

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 garage and link, erect 1.5 storey garage and alter single storey link extension to south (front) elevation, alter boundary wall, infill existing vehicle accesses and create relocated gated access.

LOCATION: Roc Au Veau, Rue De La Lande, Castel.

APPLICANT: Mrs M D Nussbaumer

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: 03/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd - 7614-03 B1, B2A & B3A.

Application Ref: FULL/2023/1561

Property Ref: D011710000

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 new access being brought into use, the ends of the new opening shall be 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 02/11/2026 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/2023/1561
Property Ref: D011710000
Valid date: 29/09/2023
Location: Roc Au Veau Rue De La Lande Castel Guernsey GY5 7EH
Proposal: Demolish garage and link, erect 1.5 storey garage and alter single storey link extension to south (front) elevation, alter boundary wall, infill existing vehicle accesses and create relocated gated access.

Applicant: Mrs M D Nussbaumer

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 new access being brought into use, the ends of the new opening shall be 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.

OFFICER'S REPORT

Site Description:

The property known as 'Roc-au-Veau' is a mid-20th century bungalow which is set back from and faces south onto Rue de la Lande. The garden is to the west of the property and La Banquette road, curves round and runs along the west and north boundaries and there are two properties along the east boundary. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2022/1988 - Raise, extend and alter roof ridge height to create accommodation and terrace at first floor level, erect two storey extension to east (side) elevation, erect single storey porch to south (front) elevation – Approved February 2023.

PREA/2014/0543 - Demolish garage and erect new garage with first floor studio, relocate and enlarge existing vehicular access – Closed March 2014.

PREA/2013/3524 - Either demolish existing garage and erect new garage with first floor studio or extend existing garage to create first floor studio – Closed October 2013.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to demolish the existing single storey garage and glazed link and replace with a one and a half storey garage/home office and single storey link to the southeast of the main dwelling. Alter the front boundary wall by infilling the existing vehicular accesses and creating a single central gated entrance.

Prior to the 2013 pre-application there had been several refusals for rebuilding the garage all assessed under the previous Rural Area Plan, they were refused because the property was within a Conservation Area at the time. The reasons for refusal

were that the design was incongruous with the surrounding area and that the proposals would detract from the character and amenities of the locality.

The same reasoning was given to the 2013 pre-application. However, the 2014 pre-application showed a different design where the garage doors were not straight onto Rue de la Lande, the letter stated *'The Department welcomes the proposal to re-orientate the garage. The relocation of the garage door away from Rue De La Lande and the continuation of the boundary wall has the potential to enhance the appearance of the streetscene which could offset the visual impact of the proposed garage..... With regard to the proposed boundary treatment, granite walls along roadside boundaries are a distinct characteristic of the Conservation Area. The Department therefore recommends that the existing boundary wall is rebuilt and extended across the whole of the frontage of the site.'*

However, the area is no longer a Conservation Area and the Rural Plan has been replaced with the Island Development Plan which means the policy considerations for this application are now different.

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

GP8: Design
GP9: Sustainable Development
GP13: Householder Development
IP9: Highway Safety, Accessibility and Capacity.

Representations:

There has been one letter of representation received and the issues are;

- *Whilst there is no formal objection to the garage and study/home office development proposed, could the planning department consider the trench doors and Juliette balcony shown on the south elevation of the home office. The comments are based on privacy and overlooking and it would feel far more neighbourly if the window were of higher level to prevent privacy/overlooking issues.*
- *It has already been noted that the existing trees have been removed which were scheduled to remain on the existing planning approval, and given previous comments concerning overlooking, it is hoped that the planning department will*
- *understand the slight concern on these additional plans.*
- *There is support for the application for off-road parking at this property and concur that it would aid road safety.*

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 proposed plans take into consideration the previous advice to remove the entrance to the garage away from the road, and will simplify the front boundary by reducing the two vehicular entrances down to one central gated opening. The front boundary shall now be mostly made up of a granite wall, which is traditional in the area, and will enhance the character of the surrounding area.

The proposals are considered to achieve a good standard of design, using materials which complement the main dwelling. The garage/home office and link will provide adequate levels of sunshine and daylight, and give the occupiers more flexible and adaptable accommodation.

The scale and massing of the new extension is not considered to have a detrimental effect on the character and amenity of the surrounding area as it will remain subservient to the main dwelling and although the garage has been extended to the road the garage doors are now facing west and are on site.

The proposals are considered to comply with policy IP9, as there will now be only one entrance/exit to and from the property rather than two entrances and the garage door facing onto the road, thus the highway safety aspect has been reduced. The new entrance is considered to have appropriate visibility splays in both directions, and the scheme provided room to turn around on site.

The Juliette balcony is not considered to impact any of the neighbours because although it is 5m away from the neighbours boundary it is over 20m way from the property and any overlooking would be of the front driveway and not of any private amenity spaces. Therefore the issue of overlooking is not considered to be detrimental in this instance.

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 the grant of permission is recommended, subject to relevant 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: 31/10/2023