

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: Subdivide existing dwelling to create 2 dwellings with associated works and create new vehicular access to front of dwelling.

LOCATION: Oakfield House, Rue Des Haizes, Vale.

APPLICANT: Mr & Mrs G & J Isabelle

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: 19/03/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design: 23-1482-P3/PD/01B & /PD/02B.

Application Ref: FULL/2023/2341

Property Ref: C011960000

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 2 months of the vehicular access being formed, the new walls serving the access point shall be constructed in granite to match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone.

Reason - In the interests of visual amenity.

5.Full details of the boundary hedge as shown on the approved drawing, including the species, sizes, numbers and densities of plants shall be submitted to and agreed in writing by the Development & Planning Authority prior to the new dwelling being first occupied.

Reason - To protect the amenities of neighbouring residents and to achieve an acceptable boundary treatment.

6.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the new dwelling being first occupied. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting, shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To protect the amenities of neighbouring residents and to achieve an acceptable boundary treatment within a reasonable timeframe.

7.The large dividing wall located to the rear of the proposed dwelling house, forming the east boundary, shall be erected and completed in accordance with the approved drawings prior to first occupation of the new dwelling.

Reason - to safeguard the amenities of neighbouring residents and to form an acceptable boundary treatment.

8. Notwithstanding the information submitted, the gates to the rear of the property, located on the southern boundary of the application site serving the newly formed dwelling-house shall be omitted from the scheme and infilled with fence panels to match the approved boundary treatment.

Reason - to ensure the boundary treatment between two independent units is appropriate and does not undermine the privacy afforded to neighbouring residents of the adjoining semi-detached property in the interests of protecting neighbour amenity.

Expiry Date: This permission will cease to have effect on 19/03/2027 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/2023/2341
Property Ref: C011960000
Valid date: 04/12/2023
Location: Oakfield House Rue Des Haizes Vale Guernsey GY3 5JX
Proposal: Subdivide existing dwelling to create 2 dwellings with associated works and create new vehicular access to front of dwelling.

Applicant: Mr & Mrs G & J Isabelle

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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7. The large dividing wall located to the rear of the proposed dwelling house, forming the east boundary, shall be erected and completed in accordance with the approved drawings prior to first occupation of the new dwelling.

Reason - to safeguard the amenities of neighbouring residents and to form an acceptable boundary treatment.

8. Notwithstanding the information submitted, the gates to the rear of the property, located on the southern boundary of the application site serving the newly formed dwelling-house shall be omitted from the scheme and infilled with fence panels to match the approved boundary treatment.

Reason - to ensure the boundary treatment between two independent units is appropriate and does not undermine the privacy afforded to neighbouring residents of the adjoining semi-detached property in the interests of protecting neighbour amenity.

OFFICER'S REPORT

Site Description:

The application site is located to the south of Rue des Haizes. The dwelling house known as Oakfield House and detached garage are located within the recognised domestic curtilage to the north of the site, whilst the south of the site is classified as agricultural. The curtilage has been extended in 2023 under permission (FULL/2023/1716).

The site is bounded by a former horticultural site to the west and a residential property to the south. To the east is a residential property and associated grounds. The properties to the east and south of the site are recognised as protected buildings.

The site is located Outside of the Centres in the Island Development Plan.

Relevant History:

FULL/2023/1716	Change of use of agricultural land to domestic garden (1,014 sq.m.).	Granted
FULL/2012/3710	Demolish garage and shed, erect 2 storey extension to side and flat roof extension to rear of property, erect garage and widen existing gateway.	Granted

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to subdivide an existing dwelling to create 2 dwellings with associated works.

Based on the drawings submitted, the ground floor of the house will be comprise of a kitchen, dining area and lounge, utility and toilet on the ground floor, with two bedrooms and a bathroom at first floor level. A large dividing wall is proposed to the rear of the two units. The access point will be shared and includes a right of way to the front of the property.

The application was deferred over the relationship between both residential units and the limited privacy afforded to the occupiers of the original part of the house, which focused on both the shared driveway and access over the land to the front of the original dwelling-house, as well as the proposed gates to the rear of the site which would enable access onto neighbouring land.

The agent has amended the proposal and has incorporated a separate vehicular access to the front of the site, included a new hedgerow and post and wire fence between both properties to the front of the house, and has confirmed conditioning out the gates to the rear of the site if necessary, in attempt to overcome the concerns raised.

The application was re-advertised accordingly to include the creation of a new vehicular access to front of dwelling.

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

Policy OC1	Housing Outside of the Centres
Policy GP1	Landscape Character and Open Land
Policy GP8	Design
Policy GP9	Sustainable Development
Policy IP7	Private and Communal Car Parking
Policy IP9	Highway Safety, Accessibility and Capacity

Representations:

None received.

Consultations:

None generated.

