

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 existing dwelling, erect replacement dwelling with associated works and demolish section of wall to create vehicle access.

LOCATION: Merton, Rue Du Cornus, St. Martin.

APPLICANT: Mr & Mrs M Kluczyk

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 10/01/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arctech - MK-1138-23-02C.

Application Ref: FULL/2024/0014

Property Ref: J002100000

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.Notwithstanding the information submitted, the window serving the en-suite within the first floor (north) rear dormer hereby approved must be glazed with obscure glass to a minimum industry standard privacy level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and this window shall be retained as such thereafter.

Reason - In the interests of residential and neighbouring amenity.

5.The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

6.Prior to first occupation of the dwelling hereby permitted, the turntable shall be provided in accordance with the approved plan MK-1138-23-02C. The turntable shall thereafter be retained, maintained, and unobstructed, for the purposes of parking and turning of vehicles in perpetuity.

Reason: In the interests of highway safety.

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/2024/0014
Property Ref: J002100000
Valid date: 10/01/2024
Location: Merton Rue Du Cornus St. Martin Guernsey GY4 6PU
Proposal: Demolish existing dwelling, erect replacement dwelling with associated works and demolish section of wall to create vehicle access.

Applicant: Mr & Mrs M Klucznyk

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. Notwithstanding the information submitted, the window serving the en-suite within the first floor (north) rear dormer hereby approved must be glazed with obscure glass to a minimum industry standard privacy level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and this window shall be retained as such thereafter.

Reason - In the interests of residential and neighbouring amenity.

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Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

6. Prior to first occupation of the dwelling hereby permitted, the turntable shall be provided in accordance with the approved plan MK-1138-23-02C. The turntable shall thereafter be retained, maintained, and unobstructed, for the purposes of parking and turning of vehicles in perpetuity.

Reason: In the interests of highway safety.

OFFICER'S REPORT

Site Description:

The site is located on Route des Cornus, close to the junction with La Planque Lane. The site is occupied by a 1.5 storey traditional dwelling which fronts onto the road and is sandwiched between two larger dwellings. There is currently no vehicular access to the site, with a boundary wall enclosing the front garden and a small back garden to the rear of the site which is bound on all sides by neighbouring gardens. The dwelling is currently in a poor state of repair, with a poor-quality single storey extension to the rear.

The site is located Outside the Centre, as designated in the Island Development Plan (IDP).

Relevant History:

N/A

Existing Use(s):

01 Dwelling houses

Brief Description of Development:

Demolish existing and erect replacement dwelling with a dormer to the front and rear roof slope. The proposal also includes replacement single storey rear extension with roof lantern and the creation of a new 3.2m wide vehicular access and parking with turntable within the front garden.

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

GP1- Landscape character

GP8- Design

GP9- Sustainable development

GP13- Householder development

Representations:

One neighbour letter has been received which has been summarised below:

- Concern regarding foul water drainage and position of cesspit.
- Impact of demolition on integrity of attached neighbours and how the replacement will attach/abut existing neighbours.
- Lack of communication from neighbours regarding the proposed plans

Building control have confirmed that there are no mains foul water drains/sewers in this section and so a cess pit would be required.

This would be fully assessed during the Building Regulations application but there appears to be sufficient space within the front garden for this to be possible.

Consultations:**Summary of Issues:**

- Principle of development
- Impact on amenity of neighbours
- Suitability of the Design
- Highway safety
- Other issues (bike parking, cess pit, civil matters, waste management plan)

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).**

The design, scale and mass of the proposed replacement dwelling is very similar to the original dwelling, replicating the traditional form. The ridge and eaves height of the proposed dwelling is approx. 20cm higher than the existing and the front dormer has been centralised. The proposal uses traditional materials including natural slate and stone for the front elevation of the dwelling.

The impact on amenity has also been considered, the provision of a rear dormer is acceptable as despite introducing new first floor overlooking, rear facing dormers are found in the wider and immediate vicinity and the site is located in an area of higher density ribbon development where such a degree of overlooking is not considered unacceptable. In addition, the overlooking is limited to one window as the rear dormer window serving the ensuite will be obscure glazed, which is reasonable as it serves a bathroom.

The replacement rear extension transgresses the northwest corner of the neighbouring dwelling to the east. The single storey design of the extension and flat roof height of 2.7m, in combination with the spacious width/length of the garden at La Petite Auberge prevents a harmful enclosing visual/physical impact. There are no windows proposed to the side elevation of the extension.

The scheme has been designed to provide for the future occupiers of the dwelling with accessible and flexible living accommodation along with off-road parking and private amenity space to the rear, which although small is adequate for the size of the dwelling. Internal spaces exceed the Guernsey Technical Standards and best practice requirement for a one-bedroom dwelling.

The replacement dwelling proposed will not have an unacceptable adverse impact on the character or quality of the built environment or the character and amenity of the locality and therefore the aims of Policies GP13 and GP8 of the Island Development Plan have been satisfactorily addressed in this respect.

The new access and single parking space within the front garden is only considered acceptable due to the proposed provision of the turntable to allow for onsite turning and ensuring that cars will leave the site in a forward gear. The installation and use of the turntable will be conditioned to ensure its provision and use.

The proposal retains as much of the existing front wall as possible, with a minimal opening of 3.2m which is considered acceptable in this location, outside of any Conservation area, and will not have a harmful impact on character, in accordance with GP1.

The visibility spays for the new access are good, and the site is set well back from the centre of the road at a particularly wide point. The aims of both Policy IP7 and IP9 have therefore been satisfied.

Cycle storage has not been provided, although residential developments of this type are usually required to provide one secure covered space, the layout and constraints

of the site mean that this is not readily achievable. Should the existing house have been refurbished rather than rebuilt, this would not have been a requirement. There is no external access to the rear garden, and a covered cycle store within the small frontage is unlikely to be visually acceptable in the street scene due to its size, and its provision may compromise the space available for the turn table. As the dwelling is relatively small, and unlikely to be occupied by more than 2 people, it is not considered unacceptable to allow the future occupants the freedom of choice to provide a bike store in the rear garden (accessed through the house) or uncovered bike parking in the front garden, if necessary.

The application has been accompanied by a Waste Management Plan which is considered to be satisfactory and this matter can be managed by planning condition.

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

Date: 08/02/2024

