

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 dwelling with associated works.

LOCATION: Haut Sejour, Queens Road, St. Peter Port.

APPLICANT: Ms H Haywood & Mr L Ferneyhough

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: 05/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/08/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd - 7760-01 B1, B2, B3 & B4.
PF+A Ltd Design and Sustainability Report 7760-01

Application Ref: FULL/2023/1367

Property Ref: A307130000

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 dwelling hereby approved shall not be occupied until the solar panels, electric car charging point, rainwater harvesting system and all other sustainable design features set out in the PF+A Design & Sustainability Report 7760-01 (dated stamped 01/08/2023) have been installed/completed/made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

Expiry Date: This permission will cease to have effect on 04/10/2026 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/2023/1367
Property Ref: A307130000
Valid date: 01/08/2023
Location: Haut Sejour Queens Road St. Peter Port Guernsey GY1 1PT
Proposal: Erect dwelling with associated works.

Applicant: Ms H Haywood & Mr L Ferneyhough

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).

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Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

INFORMATIVES

OFFICER'S REPORT

Site Description:

The site comprises of a traditional pitched roof building with associated gardens to the front (south) and rear (north). The dwelling is accessed from the east and west. To the east the dwelling is set back approximately 80m from Queens Road and is situated behind neighbouring properties which front onto Queens Road, with the access via a hard surfaced and grass track. To the west the dwelling is bounded by the estate road of Belmont Gardens with a parking space accessed via Belmont Gardens.

The site is in the St Peter Port Conservation Area and Main Centre Outer Area.

Relevant History:

03/07/2023 – PREA/2023/1073 – Pre-application enquiry regarding erect new dwelling.

05/04/2023 – FULL/2023/0408 – Permission granted to erect single storey extension with raised terrace to north (rear) elevation.

04/01/2022 – FULL/2021/2550 – Permission granted to erect single storey extension to north (rear) elevation.

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to erect a detached 3 bedroom dwelling to the north of the existing dwelling. The dwelling is proposed to be a 1¾ storey pitched roof design and finished with a mix of granite, rendered and timber clad walls, grey aluminium/uPVC fenestration and a slate roof.

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

Policy MC2: Housing in Main Centres and Main Centre Outer Areas

Policy GP4: Conservation Areas

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport Infrastructure and Support Facilities

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

One letter of representation from the neighbouring property to the west, main points as follows:

- Concerns raised about the height of the building and the loss of light to the neighbouring property.
- Concerns raised about noise and pollution during the construction phase, access issues for materials and the potential for materials to be delivered by crane over the neighbouring property without permission and the potential damage this may cause.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Whether the principle of new housing is acceptable.
2. Design and impact of the development on the character and appearance of the Conservation Area.
3. The impact of the development on the amenity of people living in the area.
4. Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.
5. Road safety, traffic management and parking.

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).**

Whether the principle of new housing is acceptable

As set out in Policy MC2, the majority of the Island's housing supply is to be provided within and around the Main Centres. The site is located in a Main Centre Outer Area and does not form Important Open Land. Policy MC2 therefore supports the development of the site for housing where it accords with all other relevant policies of the Island Development Plan and where able to the site provides an appropriate mix and type of dwellings.

Current evidence regarding private market housing suggests a need for homes of 1-3 bedrooms, with an emphasis on 2 and 3 bedrooms. The proposal to erect a 3 bedroom dwelling reflects current housing need and is considered to be appropriate, taking into account the size and nature of the site and the character of the surrounding area.

Design and impact of the development on the character and appearance of the Conservation Area

The site is bounded in all directions by residential properties. Existing properties in the area consist of a mix of sizes and architectural styles, with large traditional buildings fronting onto Queens Road and Les Gravees to the east and north (many of which are protected buildings), and a modern residential estate of 1½ pitched roof dwellings to the west. The proposed dwelling is multi-storey, which is encouraged by Policy GP8 as a means of making a more efficient use of land. Whilst a representation has been received about the height of the dwelling, the proposed dwelling would not be out of character with or overly dominate existing properties.

