

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 1/2 storey workshop/store to north boundary and alter wall and create an additional vehicle access to east boundary.

LOCATION: Val d'Orcia, Rue Du Dos D`Ane, Castel.

APPLICANT: Mr & Mrs J Gavey

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: 26/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/08/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JG Architecture - 2222 02.01A, 02.

Application Ref: FULL/2023/1469

Property Ref: D003410000

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 revised position and works to the wall hereby approved 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.

Expiry Date: This permission will cease to have effect on 25/10/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the erection of an outbuilding to be used incidentally to the principal dwelling presently known as Val d'Orcia. 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/2023/1469
Property Ref: D003410000
Valid date: 22/08/2023
Location: Val d'Orcia Rue Du Dos D'Ane Castel Guernsey GY5 7LA
Proposal: Erect 1 1/2 storey workshop/store to north boundary and alter wall and create an additional vehicle access to east boundary.

Applicant: Mr & Mrs J Gavey

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 revised position

and works to the wall hereby approved 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.

INFORMATIVES

For the avoidance of doubt, this decision permits the erection of an outbuilding to be used incidentally to the principal dwelling presently known as Val d'Orcia. 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

Site Description:

The property known as 'Val d'Orcia' is a pre-1900's one and a half storey (from the front) and part two and a half storey from the rear dwelling which is set back from and faces south onto Rue du Dos d'Ane. Rue du Gele runs along the east boundary at a lower level because the land falls from the southwest to the north and east. There are neighbouring properties to the north, at a lower level, and to the west and across the road to the south, at a higher level. To the northwest is a wooded area and a 'cliff' face. The property is located Outside of the Centres and is within a Conservation Area as defined in the Island Development Plan.

Relevant History:

FULL/2022/1796 - Remove section of south roadside wall and hedge to widen vehicle access – Approved November 2022.

FULL/2022/1442 - Change of use of agricultural land to domestic garden (1,485sqm) – Approved November 2022.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to erect a one and a half storey workshop/store to northern end of the site and alter the northeast boundary wall to create an additional vehicle access to the structure.

Initially the application was deferred because the material specified in the bell mouth of the new entrance was timber sleepers, however, as the property is within the conservation area, granite was considered to be the best material for the bell mouth to match the rest of the granite boundary walls.

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

GP1: Landscape Character and Open Land
GP4: Conservation Areas
GP8: Design
GP9: Sustainable Development
GP13: Householder Development
IP9: Highway Safety, Accessibility and Capacity.

Representations:

There has been one letter of representation and the issues are:

- The Application will result in the unnecessary loss of open and undeveloped land, and it will have an unacceptable impact on the open landscape character of the area.
- The development does not respect the relevant landscape character type, it does result in unacceptable loss of distinctive features, it does not need to improve visual and physical access to open and undeveloped land.
- The design is overpowering in relation to its location. It is simply out of character. To a layperson, the development resembles a residential dwelling and the layout is overbearing. It overlooks the neighbours' property, it is intrusive and it impinges upon their privacy.
- The scale is completely excessive for what is proposed and what is necessary for the reasonable enjoyment of the Application Property. The storage of bicycles and garden equipment simply does not necessitate a 1½ storey property, with its own separate entrance, car parking and turning area. The Representors can only deduce that the property is intended to be a dwelling house at some point in the future, and to be sold off by the Applicant.
- The juxtaposition of the proposed development with our client's Property is again overwhelming, overpowering and overbearing.
- The removal of a significant section of roadside wall to be replaced with railway sleepers is wholly at odds with what the King's Mills Conservation Area was

designated to protect. It cannot be said that the Application 'conserves' the special interest of its locality.

- It is the Representor's position that the roadside wall should not be adjusted in the manner proposed in the Application as this will clearly detract from the character of this Conservation Area.
- It cannot be said that proposed demolition of roadside wall and replacement with railway sleepers can be treated as an equal or enhanced contribution as stated above. The wording of paragraph 19.5.4 features in the wording of Policy GP4: Conservation Areas and thus carries considerable weight.
- The proposed 1½ storey development with its own entrance, parking and turning area is wholly at odds with its setting and is discordant and obtrusive.
- Our clients are understandably concerned about safety and the creation of an unnecessary vehicular opening into an existing, historic roadside wall is not appropriate. Adding a new roadside entrance will create a traffic risk that is not previously in existence.
- It is respectfully submitted that on the balance of probabilities (i.e. more likely than not) that the Application, if granted, will certainly adversely affect the reasonable enjoyment of neighbouring properties, including our clients.
- Whilst the Representors acknowledge that a balance must be struck between the public interest and the individual choice of property owners (Paragraph 19.14.1 IDP), the present case is one in which the public interest must prevail. Conservation and preservation of the King's Mills Conservation Area is paramount.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The building proposed is a domestic outbuilding, and not a separate self-contained annexe or new dwelling and so it is assessed on this basis, using the relevant policies including GP13 – householder/domestic works.

The positioning of the outbuilding away from the main dwelling is not considered to result in a loss of open land, because the land is part of the domestic curtilage. The outbuilding would be read in conjunction with the farm buildings across the road to the east and the three residential dwellings to the north, and therefore would not impact on any open and undeveloped land.

Although fairly large the outbuilding would be located on land which is lower than the gardens to the south, thus the impact of the one and a half storeys would not be as impactful had the land all been level. The outbuilding is to be set back from the road, which again lessens the impact and the new opening would see a change to the lower end of the retaining granite wall which stretches over 80m.

The Kings Mill Conservation Area is characterised by granite boundary walls, the removal and reprofiling of the two short sections of existing granite wall to create the new access would still see the majority of the existing wall retained. In this instance GP4 is considered to be complied with.

The application proposes to reprofile the granite wall to ensure that any vehicles using the access have the ability to turn around on site and have good sight lines in both directions when leaving the opening.

Rue du Gele is classed as a Neighbourhood Road, which is not as busy as other main roads, and therefore the sight lines and visibility splays are considered appropriate for the area and are considered to comply with policy IP9.

Outside of the centres policy GP13 states that the IDP will respect the exercise of private choice, providing householders with greater freedom of choice with regard to private property development and use.

The proposals are considered to achieve a good standard of design, using materials which complement the existing materials. The scale and massing of the new outbuilding is not considered to have a detrimental effect on the character and amenity of the surrounding area, nor will it have any impacts on any of the immediate neighbours.

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.

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 26/10/2023