

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: Raise roof ridge height to create additional accommodation at first floor level and alterations to fenestration to outbuilding.

LOCATION: Maybreeze, La Route Du Braye, Vale.

APPLICANT: Mr J Lanyon

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: 23/01/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Mark Frampton & Company: 2023/ 615/ 01A, Proposed Layout.

Application Ref: FULL/2023/2308

Property Ref: C00823A000

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 window in the south facing elevation serving the bedroom shall be fixed (i.e. non opening) and glazed with obscure glass to a minimum of Level 3 on the Pilkington scale (or equivalent) which shall thereafter be retained at all times. Details of the glazing specification shall be previously agreed in writing by the Authority. No changes shall be made to this window nor shall any additional windows be inserted in this elevation.

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

5.The cill height of the velux windows in the east and west facing elevations of the extension hereby approved and as shown on the approved drawing shall be installed at a minimum height of 1.7m from the internal finished floor level of the first floor.

Reason - For the avoidance of any doubt and to protect the reasonable amenities of neighbouring residents.

Expiry Date: This permission will cease to have effect on 22/01/2027 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 the existing garage to be used as an integral part of and incidental to the principal dwelling presently known as Maybreeze. 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.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where bats may be roosting and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

In light of building control license ref: FP/2023/0344 which seeks to preclude sleeping accommodation at first floor level, it is recommended that the applicant amends the approved first floor plan to reflect the restricted use of the accommodation provided to avoid any ambiguity.

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/2023/2308
Property Ref: C00823A000
Valid date: 01/12/2023
Location: Maybreeze La Route Du Braye Vale Guernsey GY3 5PE
Proposal: Raise roof ridge height to create additional accommodation at first floor level and alterations to fenestration to outbuilding.

Applicant: Mr J Lanyon

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).

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scale (or equivalent) which shall thereafter be retained at all times. Details of the glazing specification shall be previously agreed in writing by the Authority. No changes shall be made to this window nor shall any additional windows be inserted in this elevation.

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Reason - For the avoidance of any doubt and to protect the reasonable amenities of neighbouring residents.

INFORMATIVES

For the avoidance of doubt, this decision permits the erection of an extension to the existing garage to be used as an integral part of and incidental to the principal dwelling presently known as Maybreeze. 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.

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In light of building control license ref: FP/2023/0344 which seeks to preclude sleeping accommodation at first floor level, it is recommended that the applicant amends the approved first floor plan to reflect the restricted use of the accommodation provided to avoid any ambiguity.

OFFICER'S REPORT

Site Description:

The application site comprises a detached 1.5 storey property situated to the south of La Route du Braye. Surrounding the site the area comprises residential properties in all directions of mixed building types and design.

The site is situated in a Main Centre Outer Area as designated in the Island Development Plan. The two properties to the east of the site are both protected buildings.

Relevant History:

FULL/2020/0147	Raise roof ridge height to detached garage to provide dower unit at first floor level.	Granted
PREA/2019/1362	Raise roof height and convert existing garage to a unit of residential accommodation.	Pre-application enquiry
PAPP/2007/2942	Variations to works previously approved to erect a dwelling.	Granted
PAPP/2007/0356	Erect a dwelling	Granted

Existing Use(s):

Residential

Brief Description of Development:

Planning permission was granted permission in 2020 to raise the roof ridge height to a detached garage to provide dower unit at first floor level. The permission has since lapsed.

This application seeks to renew this permission, although the window incorporated on the north elevation as part of the approved scheme has now been incorporated on the south elevation. The window will be obscured glazed and fixed shut and only used in an emergency.

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

GP1: Landscape Character and Open Land;
GP5: Protected Buildings;
GP8: Design;
GP9: Sustainable Development;
GP13: Householder Development

Representations:

One letter of representation was received from the occupiers of a neighbouring property objecting to the proposal. The grounds for objection are summarised as follows:

- Overbearing and overshadowing.
- Impact on private view.

- Design of first floor.
- Building Control restrictions to preclude sleeping accommodation at first floor level under building licence – FP/2023/0344. Unclear how the first floor will be used.
- Massing and scale of development which would be out of keeping with single storey extensions and buildings located in the surrounding area.
- Overdevelopment of the site.
- Outlook.
- Ownership and use of garage.

Consultations:

None received nor generated.

Summary of Issues:

- Whether the proposal is materially different to the previous grant of permission to warrant a different decision.

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).**

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 taken into account in the assessment of this application.

There has been no change in planning policy since the previous permission (FULL/2020/0147) and therefore the application is assessed under the same Island Development Plan policies.

In addition, there has been no material change in the size of the proposed structure since the approved scheme, and therefore despite the neighbour's reasons for objection, it would not be reasonable to come to a different decision. The scale, form, mass and siting of the structure together with its effect on neighbouring residents and the surrounding built environment has already been carefully considered as part of FULL/2020/0147 and remains unchanged.

It is however necessary and reasonable to ensure that the first floor window on the south elevation is conditioned appropriately, and that the roof-lights are installed at no less than 1.7m above finished floor level, similar to the previous permission in the interests of neighbour amenity. The use of the structure to remain as ancillary accommodation to the main house should also be attached as an informative.

Whilst the approved building license has limited the use of the first floor in light of the Building Regulations (2012), there is no reason under planning policy to restrict the use of the first floor for the same reason, particularly as these constitute two separate forms of legislation. It would be however in the interest of the property owner, to alter the layout of the first floor to reflect the restrictions imposed by the building license.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Date: 19/01/24