

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: Demolish existing dwelling and erect replacement dwelling with associated works, relocate vehicle and pedestrian access.

LOCATION: Waters Edge, La Rue Du Crocq, St. Saviour.

APPLICANT: Mr & Mrs Tolcher

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: 22/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/10/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 2313 03.01, 02, 03, 04, & 06

Application Ref: FULL/2023/1474

Property Ref: E007080000

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 windows to the south (side) elevation hereby permitted, serving the ensuite, dressing room and bedroom 1, shall be obscure glazed to a minimum of Level 3 on the Pilkington scale (or equivalent Industry standard) and shall thereafter be so maintained.

Reason - In the interests of residential and neighbouring amenity.

5. Prior to the commencement of any work in connection therewith, a landscaping scheme to include the planting schedule for the boundary hedge, noting the species, sizes, numbers and densities of plants, shall be submitted to and agreed in writing by the Authority.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity.

6. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, by the end of the planting season following commencement of the development or within a timescale to be agreed in writing with the Authority. The landscaping shall be maintained in accordance with the agreed details and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Authority gives written consent to any variation.

Reason: To ensure the satisfactory landscaping of the site and enhance the character of the area.

7. The dwelling hereby permitted shall not be occupied until the photovoltaic panels have been installed and made operational.

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

8. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

Expiry Date: This permission will cease to have effect on 21/11/2026 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/2023/1474
Property Ref: E007080000
Valid date: 16/10/2023
Location: Waters Edge La Rue Du Crocq St. Saviour Guernsey GY7 9XG
Proposal: Demolish existing dwelling and erect replacement dwelling with associated works, relocate vehicle and pedestrian access.
Applicant: Mr & Mrs Tolcher

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.

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Reason - In the interests of residential and neighbouring amenity.

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6. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, by the end of the planting season following commencement of the development or within a timescale to be agreed in writing with the Authority. The landscaping shall be maintained in accordance with the agreed details and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Authority gives written consent to any variation.

Reason: To ensure the satisfactory landscaping of the site and enhance the character of the area.

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Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

OFFICER'S REPORT

Site Description:

The site is located on the west side of Rue du Crocq overlooking Vazon Bay. It comprises a detached single storey bungalow together with a detached former double garage along the northern boundary now converted to a self-catering holiday unit. Both buildings are rendered with tiled roofs.

Relevant History:

FULL/2011/1924- Convert existing self-catering unit to residential accommodation (use class 1). Raise ridge height to provide habitable accommodation, install three rooflights on west elevation and install dormer window with balcony on east elevation and remove part of roadside bank to widen vehicular access. Refused- 28/07/2011.

Existing Use(s):

- 01 Dwelling house
- 08 Non-serviced visitor accommodation

Brief Description of Development:

The application proposes the demolition of the existing dwelling and erection of replacement 2-storey dwelling which incorporates the detached holiday unit. The proposal also includes a small shed, the installation of composite/timber decking, and the relocation of the vehicular and pedestrian access.

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

- GP1- Landscape character
- GP8 – Design
- GP9- Sustainable development
- GP13 – Householder development
- OC8 C – Visitor accommodation outside of the centres

Representations:

5 letters of objection have been received; these raised the following concerns.

- Loss of light and views from gable windows of 7 Richmond Court and other surrounding dwellings,
- Devaluation of property,
- Loss of privacy,
- Two storey proposal will be harmful and single storey only should be allowed. Two storey is not in keeping with the surroundings,
- Impact on character of the area and coastal landscape,
- Overdevelopment of small site,
- Previous application for 2 storey development was refused.

Consultations:

N/A

Summary of Issues:

- Principle of development
- Loss of self-catering unit
- Impact on neighbours
- Impact on landscape
- Other considerations

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).**

The previous application for raising the roof of the self-catering unit was refused in 2011. This also proposed the subdivision of the site, and this was considered over development and resulted in poor amenity for each dwelling. In addition, the raising of the roof above the small self-catering unit was considered to have a harmful visual impact and adversely affect the character and appearance of the building in the landscape. However, this decision was based on the Rural Area Plan which has been superseded by the Island Development Plan. This application will be considered against the Plan and policies which are now in force and are relevant to the proposal.

