

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 dwelling and outbuilding, erect 2 dwellings with associated works, infill existing and create 2 new vehicle accesses.

LOCATION: Aotearoa, Rue De Bouverie, Castel.

APPLICANT: Mrs P Garau

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 21/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Torode Architects: 6317-01G & -02A.

Application Ref: FULL/2023/1532

Property Ref: D013800000

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.Prior to the construction or installation of any boundary feature along the boundary between the rear amenity spaces or front parking spaces of the dwellings hereby approved, details of those boundary features shall be submitted to and agreed in writing by the Authority. No use or occupation of the buildings hereby permitted shall begin until the agreed scheme for boundary treatment has been fully completed.

Reason - To secure the satisfactory appearance of the completed development.

5.The permeable hard surfacing shall not be laid until full details of that surfacing, including a written specification for its laying, have been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing has been laid in accordance with the approved details.

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

6.Prior to completion or occupation of the dwellings, whichever is sooner, the wall to be demolished along the west and south (roadside) boundaries shall be reconstructed in accordance with the approved drawing.

Reason - To secure the satisfactory appearance of the completed development.

7.Prior to installation of the cycle storage indicated on the approved drawings, details of that storage shall be submitted to and agreed in writing by the Authority, and no part of the buildings hereby permitted shall be used or occupied until the agreed storage has been fully implemented. The provision for cycles shall be maintained at all times.

Reason - To secure the satisfactory appearance of the completed development and to encourage the use of bicycles as an alternative to the car.

8.The obscure glass balustrades to the north side of the roof terrace associated with Unit 1 and to the south side of the roof terrace associated with Unit 2 shall be 1.8m high, shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall be installed prior to the dwellings hereby approved being brought into use. The balustrades shall thereafter be retained at all times.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

9.The glazing in the north gable of Unit 1 and the south gable of Unit 2 shall have a minimum cill height of 1.8m above finished first floor level of the associated dwelling.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

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/2023/1532
Property Ref: D013800000
Valid date: 21/09/2023
Location: Aotearoa Rue De Bouverie Castel Guernsey GY5 7TZ
Proposal: Demolish dwelling and outbuilding, erect 2 dwellings with associated works, infill existing and create 2 new vehicle accesses.

Applicant: Mrs P Garau

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. Prior to the construction or installation of any boundary feature along the boundary

between the rear amenity spaces or front parking spaces of the dwellings hereby approved, details of those boundary features shall be submitted to and agreed in writing by the Authority. No use or occupation of the buildings hereby permitted shall begin until the agreed scheme for boundary treatment has been fully completed.

Reason - To secure the satisfactory appearance of the completed development.

5. The permeable hard surfacing shall not be laid until full details of that surfacing, including a written specification for its laying, have been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing has been laid in accordance with the approved details.

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

6. Prior to completion or occupation of the dwellings, whichever is sooner, the wall to be demolished along the west and south (roadside) boundaries shall be reconstructed in accordance with the approved drawing.

Reason - To secure the satisfactory appearance of the completed development.

7. Prior to installation of the cycle storage indicated on the approved drawings, details of that storage shall be submitted to and agreed in writing by the Authority, and no part of the buildings hereby permitted shall be used or occupied until the agreed storage has been fully implemented. The provision for cycles shall be maintained at all times.

Reason - To secure the satisfactory appearance of the completed development and to encourage the use of bicycles as an alternative to the car.

8. The obscure glass balustrades to the north side of the roof terrace associated with Unit 1 and to the south side of the roof terrace associated with Unit 2 shall be 1.8m high, shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall be installed prior to the dwellings hereby approved being brought into use. The balustrades shall thereafter be retained at all times.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

9. The glazing in the north gable of Unit 1 and the south gable of Unit 2 shall have a minimum cill height of 1.8m above finished first floor level of the associated dwelling.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

OFFICER'S REPORT

Site Description:

The application site comprises a detached, single storey dwellinghouse located on the east side of Rue du Bouverie. Vehicle access is provided in the north-west corner of the site, from that road. Residential properties are located on the opposite side of the road. A clos road (Bouverie Drive) runs along the south and east boundaries of the site, separating the site from residential properties in those directions and the site bounds a further residential property to the north. A parking/turning area associated with the clos abuts the east boundary.

The site is located within a Local Centre in the Island Development Plan.

Relevant History:

Pre-application advice regarding demolition and construction of two dwellings.

