

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 and erect replacement dwelling and associated works, and relocate vehicle access.

LOCATION: Charlwood, Les Mauxmarquis, St. Andrew.

APPLICANT: Dr C V Rumens

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: 16/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 09/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Create Ltd: 967-3-001, -002, -003, -004 (site plan only) & -005.

Application Ref: FULL/2024/0217

Property Ref: K00506C000

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 four weeks of the new access being formed, the ends of the new opening shall be finished off using materials and a method of construction which match the remainder of the wall unless any alternative is otherwise agreed in writing by the Authority.

Reason - To minimise the number of points of access, in the interests of highway safety.

5.The existing access shall be closed permanently within four weeks of the new access being formed.

Reason - To secure the satisfactory appearance of the completed development.

6.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.

7.The development hereby permitted shall be constructed in accordance with the details set out in the letter (page 2) received on 15/04/2024 and in accordance with the details shown on the approved plans regarding solar panels. There shall be no

occupation of the approved dwelling until the electric vehicle charging point and solar panels have been installed and made operational.

Reason - In the interests of sustainable development

8.Noise associated with the Tesla battery hereby approved shall be controlled such that the Rating Level, measured or calculated at 1 metre from the facade of the nearest existing noise sensitive premises, shall not exceed a level 5dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Reason - To protect the amenities of neighbouring residents.

9.The cycle storage shed (shown on the approved drawing) shall be provided prior to the first occupation of the dwelling hereby approved, and shall thereafter be retained and so maintained.

Reason - In the interests of the amenity of future residential occupants, and to encourage alternative modes of transport to the private car.

Expiry Date: This permission will cease to have effect on 16/04/2027 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/2024/0217
Property Ref: K00506C000
Valid date: 09/02/2024
Location: Charlwood Les Mauxmarquis St. Andrew Guernsey GY6 8TU
Proposal: Demolish existing dwelling and erect replacement dwelling and associated works, and relocate vehicle access.

Applicant: Dr C V Rumens

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.

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remainder of the wall unless any alternative is otherwise agreed in writing by the Authority.

Reason - To minimise the number of points of access, in the interests of highway safety.

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Reason - To protect the amenities of neighbouring residents.

9. The cycle storage shed (shown on the approved drawing) shall be provided prior to the first occupation of the dwelling hereby approved, and shall thereafter be retained and so maintained.

Reason - In the interests of the amenity of future residential occupants, and to encourage alternative modes of transport to the private car.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Charlwood' is a mid-20th century bungalow, with small dormer to the rear roof slope, which is set back from and faces northwest onto Les Mauxmarquis. There are neighbouring properties to the northeast, southwest and across the road to the northwest. The neighbouring properties to either side incorporate accommodation in the roof space served by dormers to the rear. To the southeast are open agricultural fields. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

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:

GP1: Landscape Character and Open Land
GP8: Design
GP9: Sustainable Development
GP13: Householder Development
IP6: Transport Infrastructure and Support Facilities
IP7: Private and Communal Car Parking
IP9: Highway Safety, Accessibility and Capacity.

Consultation:

Office of Environmental Health and Pollution Regulation – raise no objections.

Conclusion/Brief comment:

Planning permission is sought to demolish the existing and erect a replacement dwelling, to infill the existing access and relocate the vehicular access and to also erect a shed.

The application has been accompanied by a Waste Management Plan and a covering letter addressing the relevant IDP policies.

The main considerations of this application relate to the:

- principle of the development;
- design, form, scale and massing of the proposed development;
- impact on neighbour amenity and the living environments of future occupiers;
- highway safety;
- waste management plan and sustainable development.

Principle of replacement dwelling

Proposals for the replacement of existing dwellings on a one-for-one basis are considered as a form of householder development under the provisions of IDP Policy GP13, which operates a general presumption in favour of such development unless the existing building is of such architectural or historic quality that its retention would be preferred.

In this case the existing dwelling is not of sufficient architectural or historic quality to warrant retention and the principle of the development is therefore acceptable.

Design, form, scale and massing of the proposed development

Policy GP13: Householder Development sets out a number of criteria that should be satisfied. The policy also identifies that consideration must be given to the contribution the existing building makes to the character of the area concerned and that a Waste Management Plan should be submitted with a planning application. This must demonstrate how waste associated with the development process is to be minimised, how existing materials on site are to be reused on or off site and how residual waste will be dealt with.

The preceding text to Policy GP13, paragraph 19.14.10 states:

In considering proposals for the replacement of a dwelling on a one for one basis, consideration will be given to the impact of the new building on the openness of the area rather than a comparison between the impact of the existing dwelling compared with the impact of the new. A replacement dwelling can therefore be larger than the dwelling it is replacing and have a greater impact upon the openness of the area concerned compared with the existing dwelling and will be supported where the

Authority is satisfied that the proposed impact is acceptable when considered against all relevant policies of the Island Development Plan.

There are various policy criteria that must be satisfied in order for Policy GP8: Design to be met and Policy GP13 clearly sets out that a comparison should not be made between the impacts of the existing dwelling compared with the impact of the new.

Although the proposed replacement dwelling is larger than the one that it replaces the application site is located in an area where development is varied in terms of its size, height and design. The orientation of the property with the roof running northeast to southwest, fits in with the surrounding properties and the improved entrance and associated landscaping proposed as part of the scheme will also reduce the visual impact of the proposal on the surrounding area, particularly when viewed from Les Mauxmarquis.

