

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: Variations to previously approved plans to erect replacement dwelling, erect single storey detached garage/workshop - Reposition dwelling, erect extension at 1st floor level to rear, install rooflights, alter fenestration and parapet, extend outbuilding and alter fenestration to outbuilding.

LOCATION: Bay House, Route De Rocquaine, St. Pierre Du Bois.

APPLICANT: Mr T Holland & Mrs C Singer

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: 14/02/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects: 1204_Variations_14, 15A, 16A, 17A, 18A, 19A, 20A, 21, 22, 23A, 24 & 25.

Application Ref: FULL/2023/2103

Property Ref: F011320000

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 permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 03/04/2023, issued under planning application reference FULL/2022/2287, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

5.The first floor glazing in the north elevation of the glazed link shall be glazed with obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent) for any area of glazing which does not exceed 1.7m above the finished first floor level and which shall thereafter be retained at all times.

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 13/02/2027 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/2023/2103
Property Ref: F011320000
Valid date: 10/11/2023
Location: Bay House Route De Rocquaine St. Pierre Du Bois Guernsey
GY7 9HT
Proposal: Variations to previously approved plans to erect replacement dwelling, erect single storey detached garage/workshop - Reposition dwelling, erect extension at 1st floor level to rear, install rooflights, alter fenestration and parapet, extend outbuilding and alter fenestration to outbuilding.
Applicant: Mr T Holland & Mrs C Singer

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. The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 03/04/2023, issued under planning application reference FULL/2022/2287, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

5. The first floor glazing in the north elevation of the glazed link shall be glazed with obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent) for any area of glazing which does not exceed 1.7m above the finished first floor level and which shall thereafter be retained at all times.

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

OFFICER'S REPORT

Site Description:

The site consisted of a detached cottage fronting onto Route de Rocquaine and forms part of a ribbon development of residential properties along the coast road. The former cottage has recently been demolished following planning permission being granted to demolish and rebuild the dwelling in December 2021. The site is Outside of the Centres.

Relevant History:

03/04/2023 – FULL/2022/2287 – Permission granted to demolish dwelling and erect replacement dwelling, erect single storey detached garage/workshop, infill existing pedestrian access and widen vehicle access. (Revised scheme).

11/08/2021 – FULL/2020/1891 – Application refused to demolish dwelling and erect replacement dwelling, infill existing pedestrian access and widen vehicular access. The application was subsequently approved at appeal on 20/12/2021 (PAP/008/2021).

24/04/2019 – FULL/2019/0037 – Permission granted to demolish existing dwelling and outbuilding and erect a replacement dwelling. Extend front boundary wall to infill existing pedestrian access.

31/07/2018 – FULL/2018/1558 – Permission granted for the change of use of agricultural land to domestic garden.

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested for variations to works previously approved to demolish the existing dwelling and erect a replacement two storey dwelling and erect a detached garage/workshop (FULL/2022/2287). The variations involve repositioning the dwelling by approximately 0.5m to the north-east, erecting a pitched roof extension at 1st floor level to the rear, install rooflights, alter fenestration and parapet and extend outbuilding and alter fenestration to outbuilding.

The replacement dwelling is proposed to be of a modern design with single storey flat roof and two storey pitched roof elements. The dwelling would be finished with a mix of granite, rendered and timber clad walls at ground floor level, timber cladding at first floor level and a slate roof, powder coated aluminium fenestration and glass balustrades to the first floor roof terrace.

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

GP1 - Landscape Character and Open Land

GP8 - Design

GP9 - Sustainable Development

GP13 – Householder Development

IP7 - Private and Communal Car Parking

IP9 - Highway Safety, Accessibility and Capacity

Representations:

2 objections were received in response to the application, main points as follows;

- Poor incongruous plans which are little different to the earlier poor plans.
- The design is oppressive, it takes no notice of surrounding buildings, the materials and style are reminiscent of brutal architecture and has no place in such a prominent position along the west coast.
- No objections to rebuilding the cottage but the proposal is a poor design for the wrong place with the wrong materials.
- Proposed dwelling is incongruous and a complete eye-sore.
- Variation makes the property progressively greater in size, strongly objects to alterations.

