

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: Raise and alter roof and extend at 1st floor level, extend and alter at ground floor level, erect raised terrace area and pool to east (front) elevation.

LOCATION: La Pierre, Icart Road, St. Martin.

APPLICANT: Mr & Mrs J Mogg

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: 30/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room - 329 C1, C2, C3, C4, C5, C6 & C7

Application Ref: FULL/2024/0285

Property Ref: J011110000

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.No timber cladding shall be installed until such time as details of the type, texture, colour and finish of the cladding materials to be used have been submitted to and agreed in writing by the Authority. The work shall then be completed in accordance with the agreed details.

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

5.The first floor windows in the west facing elevation (serving the bathroom, principle bedroom, bedroom 4 and bedroom 5), shall be fixed (i.e. non-openable) and shall be permanently glazed with obscure glass of a minimum industry standard privacy level 3. These windows shall be retained as such in perpetuity.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

Expiry Date: This permission will cease to have effect on 30/04/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The Authority does not recognise all of the land outlined in red on the submitted plan(s) as forming the domestic curtilage associated with the dwelling presently known as La Pierre. The land recognised as domestic curtilage by the Authority is identified on the plan enclosed with this decision notice.

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

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/2024/0285
Property Ref: J011110000
Valid date: 12/02/2024
Location: La Pierre lcart Road St. Martin Guernsey GY4 6JF
Proposal: Raise and alter roof and extend at 1st floor level, extend and alter at ground floor level, erect raised terrace area and pool to east (front) elevation.

Applicant: Mr & Mrs J Mogg

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. No timber cladding shall be installed until such time as details of the type, texture,

colour and finish of the cladding materials to be used have been submitted to and agreed in writing by the Authority. The work shall then be completed in accordance with the agreed details.

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

5. The first floor windows in the west facing elevation (serving the bathroom, principle bedroom, bedroom 4 and bedroom 5), shall be fixed (i.e. non-openable) and shall be permanently glazed with obscure glass of a minimum industry standard privacy level 3. These windows shall be retained as such in perpetuity.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

INFORMATIVES

The Authority does not recognise all of the land outlined in red on the submitted plan(s) as forming the domestic curtilage associated with the dwelling presently known as La Pierre. The land recognised as domestic curtilage by the Authority is identified on the plan enclosed with this decision notice.

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

OFFICER’S REPORT

Site Description:

The application site takes the form of a detached bungalow built within the hillside with a garage set below. The site is situated Outside of the Centres and part of the site (all of the land owned outside of the domestic curtilage) is designated as a Site of Special Significance as designated in the Island Development Plan. Although not falling within, a Conservation Area borders the site to the west. The neighbouring property to the west (Fisherman’s Cottage) is a protected building.

Relevant History:

FULL/2024/0286	Demolish Outbuilding, erect single storey summerhouse and alter ground levels, erect	Pending Consideration
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	retaining walls and external steps to west boundary.	
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Existing Use(s):

Residential Use Class 1 – property and garden area;

Agricultural Land Use Class 28 – all other land owned outside of the domestic garden area.

Brief Description of Development:

Planning permission is sought to raise and alter the existing roof form to extend at first floor level, to extend and alter at ground floor level to include a dower unit, and to erect a raised terrace area and pool.

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

GP2: Site of Special Significance

GP5: Protected Building (setting of the property to the rear)

GP8: Design

GP9: Sustainable development

GP13: Householder development

Representations:

In total three letters of representation have been received (two from the same residential property) all objecting to the proposal. The grounds for objection are summarised as follows:

- The property to the rear currently enjoys uninterrupted views from ground floor windows across the Saints Bay Valley. Raising the height of the building will obstruct these views;
- The first floor windows on the west facing elevation will face directly into the garden area of the property to the rear thus affecting privacy;
- The nature of the proposal is incongruous with the setting and does not sit easily given its close proximity to the of Special Significance and natural beauty;
- The proposes scale and materials are discordant with the surrounding area;
- The surrounding area comprises traditional Guernsey farmhouses some of which are listed, the scheme is out of keeping with the character of the area;
- The west elevation is a complete contradiction to the character of the natural built environment;
- The current structure is below eye level when viewed from Icart Road enabling a view of the landscape through which is an open space viewed, photographed and enjoyed by many. The proposal will prevent views of this and thus would not enhance the character of the environment;
- The flat roof is not in-keeping with any of the properties surrounding and contradicts GP8 of the IDP;

- When we sought permission to renovate an old barn we ensured that the old style of the building with a pitched roof was maintained as requested by planning;
- The use of aluminium windows on the west elevation is out of keeping with the area;
- The building is juxtaposed to the buildings within the immediate vicinity.

Consultations:

None

Summary of Issues:

- Whether the design and appearance of the proposed extensions are acceptable;
- Whether the proposal would have any detrimental impacts on the amenities afforded to the occupiers of neighbouring properties;
- Whether the principle of the dower unit as proposed is acceptable; and
- Whether the proposal would negatively impact on highway safety.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Whether the design and appearance of the proposed extensions are acceptable

Policy GP13 of the Island Development Plan is generally supportive of proposals for domestic extensions, alterations and other such householder development 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 adversely affect the special interest of a Conservation Area or Area of Biodiversity Importance or protected building or protected monument.

In addition to the design requirements of Policy GP13, Policy GP8 requires new development to achieve a high standard of design which respects and where appropriate enhances the character of the environment.

