

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 single storey extension to north-west (side) elevation, erect single storey link extension to north-east (front) elevation and erect shed.

LOCATION: Arosa, No 1 Clos Saumarez, Rue Cohu, Castel.

APPLICANT: Mr & Mrs T Shilling

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: 17/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 31/01/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates - 2341 03.01, 03.02, 03.03, 03.04, 03.05, 03.06 & 03.07.

Application Ref: FULL/2024/0145

Property Ref: D01618A001

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. A replacement section of hedging shall be planted along the front (north-east boundary) to infill the area of hedging previously cleared. Full details of the hedge planting, 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 hedge being planted.

Reason - To ensure that the north-east boundary of the site is appropriately demarcated as a section of the former hedge along the north-east boundary appears to have been removed without planning permission.

5. The hedge planting shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the grant of this permission, or in accordance with a programme previously agreed in writing by the Authority. 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 ensure that the planting scheme is carried out in a suitable timeframe as a section of the former hedge along the north-east boundary appears to have been removed without planning permission.

Expiry Date: This permission will cease to have effect on 17/04/2027 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/2024/0145
Property Ref: D01618A001
Valid date: 31/01/2024
Location: Arosa No 1 Clos Saumarez Rue Cohu Castel Guernsey GY5 7TD
Proposal: Erect single storey extension to north-west (side) elevation, erect single storey link extension to north-east (front) elevation and erect shed.
Applicant: Mr & Mrs T Shilling

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. A replacement section of hedging shall be planted along the front (north-east boundary) to infill the area of hedging previously cleared. Full details of the hedge planting, 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 hedge being planted.

Reason - To ensure that the north-east boundary of the site is appropriately demarcated as a section of the former hedge along the north-east boundary appears to have been removed without planning permission.

5. The hedge planting shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the grant of this permission, or in accordance with a programme previously agreed in writing by the Authority. 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 ensure that the planting scheme is carried out in a suitable timeframe as a section of the former hedge along the north-east boundary appears to have been removed without planning permission.

OFFICER'S REPORT

Site Description:

The application site consists of a single storey detached bungalow located on the corner between Clos Saumarez and Clos De Beauvoir. The property lies towards the entrance of Clos De Beauvoir which is visible from the main road (Rue Cohu).

The façade of the house faces towards, and is parallel to Clos De Beauvoir, indicated by the former front door and porch on the east elevation. The side (gable end) of the bungalow faces towards Clos Saumarez. The property is served by a car parking area and garage to the side (south) of the house, and is surrounded by garden to the north, east and west of the house.

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

Relevant History:

None

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to erect a single storey pitched roof extension to the north elevation, and erect a single storey link extension to the south elevation and erect a shed.

The proposed extension to the north of the house comprises two bedrooms, an ensuite, dressing room and a hallway. The flat roof link to the south will serve as an entrance porch. Part of the existing garage will be used as a utility and W/C.

The application was deferred as concerns were raised over the siting of the extension given that it extends forward of the building façade and its relationship to the character and appearance of the clos. In addition, the site is prominently located towards the entrance of the clos therefore is generally more sensitive to change than properties located well within the clos. Some concerns were also raised with regards to the siting of the proposed shed.

In response, the agent has provided additional information in attempt to justify the siting of the development by providing context of the character of the clos with regards to building lines and how the design approach has been carefully considered to respect its surroundings. Other examples of projecting front gables on properties located around the island, together with two storey contemporary dwellings have been submitted in attempt to support and validate the application.

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

None

Consultations:

None

Summary of Issues:

- Whether the design, scale, mass, siting, form and materials of the proposed development is acceptable.
- 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).**

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

Taking into account the relevant planning policies, the proposed extension to the north of the house represents a modest sized addition to the property, is subservient and proportionate, and achieves a good standard of design (Policy GP8 – Design) in terms of its scale, mass, form and materiality that respects the character and style of the original house.

With regards to its siting, the building line of the house will change, and be extended to the front of the site as a result of the development and therefore is likely to have a negative effect on the character of the area to some extent. Although, the degree of harm caused is not considered to be 'significant' when viewed in light of the additional information submitted which refers to building lines of other properties on both Clos Saumarez and Clos De Beauvoir, and the style of development in a wider context, and would not reasonably rebut the general support in favour of householder development (Policy GP13) or warrant refusal.

It is however noted that a section of hedge has been removed from the northern section of the east site boundary, at some point since 2013, without the benefit of planning permission, and this would increase the visibility of the proposed extension from the roadside. Removal of the hedging would only have been acceptable where the hedge was to be replaced by another hedge of appropriate species, and replacement of the hedging should be required as a condition of any decision issued. Replacement of the hedging would also ensure that visual amenity is not adversely affected as a result of the development. The agent has indicated this as a possibility as part of the additional information submitted. The hedging will in time mature and help 'soften' the appearance of the extension given its close proximity to the close road.

Similar concerns are raised over the position of the shed and its impact on the character and appearance of the clos. However, should the extension be built, the building line of the house would extend forwards towards Clos De Beauvoir and therefore the siting of the majority of the shed would be located behind the building line of the property when viewed in relation to the approved extension, and the existing garage. Moreover, the boundary hedge will also assimilate the development into its suburban surroundings, and removal of the hedge would require planning permission. In this situation, it is not considered necessary or reasonable to require additional landscaping around the shed to minimise its impact through a planning condition, although should the applicant wish to do so it would be their prerogative. It is noted that other sheds located to the front of houses on the Clos road as indicated in the agent's letter do not appear to have been granted planning permission, therefore direct comparisons cannot be made in this scenario.

The flat roof link to the south of the house raises no issues with regards to its design, impact on the character and appearance of the Clos, nor neighbour amenity.

The proposal will not have a significant detrimental effect on the amenities of neighbouring residents due to the scale of the development, together with its form and orientation which will limit its shadowing and overbearing effect, particularly to the neighbouring residents to the north.

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: 16/04/24