Consultations:

Parish of St Pierre du Bois, 28/11/2023

"With regard to the above application, we would like to submit our objection to the variations proposed and with particular regard to the erection of a first floor extension to north of the previously approved dwelling.

The proposed first floor extension increases the scale and impact of this building when viewed from the north and approaching the property along the coast road. The increase in the size of this building on this north elevation will have a negative impact on the character of the area and is considered inappropriate for the area. The proposed first floor extension will also have a negative impact on the private garden area of the existing dwelling to the north.

Policy GP8 relates to the design aspect of planning applications and, in our view, the proposals fail to satisfy the requirements of this policy in that the design does not *'respect the character of the local built environment or the open landscape concerned'*. The impact that the proposed first floor extension will have is unacceptable in its scale and massing and does not respect the adjacent properties or the character of the area.

Policy GP13 states that any proposed alterations should have *'no significant adverse effects on the amenities of neighbouring properties; and the design, scale, mass and form would not detract from the open character of open locations'*. In our opinion, these proposals do detract from the character of the area and, in addition, the first floor extension will also have an impact on the amenity space of the existing dwelling to the north of the site by casting shade on the adjacent garden area.

We do hope that you will take our views into consideration when making your decision".

Summary of Issues:

The main issues in deciding this application are:

1. Design, scale and impact of the development on the character and appearance of the area.
2. The impact of the development on the amenity of people living in the area.

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).**

Planning permission was granted at appeal in December 2021 (PAP/008/2021) to demolish the existing dwelling and to erect a replacement dwelling. A revised but similar scheme was subsequently approved in April 2023 (FULL/2022/2287). This current application is for variations to the previously approved revised scheme. The variations involve repositioning the dwelling by approximately 0.5m to the north-east, erecting a pitched roof extension at 1st floor level to the rear, install rooflights, alter fenestration and parapet and extend outbuilding and alter fenestration to outbuilding.

Previous permissions have established the principle of the demolition of the existing dwelling and the replacement with a dwelling of a contemporary design and materials.

The proposal would result in an increase to the scale and mass when compared to the previously approved dwelling due to the addition of the rear 1st floor extension. However, due to its siting to the rear, the 1st floor extension would be partially screened from public views along the coast road. The design and materials of the extension respects the overall design concept of the dwelling and due to its siting to the rear, the increased scale and mass would not have a significant adverse effect on the openness of the area.

Whilst the revised dwelling is larger than the previously approved dwelling, it would not be substantially dissimilar to the scale of neighbouring buildings to the south and Policy GP8 encourages multi-storey designs as a more efficient use of land. The property is not located within a Conservation Area or other sensitive area, as set out in the preceding explanation to Policy GP8. Policy GP8 provides support for personal choice in design matters in such circumstances and the introduction of a contemporary two storey design to the area has been established by the previously approved schemes. There is a mix of style of properties within the wider area and the alterations to the approved scheme would not detract from the openness of the area and would not have a significant adverse effect on the character of the local built environment, in accordance with Policies GP1, GP8 and GP13.

The scale and siting of the rear extension, to the south of a neighbouring property, has the potential to cause some shading of the neighbouring property. However, the extension would be set back 5m from the neighbouring boundary which would be sufficient to prevent a significant degree of shading of the neighbouring property. During the course of consideration the application was deferred due to concerns about the potential overlooking from the 1st floor glazed link towards the neighbouring property to the north. Revised plans have subsequently been submitted which indicate that obscured glazing would be fitted to the north elevation of the 1st floor glazed link up to a minimum height of 1.7m above the floor level. The introduction of obscured glazing to the north elevation of the 1st floor glazed link is sufficient to safeguard the amenities of neighbouring residents.

The 1st floor extension includes glazing in the south elevation but the distance to the boundary with neighbouring properties to the south is sufficient to prevent an undue loss of privacy for neighbouring residents. The previously approved scheme included measures to reduce the impact on the amenities of neighbouring residents to the south which are retained under this current proposal, such as the use of a timber slat privacy screen for the first floor window and high cill heights for the ground floor windows, and therefore conditions 9 and 10 of permission FULL/2022/2287 are still applicable. Overall, the revised replacement dwelling is unlikely to have any significant adverse effects on the amenities of neighbouring residents.

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.

It is recommended that the application is approved.

Date: 01/02/2024