Situated behind neighbouring properties, the dwelling would not form a prominent feature from public view. The overall design, layout, scale, form and materials of the proposed dwelling broadly reflects existing properties within the area and achieves a high standard of design.

The nearby protected buildings to the east and north are set within their own grounds and designed to face onto the adjacent highways. By virtue of its layout, scale and design, the proposed dwelling will have a negligible effect on the setting of the nearby protected buildings.

The proposal conserves the character and appearance of the Conservation Area, in accordance with Policies GP4 and GP8.

The impact of the development on the amenity of people living in the area

A letter of representation raises concerns about the height of the building and the loss of light to the neighbouring property to the west. The siting, scale and mass of the northern section of the dwelling will cause some shading of part of the southern section of the neighbouring property to the west for a limited period during the mornings. However, the degree of harm caused is unlikely to be sufficient to have a material adverse effect on the amenities of neighbouring residents.

First floor windows in the east and north elevations have the potential to result in some overlooking of neighbouring properties. However, the majority of the windows would be set back over 10 metres from the boundaries with neighbouring properties which will reduce the degree of overlooking. The east gable window serving bedroom 2 faces towards the blank gable of the neighbouring property and the combination of the acute angle and distance to the outdoor space of the neighbouring property will reduce the degree of harm caused to the privacy of the neighbouring property from this window.

There is a ground floor window in the east elevation of the existing dwelling facing towards the parking area of the proposed dwelling. A fence is proposed to separate the parking area from the window, the window serves a porch and the resultant relationship is unlikely to have any significant adverse effects on the amenities of the existing dwelling.

Overall, the proposed dwelling will have some adverse effects on the amenities of neighbouring residents. However, the degree of harm is unlikely to be sufficient to have a material adverse effect on the amenities of neighbouring residents.

Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.

The proposed dwelling substantially exceeds the Guernsey Technical Standards minimum internal space standards and exceeds the best practice minimum internal space standards which are published on the Authority's website. Although limited fenestration is situated in the south elevation, the dwelling would have adequate daylight and sunlight. Levels of privacy and outdoor space would be good. Overall, the proposal would provide a satisfactory quality of residential environment for future occupiers, in accordance with Policy GP8.

Road safety, traffic management and parking

One on-site parking space is provided for each of the existing and proposed dwellings. The size and layout of the access gate and parking area for the proposed dwelling will limit the size and nature of vehicles that could access this area. However, the site is within a Main Centre Outer Area and due to its proximity to the amenities of St Peter Port and public transport connections, there is no planning requirement to provide on-site parking in this instance. In addition, whilst no bicycle parking provision is indicated, the gardens of both dwellings are more than adequate in size to accommodate a storage shed for bicycles. The proposal is likely to result in

a modest increase in the intensity of use of the access onto Queens Road but due to the overall low intensity of use, this is unlikely to raise any significant road safety or traffic management concerns. The proposal accords with Policies IP6, IP7 and IP9.

Other matters

Policy GP9 is wide-ranging and includes requirements for sustainable design and construction with reference to the design, layout and orientation of buildings, flood risk and surface water run-off, renewable energy, the use of materials and the management of waste. The agent sets out how the development has been designed to take into account sustainable design principles including utilising as few construction methods as possible to ensure energy and air tightness are not lost in connections between construction types, the installation of solar panels, electric vehicle charging points and rainwater harvesting systems and a Waste Management Plan has been submitted. Overall the information submitted is sufficient to demonstrate that the development has been designed to take into account the use of energy and resources, in accordance with Policy GP9.

A representation raises concerns about noise and pollution during the construction phase and difficulties with access for materials. However, a degree of noise and disruption is inevitable during construction. Given the relatively small scale of the development and taking into account the layout of the site, potential issues relating to noise, pollution and access do not appear to be anything above the norm in this case and it is not necessary to require additional details regarding how the construction phase of the development would be managed.

All decisions made by the Authority are without prejudice to third party rights, and the Authority is not able to address civil matters such as boundary, third party disputes or other related matters of ownership. Where necessary such cases should be resolved by seeking legal advice.

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: 03/10/2023

