

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 single storey extension to create dower unit to east (side elevation). (Protected Building).

LOCATION: Eureka, Rue Robin, Vale.

APPLICANT: Mr S Falla

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: 29/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd: 6384/A/2.

Application Ref: FULL/2023/1522

Property Ref: C005120000

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 28/11/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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 Eureka. 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/2023/1522
Property Ref: C005120000
Valid date: 18/09/2023
Location: Eureka Rue Robin Vale Guernsey GY3 5ND
Proposal: Erect single storey extension to create dower unit to east (side) elevation. (Protected Building).

Applicant: Mr S Falla

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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 - 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

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 Eureka. 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 'Eureka' is a one and a half storey detached traditional pre-1900 cottage which is set back from and faces north onto Rue Robin. The road bends round to the east, so Eureka sits on a corner site. To the south and west are other detached dwellings, as well as across the road to the north and east. The property is located Outside of the Centres and is within the Bordeaux Conservation Area as defined in the Island Development Plan. Eureka is a Protected Building.

Relevant History:

FULL/2023/1502 - Erect single storey extension to south (rear) elevation (Protected Building) – Pending.

FULL/2023/1500 - Erect 1 1/2 storey detached garage/hobby room/store to south boundary (Protected Building) – Approved November 2023.

FULL/2018/1949 - Erect extension to side of dwelling (Protected Building) – Approved November 2018.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to erect a single storey pitched roof extension to create a lower unit to the east side elevation of the Protected Building.

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

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development
GP13: Householder Development

Representations:

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

- The neighbours property is across the road from the proposed dower, they do not wish to be overlooked and request that a hedge be planted in front of the dower unit to prevent any overlooking into their front amenity space.
- There are fears that the 'hobby room' above the garage would be used as an Airbnb or rental unit, and so there could be noise and other nuisance emanating from the property.

Consultations:

None.

Summary of Issues:

- Design of the development.
- Impact of the development on the Protected Building.
- Impact of the development on the character and appearance of the conservation 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.

Despite the fact no Statement of Significance has been submitted for the application, in this instance the proposals are almost identical to the proposals which were approved back in November 2018. An assessment has noted that there are no significant changes to the area or the proposals since the previous application was approved, therefore the previous applications assessment is still valid.

'This part of Bordeaux Conservation Area is characterised by 19th century stone worker's cottages fronting the roads and lanes, generally uniform in design at 1.5 storeys with pitched roofs and dormer windows and of slate and smooth render. The cottages have an open aspect, often set behind low stone walls and in a generally more open landscape than the Conservation Area's older buildings.

The value of elements of the building have been assessed against the magnitude of impact of the works in order to establish the effect on special interest using BS 7913:2013 to interpret the potential effect of the overall development on the protected building.

Overall, the value of Eureka is high. As a result of the scale, position and detailing of the proposed extension would have a moderate impact, with a resultant moderate overall effect on the overall special interest of the protected building. Policy GP5 supports proposals to extend or alter a protected building where the development would not have an adverse effect on the special interest of the particular building, considered with the reasonable aspirations of the property owner. Creation of a dower unit is an aspiration of the property owner and would contribute to catering for the future needs of the Island's aging population.

The proposed extension comprises a 1.5 storey pitched roof which projects from the east gable of the existing dwelling. The proposals also involve the removal of 3 gable openings and the proposal to increase an existing ground floor gable window to provide a door opening.

It has been noted on the application drawings that the proposed window and surrounding moulding on the north elevation will match the style of the existing. The proposed extension is considered to respect the character and visual appearance of the existing dwelling whilst remaining visually subservient. Whilst the extension is considered to be acceptable, it is recommended that details of the front elevation window, surrounding mouldings and the proposed parapets are required by condition in order to ensure the satisfactory form of the completed development.

The property occupies a prominent position in the Conservation Area, on a bend in the lane where views of the development would be wide. The appearance of the proposed extension is considered to conserve the special character, architectural and historic interest and appearance of the Conservation Area and is therefore considered to be acceptable as assessed against GP4.'

The dower unit will be attached to the main property and will only have limited kitchen facilities and so will remain ancillary to the main dwelling. The dower will share the garden, parking and laundry facilities and all the utility bills will be paid by the main dwelling.

Policy GP9 - Sustainable Development seeks to ensure all new development takes into account the use of energy and resources and any adverse impacts on the environment. There has been sufficient information provided with the application to comply with the requirements of this policy.

The application proposes removal and replacement of the mature roadside conifer trees. The trees are not considered to positively contribute to the character or appearance of the Conservation Area and their removal and replacement is

supported subject to conditions to ensure that it is replaced in good time with a suitable alternative.

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.

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: 24/11/2023