

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: Extend and alter at ground floor level, install dormer window to south-west (rear) elevation, install rooflights and alterations to fenestration. Alterations to boundary treatments, remove pedestrian access to roadside and erect gated vehicle access to north-west boundary. Install agricultural gates and earthbank to south-west of site.

LOCATION: Westwinds, Route De Pleinmont, Torteval.

APPLICANT: Mr & Mrs J K Le Prevost

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 15/01/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room - 377 C1B, C2A, C3, C4, C5B, C6A, C7A, C8A.
& C13

Application Ref: FULL/2024/0051

Property Ref: G001140000

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.

Expiry Date: This permission will cease to have effect on 15/03/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

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/2024/0051
Property Ref: G001140000
Valid date: 15/01/2024
Location: Westwinds Route De Pleinmont Torteval Guernsey GY8 0LP
Proposal: Extend and alter at ground floor level, install dormer window to south-west (rear) elevation, install rooflights and alterations to fenestration. Alterations to boundary treatments, remove pedestrian access to roadside and erect gated vehicle access to north-west boundary. Install agricultural gates and earthbank to south-west of site.

Applicant: Mr & Mrs J K Le Prevost

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.

INFORMATIVES

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

OFFICER'S REPORT

Brief Description of the site:

Westwinds is a detached hipped roof bungalow situated to the southwest of Route De Pleinmont. A pitched roof outbuilding is situated adjacent to the road, along the northeast/southwest site boundary.

The application relates to the erection of a single-storey extension, described as a glasshouse, to the side/southeast of the dwelling. A flat roof link and pitched roof single-storey garage extension are proposed to the side/northwest of the dwelling to link to the existing pitched roof outbuilding which is shown to be used as a store with garage door to the road elevation, with rooflights/gable window installed in connection with the loft space. A rooflight is proposed in the front and side roofslope of the bungalow along with a large pitched roof dormer in the rear roofslope. The scheme also proposes alterations to existing fenestration at the property. Permission is sought for works around the property comprising the infilling of an existing pedestrian access and the formation of a gated vehicular access to the side/northwest boundary. An earthbank and gates are proposed to the southwest of the site. The gates fall on agricultural land and exceed 1.2m high therefore require planning permission. The exemptions relating to agricultural gates do not however, specify whether they should be timber or metal.

Although reference is made to the removal of vegetation to the southeast boundary aerial photographs appear to show this boundary formed by a hedge but the agent has confirmed that only vegetation has been removed from this boundary, no hedgerow. The proposals also show fencing along this boundary (0.9m closest to the road (exempt), increasing to 1.2m high extending along the side boundary to the proposed side extension and increasing to 2m for the remainder of the side domestic curtilage boundary and this work would not be exempt.

The following works are exempt under the 2023 Exemptions Ordinance and do not require the specific grant of planning permission:

- Demolition of a chimney stack
- Installation of a flue
- External cladding to dwelling and outbuilding
- External insulating render system
- Rooflight (front elevation)
- Alterations to fenestration (main house)
- Alterations to the roof of the existing outbuilding
- Removal of hedge within garden area (not along a boundary)
- Erection of fence/wall up to 2m high (subject to ground levels) to side and rear boundaries of domestic garden as the accesses to either side of the site do not represent a public highway for planning purposes

The application was deferred to seek amendments relating to the height of the boundary fence forward of the front elevation of the dwellinghouse and clarification regarding other boundary features/treatments. Additional and revised details have been provided regarding these matters.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan. Part of the roadside boundary of Westwinds forms the boundary of the Conservation Area to the north of the site.

Relevant History:

None.

Existing Use(s):

01 dwellinghouse
28 agriculture

Assessment: *(Tick as appropriate)*

no representation	☐	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

Island Development Plan policies:

GP8: Design
GP9: Sustainable Development
GP13: Householder Development
IP7: Private and Communal Car Parking
IP9: Highway Safety, Accessibility and Capacity

Representation:

One letter of representation has been submitted objecting to the application and raising the following points:

- The objections result from the change of land to the side and back of the property from agricultural to domestic garden by the DPA
- The increase in the height of fencing that runs down the side of the private track from the road (from 1.22m to 2m)
- Westwinds sits 1.7m above the track and neighbouring property therefore the top of the fencing will be 2.92m rising to 3.7m and will obstruct visibility for vehicles exiting the track and horses using the same route
- People travel at speed along the road and good visibility is critical
- Objections are raised to the planting of hedging to the front of Westwinds on the grounds of highway safety and visibility
- The rendered wall at the end of the fencing is assumed to be the same height (or higher) than the fencing which will have a detrimental impact on the adjoining property
- The fencing and wall proposed would be incongruous with the rural surroundings
- Access is required to Westwinds in order to maintain an existing hedge
- The proposal does not relate to the erection of a greenhouse (as defined) partly because it includes a rendered wall
- The 'greenhouse' extension will project right up to the boundary with the hedge planting which is not considered appropriate/acceptable
- It is hoped that the new gates will be in keeping with the agricultural area – they should be metal farm gates
- A right of access exists for tractor/trailer and horses therefore ease of access is important
- It is hoped that the cherry trees to the front of the house will not be cut down, they have been there more than 30 years
- The loss of a view that will result from the proposals, because of the change in land classification given by the Authority (not through a planning application), is unacceptable

Conclusion/Brief comment:

Although the letter of representation seeks to define the 'greenhouse' extension the scheme relates to an extension within the existing garden of the property which would be formed of a partly glazed and partly solid structure. Provided the space is used ancillary and incidental to the enjoyment of the dwellinghouse whether it is used as a glasshouse for growing or not is a matter of personal choice. Furthermore, walled glasshouses/lean-to glasshouses constructed off a wall are not uncommon.

The extensions and alterations to the existing dwelling represent a good standard of design that respect the character of the local built environment whilst having regard

to the flexibility offered by the IDP for householders making changes to their homes. To introduce first floor accommodation served by rooflights/dormers makes efficient and effective use of the existing building and the extensions and alterations offer more flexible and adaptable accommodation that can respond to the needs of occupiers over time. It is also noted that the scheme has been developed to accommodate the provision of a lift in future.

The siting of the extensions and alterations, away from neighbouring properties, will not result in unacceptable overlooking or overshadowing to adjoining properties and gardens.

The proposed fencing, as amended, will not result in undue harm to the character and appearance of this rural location nor result in detriment to the amenities of surrounding residential neighbours. The drawings do not categorically specify a metal finish for the agricultural gates however, the colour plans suggest a metal finish but either timber or metal gates would be appropriate to serve the agricultural land and it is not considered reasonable to condition whether the gates are timber or metal in finish.

It is noted that the proposed front boundary hedge has been omitted as part of the package of revisions, and is now to be other soft landscaping/shrubs. Nonetheless, planting hedgerow or the removal of trees do not require planning permission. The loss of a view and legal/access rights are not material planning considerations that can influence the consideration and determination of a planning application.

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.

In view of the above it is recommended permission is granted for the works proposed.

Recommendation:

Grant with Conditions



Date: 13/03/2024