The proposed pitched roof form represents a good standard of design, and although the proposed palette of external materials does not match any of the immediate neighbouring properties, as there is no uniform design or palette of materials and as this is not a particularly sensitive area, it is considered that the proposed development will respect the character of the local built and open environment concerned.

The topography of the site and surrounding area and the distance to the nearby protected building to the southwest is such that it is not considered that there would be any adverse impact on its setting.

The replacement of a dwelling with a multi-storied dwelling represents an efficient and effective use of land and is encouraged by planning policy.

The shed is proposed to be in the rear garden close to the southwestern boundary. The shed would not negatively impact on the character of the area and would provide parking for bicycles.

Policy GP8 also refers to the provision of soft and hard landscaping to reinforce the local character. Although the plans show some landscaping at the front of the property either side of the new vehicle entrance, no landscaping scheme has been submitted.

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.

Impact on neighbour amenity and the living environment of future occupiers

GP8: Design indicates that new development will be supported where it is demonstrated that it will not have an unacceptable impact on neighbouring amenity and considers the health and well-being of the future occupiers.

Although larger, the proposed dwelling will be situated in a similar position to the existing dwelling on the site. At first floor level, windows are proposed in both the northwest and southeast elevations that will face the road and the rear garden, with peripheral views of the neighbouring properties. Views into the southwest neighbour are more obscure because the neighbour's property lies closer to the southeast of the site.

Given the current arrangement of properties there is currently an element of mutual overlooking from first floor windows. The new position of the dwelling will help to lessen the impact of new first floor windows in the southeast elevation on the adjoining garden areas. Due to the orientation of the new dwelling there will be no overshadowing of either of the neighbouring properties.

The site is capable of accommodating the replacement dwelling proposed, which would be served by ample external amenity space for enjoyment by future occupiers.

The scheme has been designed to provide the future occupiers of the dwelling with flexible living accommodation and ample private amenity space. The scheme will provide access for all and enable future occupiers to remain in the property for longer. The scheme accords with Policies GP8, GP9 and GP13 in this respect.

The replacement chainlink fence to the rear of the property does not represent exempt works but is considered satisfactory in this instance.

The Tesla battery is also not considered to have any impacts on the character of the area and impact on residential amenity through noise can be addressed by condition.

Highway Safety

Policies IP7 and IP9 relate to private car parking and highway safety, accessibility and capacity respectively, whilst Policy GP1 is relevant insofar as it relates to existing built and natural features, including boundary features, that contribute to landscape character.

The existing access arrangements are to be altered as part of the scheme, the existing access is to be blocked up with a granite wall to match the remainder of the new roadside boundary and a new access point is proposed further along the northwest boundary. The new access point is situated in a better location in the middle of the northwest boundary. The drawings also show that the roadside boundary wall will be between 700 - 900mm in height above the finished road level with a 4.5m wide central

access point. There will be a gradual slope up to the ground level of the dwelling which will enable a vehicle exiting the site to be able to see above the boundary wall and will therefore provide the required visibility splays in both directions (which have also been shown on the application drawing). The proposed vehicle access point would therefore be an improvement on the existing situation and would not negatively impact on highway safety.

The site is not situated in a Conservation Area and although the access point will be relocated, the rest of the roadside boundary will now have a low granite wall to provide an adequate boundary feature. In this particular instance it is considered therefore that any adverse impact on the character of the area as a result of the development is not so substantial to warrant the refusal of planning permission. This conclusion is reinforced by the preceding text to Policy IP9, which notes 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.”*

The scheme incorporates onsite parking and hardstanding for turning. The level of off-road parking provision is acceptable having regard to IP7 and the Supplementary Planning Guidance. Although a relatively large area of hardstanding is proposed it is noted that hardstanding within the domestic garden of a dwelling constitutes exempt development that does not require the specific grant of planning permission. The level of hardstanding will not result in harm to the character and appearance of the area.

The scheme does not specifically indicate that any covered and secure cycle storage will be provided although this could be addressed through the provision of storage within the shed shown on the application drawings. As such the scheme satisfies Policies IP6 and IP7 with regard to parking and ways in which future occupiers can utilise alternative modes of transport. This matter can be controlled by planning condition to ensure appropriate provision is made for cycles.

Waste Management Plan and Sustainable Development

The application has been accompanied by a Waste Management Plan which is considered to be satisfactory in this case, the implementation and monitoring of which can be further controlled by planning condition.

With regard to Policy GP9: Sustainable Development, the application has been supported by a statement setting out that the scheme will be the subject of a full Building Control application and is designed to meet and exceed current technical standards in terms of heat loss, energy efficiency, water usage and drainage etc. Further information was provided following the deferral of the application and the submission as amended highlights the installation of solar panels, EV charge point and cycle storage. The scheme demonstrates that the proposed development has taken into account the use of energy, resources and any adverse impact on the environment and this matter can be controlled further by planning condition.

Solar panels and an electric charging point have been designed into the scheme and shall be conditioned to ensure they are provided.

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 and in view of the above it is recommended that planning permission is granted for the proposed development subject to conditions.

Recommendation:

Grant with Conditions



Date: 15/04/2024