Principle of development

The proposal involves the loss of a self-catering unit. Although not currently in use for tourism, the recognised use remains as non-serviced visitor accommodation (Use Class 08) which means that Policy OC8(C) is engaged. This allows for the change of use of the holiday unit located within the domestic curtilage, and its incorporation back into the single main dwelling house (Use Class 01).

Policy GP13 allows for the erection of replacement dwellings on a one for one basis, within the residential curtilage, where:

- There are no significant adverse effects on the amenities of neighbours
- The scale, design, mass and form would not detract from the open character of open locations; and,
- They do not adversely affect the special interest of a Conservation Area.

Compliance with the above criteria will be considered in detail below. The application is not located within a Conservation Area.

The policy continues to explain how proposals involving the demolition and replacement of an existing building will also be considered in relation to the particular positive contribution that an existing building may be considered to make to the character of the area concerned, however, the existing dwelling is not considered to make a positive contribution to the character of the area.

The former self-catering unit is to be incorporated into the main dwelling, and retains a good physical link to the main dwelling, in order to comply with Policy GP13.

The impact on neighbours

The proposed replacement dwelling is two storey within the central section, with single storey flat roof extensions to the north and south. There is 1m separation from the shared boundary and attached single storey garage, while the two-storey section is a minimum of 5m away from the shared boundary with Richmond Court, and 10m from the nearest part of Richmond Court. The first-floor north elevation (facing Richmond Court) contains only small windows which serve the ensuite, dressing room and bedroom. These can reasonably be conditioned to be obscure glazed without harm to the future occupants' amenity and to prevent overlooking.

Concerns regarding the impact on the gable glazing at Richmond Court which faces north east (directly onto the site) have been raised. The separation distance of at least 10m between the two-storey section of the dwelling and gable is considered sufficient to prevent any significant loss of light, particularly given that the new dwelling is located to the north. This separation distance is also sufficient to prevent any significant visual/physical harm and as the gable is conditioned to be obscure glazed and the opposite (south facing) windows proposed within the replacement dwelling will also be obscure glazed, there is not anticipated to be any harm to privacy for the occupants of either dwelling.

The proposal introduces a first-floor terrace to the front elevation, this is located centrally within the site and is enclosed on either side, directing views out to the east, which prevents any harm to neighbouring amenity. Rear facing first floor windows look onto existing open agricultural land and will therefore not result in any new overlooking.

Timber/composite decking is shown to the rear of the site and levels shown on the plan indicate that it is slightly raised by approx. 0.3m above the land level. This is acceptable and is unlikely to result in any harmful overlooking of neighbours.

The impact on neighbours is therefore acceptable in relation to Policies GP13 and GP8.

Impact on the landscape

The proposal replaces an existing single storey dwelling with a larger two storey dwelling. This is not considered out of character as Richmond Court is a large 2.5

storey development which is prominent in the location. The neighbour to the north, Tamarisk, is also 1.5 storeys and set at a higher land level than the application site.

The proposed two storey development makes an effective and efficient use of land which is encouraged by the IDP and the proposal is considered to represent a good standard of design. The mass, bulk and scale of the proposed development is considered acceptable in this location, adjacent to the bulk and mass of Richmond Court and continues the built form along the coast appropriately.

The works to the pedestrian and vehicular access results in the loss of the existing boundary hedging. Although this is to be replaced no details of this have been provided. A condition has been applied to ensure that a suitable replacement is used and retained. The access is considered acceptable in all other respects, as the access is onto a track which serves only one other dwelling.

In respect of the impact on the landscape, the proposal is acceptable in relation to Policies GP13, GP8 and GP1.

Other considerations:

Several neighbour representations have been received regarding the perceived loss of a view and the devaluation of their property as a result of this. The effect of development on a private view and devaluation of property are not material planning considerations which can be given any weight in the determination of an application.

A waste management plan has been submitted alongside the application, this and the provision of solar panels to the south facing flat roof fulfils the requirements of Policy GP9. A condition will be used to ensure the provision of the solar panels.

Conclusion:

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 Planning and Development (General Provisions) Ordinance, 2007 have been considered in the assessment of this application.

Date: 21/11/2023