Summary of Issues:

- Whether the principle of the development is supported under policy and the impact of the development on the character and appearance of the area.
- Whether the development provides a satisfactory living environment and amenities and if it would impact on the amenities of people living in the area.
- Whether the proposed vehicle access point is acceptable and would not negatively impact on highway safety.

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).**

Whether the proposal complies with Policy OC1 (Housing Outside of the Centres):

The principle of new housing Outside of the Centres is supported under the provisions of Policy OC1 provided this is achieved through the subdivision of an existing dwelling or the conversion of an existing redundant building.

The subdivision of a dwelling into two or more self-contained units or into a house for multiple occupation will only be supported where:

“a. the resultant development would be compatible with the character and amenities of the surrounding area; and,

b. the development would be acceptable in terms of provision of a satisfactory living environment and amenities; and,

c. the subdivision would not involve more than a modest extension to the existing building to create adequate accommodation and the extension is not of such a scale that it forms a significant part of any new unit”.

The surrounding built environment appears to be characterised by a mix of detached and semi-detached properties. The surrounding properties are characterised by varying scales, forms, and designs.

If approved, the proposed dwelling would be of an appropriate scale and type of new housing which would maintain the character of the surrounding built form in terms of its scale and mass and would not result in the excessive concentration of residential properties in the locality.

The proposed floor space is considered acceptable as it would surpass the minimum size room standards as set out in section G7 of the Building Regulations. The internal and external amenity provision is sufficient in this case to create good quality housing stock. In addition, the applicant could potentially extend the dwelling in the future to increase the floor area of the building to the side and/or rear of the property.

Whether the development provides a satisfactory living environment and amenities for future occupiers and whether the development would impact on the amenities of people living in the area:

Careful consideration has been given to the following factors in assessing the health and well-being of the occupiers of the development including; adequate daylight, sunlight, aspect/outlook, privacy, internal space provision and private/communal open space as set out in Policy GP8 and Annex 1: Amenities.

The façade of the property faces north, with the rear of the site facing south. Consequently, the level of daylight and sunlight is considered to be sufficient when taking into account the proposed fenestration.

Outlook and aspect have been taken into account as part of the design, and are acceptable for the purposes of Policy GP8 and Annex 1 Amenities. The proposal is not considered to adversely affect privacy towards neighbouring properties. Whilst the dividing wall to the rear of the properties would appear to be unnecessarily large and may result in shadowing towards the latter part of the day for the original house, the wall is not considered to cause significant harm to justify deferral, or refusal.

The outside private amenity space for the proposed unit and original dwelling-house is considered to be sufficient. It is considered reasonable and necessary to omit the proposed gates to the rear of the proposed unit by condition to respect the amenities of neighbouring residents and achieve good design principles in order to avoid a situation which enables access onto neighbouring land without appropriate consent. The agent is in agreement to this.

Overall, the scheme provides a good standard of habitable accommodation and has carefully considered the amenities of both the future occupiers, adjoining residents and neighbouring properties in line with Policy GP8 and Annex 1: Amenities.

Partial demolition of the roadside wall, parking and access issues:

The revised application proposes to create a new vehicular access and parking arrangement to the front of the proposed unit.

The proposal requires the demolition of a 5.2m section of the roadside granite wall to create a new vehicular access and parking area. The access point will adopt a bellmouth design, reducing down to 3m in width.

Whilst it is acknowledged that the existing wall positively contributes to the character and amenity of the area, Policy IP9 states that *“the Authority will balance any impact on the character of the locality concerned with affording a significant degree of flexibility so that reasonable development aspirations can be met”*. Reference to the significant degree of flexibility in respect of householder development is also made in Policy GP1.

In this case, it is reasonable to create a limited size access to serve a new dwelling in order to ensure the quality of the development is not compromised, and overcomes the privacy concerns that would have remained as part of the original scheme.

In this case, the impact of the loss of the roadside wall on the landscape character will be limited, and has been outweighed by the reasonable development aspirations, particularly as the site is not located within a Conservation Area, nor does it directly affect a Protected Building.

In addition, Rue des Haizes is not located on a Traffic Priority Route and is designated as a Neighbourhood Road which typically experiences low traffic speeds and volumes. The proposed access point will achieve sufficient sightlines in both directions of traffic due to the relatively low boundary treatment, thereby having a negligible effect on highway safety and traffic management. The proposed dwelling will also be served by a turning point to enable a vehicle to egress from the property in a forward gear, thereby limiting its effect on highway safety and traffic management.

However, it is considered reasonable to attach a condition to the permission to ensure that the proposed wall matches as closely as possible to the existing wall.

Consequently, it is considered that the limited effect on the character of the area and visual amenity is outweighed by the reasonable development aspirations.

In addition, there is capacity for the storage of bicycles within the private amenity space of both dwellings. Consequently, this element of the proposal is supported under the provisions of Policy IP6 (Traffic Infrastructure and Support Facilities) and Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment.

Other matters:

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

There will no effect on the adjacent protected buildings, nor their settings.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 15/03/24