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

Permission is sought to demolish the existing dwelling and to erect two new semi-detached 1.5 storey dwellings facing west towards Rue de Bouverie, one laid out as a 2 bed and one as a 3 bed. Amenity space would be provided to the rear (east) of each dwelling, wrapping around to the front. The existing access would be closed, and the roadside wall replaced with a faced stone wall and two new accesses would be formed in the west boundary.

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

LC2	Housing in Local Centres
GP8	Design
GP9	Sustainable Development
IP6	Transport infrastructure and support facilities
IP7	Private and Communal Car Parking
IP9	Highway Safety, Accessibility and Capacity

Representations:

Two letters of representation have been received raising the following points:

- The impact of the increased bulk of the building, across the width of the site, particularly imposing on the adjacent houses;

- Loss of light to adjacent properties;
- Loss of privacy to adjacent properties;
- The sea views of adjacent properties is not impacted upon by the proposals;
- Incorrect site notice initially displayed.

Consultations:

None undertaken.

Summary of Issues:

Impact on the character of the area;
 Impact on the amenity of neighbouring properties;
 Amenity of the proposed units;
 Provision of access and parking;
 Sustainable Development.

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).**

Principle of housing development

Policy LC2 (Housing in Local Centres) in the Island Development Plan supports housing development within the Local Centres, providing that each proposal is of a scale that is appropriate to maintain or enhance the character and vitality of the particular Local Centre concerned and will not negatively affect the vitality and viability of the Main Centres or otherwise undermine Spatial Policy; and where they are able to accommodate a variety of dwellings they provide an appropriate mix and type of dwellings.

The proposal is of a density and form that respects the residential character of the Local Centre and is not of a scale that would not impact on the viability of the Main Centres.

This application is for 1no two bed and 1no three bed dwellings, meeting identified housing requirements.

Design & impact on the character of the area

Policy GP8 (Design) sets out a number of criteria which development will be expected to address to ensure that a scheme achieves high standards of design which respect the character of the environment.

The application site is located within ribbon development along Rue de Bouverie, and is visible in short views along that road from the north and from a limited section of Route de Cobo to the south and south-west, across the residential property in that direction. Development along the road is a mix of traditional properties and bungalows, varying between single and 1.5 storeys. The scale and form of the proposed dwellings, together with their positioning on the site and orientation relative to the road, draws from and respects the surrounding development. Whilst detailed elements of the design, such as the porch, dormers, front roof terrace and materials, tend to be anomalous in the area, policy supports flexibility in design and those elements would not have a significant impact on the character of this area. Overall the proposed dwellings would achieve an acceptable level of design.

The buildings would include appropriate circulation space, with provision of ground floor WC and sleeping facilities, providing accessibility for people of all ages and abilities, and to be adaptable to changing needs over time.

Amenity of the proposed units

The internal space provision would meet the Technical Housing Standards – nationally described space standard, and achieve sufficient levels of daylight/sunlight. The external amenity provision would be limited but adequate in the circumstances of this site. The means of division of the rear amenity spaces and forward parking areas are not however clear and further details should be required by condition.

Provision of access and parking

The existing site access has substandard visibility splays, and there is limited capacity for on site turning. The current proposal includes the closure of the existing access and provision of two new accesses, one to serve each dwelling, and the reconstruction of the roadside wall at a reduced height. Whilst the proposal would not include on site turning, the proposed accesses would be located over 20m from the adjacent junction with Route de Cobo, and the reconstruction of the roadside wall would enable provision of appropriate sightlines in both directions. In road safety terms, the proposal would represent an improvement over the existing situation, albeit with the introduction of a second access, and, taking into account the character of the area, the reduction in height of the roadside wall and removal of a larger extent to form the new accesses, would not have any significant adverse impacts. The proposed access arrangements would therefore accord with Policies IP9 (Highway Safety, Capacity and Accessibility) and GP8 (Design). It is however recommended that the decision be conditioned to ensure the reconstruction of the roadside wall within a reasonable timeframe. The vehicle movements associated with an additional dwellinghouse would not have a noticeable impact on highway capacity in this area.

The provision of on-site parking is appropriate to the dwelling size, and cycle storage is provided within sheds in the rear gardens, in accordance with policies IP6 (Transport

infrastructure and support facilities) and IP7 (Private and Communal Car Parking). Details and implementation of the cycle storage can be controlled by condition.

