

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: Erect 1.5 storey extension to south (side) elevation.

LOCATION: Elmside, Retot, Albecq, Castel.

APPLICANT: Mr & Mrs J D Chick

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: 15/03/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Drawings: 2315 / 1A, / 2A & / 3A.

Application Ref: FULL/2024/0002

Property Ref: D01093D000

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

Reason - To clearly define the permission due to the size of the extension and to ensure that it remains ancillary to the main dwelling.

Expiry Date: This permission will cease to have effect on 15/03/2027 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/2024/0002
Property Ref: D01093D000
Valid date: 20/12/2023
Location: Elmside Retot Albecq Albecq Castel Guernsey GY5 7EG
Proposal: Erect 1.5 storey extension to south (side) elevation.

Applicant: Mr & Mrs J D Chick

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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independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

Reason - To clearly define the permission due to the size of the extension and to ensure that it remains ancillary to the main dwelling.

OFFICER'S REPORT

Site Description:

The application site, known as Elmside, comprises of a detached dwelling-house which is located to the west of Retot Lane. The property is setback from the road by approximately 65m, and is accessed by a private access track which has right-of-way over the neighbouring land to the east of the application site.

A rectangular shaped area of agricultural land was recently granted planning permission in 2023 to use as domestic curtilage.

A glasshouse still stands to the front of the site which was once part of larger span of glass which extended over the neighbouring land to the east.

The application site is located Outside of the Centres as designated in the Island Development Plan. The site does not consist of a protected building, nor is it located in a Conservation Area.

Relevant History:

PREA/2023/1584	Proposed extension and alterations	Pre-application enquiry
PREA/2023/1188	Erect a dwelling	Pre-application enquiry
PREA/2023/1187	Extend dwelling	Pre-application enquiry
PREA/2023/0751	Erect new dwelling.	Pre-application enquiry
FULL/2022/1198	Change of use of agricultural land to domestic garden (1,593 sq.m.).	Pre-application enquiry

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to erect a 1.5 storey extension to the south of the property.

The extension will adopt a similar style to that of the main house in terms of the scale, mass and form, although will be orientated perpendicular to the building.

The extension will consist of a lounge, bedroom, ensuite, hallway and a utility on the ground floor and two bedrooms, ensuite, bathroom and a wardrobe at first floor level.

The application was deferred as concerns were raised over the relationship between the dwelling-house and the proposed extension, as the proposal was considered tantamount to a new dwelling and was not demonstrably 'ancillary'. The justification for the deferral was based on the fact that the extension had a separate access point to the main dwelling, and had limited connection with the main house at ground floor and second floor.

In response, the agent has improved the ancillary relationship by incorporating a link at first floor level between the main house and the proposed extension and has omitted the entrance door to the front of the extension, in attempt to overcome the concerns raised.

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

None received during the period of advertisement.

One representation received post period of advertisement. Comments focused mainly on overlooking and loss of privacy.

Consultations:

None.

Summary of Issues:

- Design, scale, mass, siting, form and materials of development.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.

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).

Policy GP13 (Householder Development) states that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Area, Area of Biodiversity Importance, protected building or protected monument.

The preceding text of Policy GP8 (Design) refers to the need to consider the material planning considerations as specified in Part IV, Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007. These include the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used, as well as its likely effect on the character and amenity of the locality in question and its likely effect on the reasonable enjoyment of neighbouring properties.

Despite its size, the extension is subservient to the main house in terms of its scale as it is set below the ridge height of the original house. The mass and bulk of the extension is also large, although this effect has been reduced by the pitched roof form of the extension which helps to reduce its visual bulk and mass.

The form adopted is also similar to that of the main house, and the material palette is considered to relate well to the dwelling and is sympathetic to the surrounding area.

Extending the property in this manner will not undermine the surrounding built form or the spatial pattern of development, nor will it adversely affect the appearance of the area given that the proposal is sufficiently setback from public vantage points.

Overall, the physical design of the extension is supported under the provisions of Policy GP8 and GP13.

Whilst the limited association between the extension and the main house raised concerns as part of the original scheme, the revisions made to the scheme are considered to be sufficient enough to satisfactorily demonstrate that the proposal is ancillary to the main house for the purposes of Policy GP13. Although, due to the size of the extension together with its functionality in terms of the number and types of rooms available, it is considered necessary and reasonable to attach a planning condition to ensure that the extension remains ancillary to the main house in terms of its use, and does not become severed or separated to form an independent dwelling-house to avoid any ambiguity.

Careful consideration has been given to the effect of the development on the amenities of neighbouring residents. Whilst the extension incorporates fenestration

on all elevations at first floor level, the distance and relationship to neighbouring residents is such that it would not lead to a significant degree of overlooking to rebut the general support in favour of householder development to justify refusal. The oblique angles that are likely to be achievable towards the neighbouring property to the north, known as Moliets, are not substantial to cause undue harm, given the reasons set out above.

Similarly, the proposal is not considered to cause a significant adverse effect with regards to overshadowing or overbearingness towards neighbouring residents when taking into account the scale, form and mass of the proposal, coupled with the orientation and distance to neighbouring properties.

Consequently, the proposed extension is compliant with Policies GP8 and GP13.

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

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: 11/03/24

