The plans show that a swimming pool is also to be added to the rear garden, however, this is exempt development and an assessment will not be included in this report. Aside from an informative requested by the states archaeologist.

Initially there was also the addition of an air source heat pump, however in order to protect residential amenity Environmental Health requested that the applicants submit an acoustic assessment. However, given that there are no acoustic engineers on island and the expense involved, the applicant's have decided to omit the air source heat pump from the application. All reference to the air source heat pump

has been removed from the drawings and the description of development has been altered. The need for an acoustic report from the application and an assessment of the impacts of the air source heat pump is no longer required.

The one and a half storey front extension is considered to achieve a good standard of design, using materials which complement the existing materials. The extension will provide adequate levels of sunshine and daylight, and give the occupiers more flexible and adaptable accommodation.

The scale and massing of the new front extension is not considered to have a detrimental effect on the character and amenity of the surrounding area, nor will it have any impact on either of the immediate neighbours. The first floor Juliette balcony is located at the front and will only overlook the front public areas of the neighbouring properties, which would not affect the private amenity areas.

The proposed dower unit will comprise a lounge, kitchen/living area at ground floor with a bedroom with an ensuite facility above. In support of the application the applicant's agent by letter (dated 19/06/23) has confirmed that the dower unit will be used for a purpose ancillary to the main use of the dwelling house by the applicant's dependant relatives and extended family on their visits. The letter confirms that there is an interconnecting door to the main dwelling, that the garden space, utilities and storage areas within the main house will all be shared with the occupiers of the main dwelling and that main meals will be taken in the main dwelling with the occasional meal within the dower unit.

Although the floor space of the dower unit is relatively generous, the relationship of the occupiers of the dower unit and the principal dwelling, the nature of use and facilities to be shared indicate that the additional accommodation would be subsidiary to and dependent upon the principal dwelling unit. In addition, the size and layout of the site and the relationship between the principal dwelling would not enable the site to be easily subdivided into a separate unit of accommodation without compromising the amenity of both the outbuilding and the principal dwelling.

It is recommended that for the avoidance of any doubt an informative is included on any permission to ensure that the accommodation provided remains ancillary to the main dwellinghouse.

The rear northwest extension and the garden log cabin are both single storey and are not considered to have any impacts on the character of the area or on neighbour amenity.

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.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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.

Recommendation:

Grant with Conditions



Date: 23/10/2023