Impact on neighbour amenity

The site is bounded by a residential property to the north, and further residential properties across the roads to the east, south, and west.

There would be no adverse impacts on the property to the south in terms of overbearing or overshadowing. Upper level glazing is proposed to the facing gable, however the cill height is specified at 1.7m above finished first floor level and, together with the offset to the private amenity space on the adjacent property, would be sufficient to prevent any overlooking. A privacy screen is also proposed to the south side of the roof terrace, further preventing any views to the south. It is however recommended that the cill height of the gable glazing and the provision of the privacy screen are controlled by condition.

There would be at least a 22m separation distance between the facing elevation of the dwelling on the property to the west and the west elevations of the proposed dwellings, and 12m from the proposed dwellings to the boundary of the adjacent property, with Rue du Bouverie between. The separation distance would prevent any impacts in terms of overshadowing, overbearing or loss of privacy to the internal spaces of the dwelling. Whilst the proposed balconies and associated full length dormers would be likely to result in some overlooking of the adjacent property, the area overlooked comprises a parking area and is open to views from the road. There would not therefore be a significant impact on the amenity of the property to the west.

The property to the north includes a glazed gable in the facing elevation, the accommodation within is single storey and is also served by a lantern light and windows to the west and east. Whilst it is likely that the proposal would result in some loss of light to that room, taking into account the positioning of the new dwelling relative to that gable, any impact would not be sufficient to warrant refusal of the application. As with the property to the south, the high level of the glazing proposed to the north gable, and the inclusion of a privacy screen to the north side of the roof terrace would prevent any overlooking of the property to the north, and these matters can be controlled by condition.

There would be at least a 25m separation distance between the rear building line of the proposed new dwellings and the front building line of the adjacent properties to the east, and 15m from the rear building line of the new dwellings to the front boundary of those adjacent properties, at the closest point. This separation distance is at least equal to, if not greater than, the separation distance between the majority of properties along Rue du Bouverie. The front amenity spaces of the adjacent properties are also open to views from Bouverie Drive, whilst the private amenity spaces are located to the rear of the dwellings, behind the buildings on those properties, at a distance of over 30m. The ground floor windows in the proposed east

elevations would be screened by the existing boundary wall. At first floor level 3 no rooflights and a dormer window are proposed to each dwelling. Whilst any potential outlook from the first floor could be mitigated by increasing the cill height of the rooflights, or including obscure glazing within the dormer windows, taking into account the separation distances and layout of the adjoining properties, it would not be reasonable or necessary to require these alterations in this case.

Given the position and scale of the proposed dwellings, relative to those to the east, any shadow which reached the adjacent properties in that direction would be extremely late in the day, and would not result in a level of overshadowing that could require refusal of the application.

Private views are not protected under planning law or policy, and cannot therefore form a material consideration in assessing this planning application. It is however noted that, whilst extending across the width of the site, the proposed buildings would only increase c350mm above the ridge of the existing dwelling and, reviewing the photographs submitted as part of the representation received, it is anticipated that any views affected would predominantly be of the built form between the application site and the coast.

Sustainable development

Confirmation was received as part of the initial submission that the proposed development had been designed to take into account matters of energy efficiency and the current Building Regulations, and the plans indicated the use of permeable paving. The application was however deferred to seek an expansion of the submitted statement, to fully address the requirements of Policy GP9 (Sustainable Development). The revised plans include an annotation expanding upon the sustainability statement, elaborating on how the build will meet the Building Regulations, and noting that sustainability features have been considered, such as solar gain and renewables, but not how they have informed or are incorporated into the design. Whilst the submitted information does not explicitly address how these features have been incorporated into the design, it does confirm that the key elements of the policy have been addressed and, whilst renewables are encouraged as part of a development, this is not requirement. On balance therefore it is considered that the submitted information is just adequate to meet the terms of policy. The specification and implementation of the permeable paving can be controlled by condition.

Conclusion

The proposed development is for 1 no two bed and 1 no three bed roomed dwellings, in accordance with the identified requirement for housing in the Island and the application would therefore comply with Policy LC2 (Housing in Local Centres).

The detailed design of the scheme accords with Policies GP8 (Design), GP9 (Sustainable Development), IP7 (Private and Communal Car Parking) and IP9 (Highway

Safety, Accessibility and Capacity), as set out above, and consequently it is recommended that the application be approved, subject to the identified conditions.

Date: 15/11/2023