The application site is not in itself situated within a Conservation Area. There is a variety of building forms and styles in the surrounding area. Paragraph 19.9.5 of the IDP which forms the preceding text to Policy GP8 states that: '*In other, less sensitive areas*' (not within Conservation Areas, Sites of Special Significance and Protected

buildings), *‘a good standard of design will be expected, however the Island Development Plan adopts a supportive position with regard to building design in these areas to enable the property owner to exert personal choice in design matters. This adopts the flexible and proportionate approach that underpins the Plan Objectives of the Island Development Plan.’*

Furthermore, 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. Policy GP8 paragraph 19.9.9 outlines that multi-storey buildings constitute a more efficient use of land than single-storey buildings.

Concerns have been raised with regards to the fact that the resultant building due to the raise in the ridge height, its bulk and massing and its modern contemporary design will be out of keeping with the surrounding area and will prevent views from Icart Road of the valley to the east.

The existing dwelling comprises a modest single storey structure of low profile, and whilst of little architectural merit, the structure sits discretely in the landscape. The proposed extension to the building would represent an increase in the ridge height and the overall mass and volume of the building, introducing a more contemporary building in the area. The increase in the ridge height however, has been kept to a minimum (measuring circa 2m) and although it will increase its prominence in views of the site from Icart Road (as identified by representations made), given the topography of the site and the surrounding area (which drops significantly from Icart Road to Saints Bay Road), together with the existing intervening planting and the fact that the scheme is of high quality design using high quality materials, any impact on the visual or landscape character, or openness of the surrounding area would not be so substantial to warrant the refusal of planning permission. To ensure that appropriate materials are used to minimise any harm, it is recommended that a condition is attached to any permission to require full details of the external cladding material and any finish to be used.

The neighbouring property to the west along Icart Road (Fisherman’s Cottage) is protected. The application site when viewed from Icart Road is set in a lower position, the topography of the site and surroundings together with intervening planting would prevent the proposal having any significant impact on the setting of this protected building and the surrounding Conservation Area.

The alterations to the parking area to the front of the site and the raised terrace and swimming pool are all of high quality design using appropriate materials. They will be seen well in context with the host dwelling and would not negatively harm the character or appearance of the surrounding area.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

Considering the above, the design and appearance of the proposal is considered to be acceptable and complies with Policies GP1, GP8, GP9 and GP13 of the Island Development Plan. The proposal would not affect the setting of the nearby protected building and complies with Policies GP5 and GP8 in this respect.

Whether the proposal would have any detrimental impacts on the amenities afforded to the occupiers of neighbouring properties

The proposed increase in the ridge height of the property will increase the prominence of the dwelling particularly when viewed from the neighbouring property to the west (Fisherman's Cottage). However, given that the increase in the ridge height is marginal (only 2m), the separation distance between the two nearest elevations of each property (circa 14m) and that the subject dwelling is set back from the boundary by circa 4.5m, the proposal would not have an overbearing affect and would not cause undue harm with regard to overshadowing or light loss.

Comments made by a representor suggest that the first floor of the building will face towards the garden area of the neighbouring property to the west, resulting in the loss of privacy. As shown on the application drawings, the first floor windows proposed in the west facing elevation would serve bedrooms 4 and 5 and a bathroom. Whilst the window serving the bathroom is shown to be obscure glazed, those serving the bedrooms are not. Situated circa 5m from the boundary with the neighbouring property these windows have the potential to overlook directly into the garden area of the neighbouring property. Given that these are not principal windows and bedroom 4 has an additional window in the south elevation and bedroom 5 in the north, (both of which would provide sufficient light and outlook and a means of escape in the event of a fire), to prevent any overlooking, it would be reasonable to ensure that the first floor windows in the west facing elevation are fixed shut (i.e. non openable) and are fitted with obscure glazing. Should permission be granted, this can be controlled by planning condition.

Given the separation distances involved and the existing boundary screening the windows proposed at first floor in the north and south elevations would not cause undue harm to neighbour amenity. Views from windows in the east would overlook the valley and would not harm neighbour amenity.

Based on the above it is considered that any additional harm resulting from the proposed development on the amenities of the neighbouring properties would not be so substantial to warrant the reason for refusal. The scheme complies with the relevant policies of the IDP in this respect.

Please note that comments from representors have also been made with regards to the loss of a private view over the valley and the devaluation of neighbouring properties, both of which are not material planning considerations that can be considered in the assessment of this application.

Whether the principle of the dower unit as proposed is acceptable

The proposed dower unit will be contained on the ground floor and will be physically attached, accessed within and form part of the main dwelling. The dower unit will comprise a lounge, kitchen, living area and an ensuite bedroom. In support of the application the applicant's agent has confirmed by letter that the dower unit will be used for a purpose ancillary to the main use of the dwelling house by a dependant relative. The letter confirms that the garden space, utilities, bills and storage will all be shared with the occupiers of the main dwelling and that main meals will be taken in the main dwelling 2 to 3 times per week.

Although the floor space of the dower unit is relatively generous, the relationship of the occupiers of the dower unit and the principal dwelling, the nature of use and facilities to be shared indicate that the additional accommodation would be subsidiary to and dependent upon the principal dwelling unit. Furthermore, the relationship between the principal dwelling and the dower unit and the layout of the site would not enable it to be easily subdivided without compromising its amenity. However, it is recommended that for the avoidance of any doubt an informative is included on any permission to ensure that the accommodation provided remains ancillary to the main dwelling house.

Whether the proposal would negatively impact on highway safety.

No alterations are proposed to the existing vehicle access point and although the proposal will increase the size of the dwelling it is not anticipated that any associated vehicle movements would be so substantial to harm highway safety.

The site has sufficient space to accommodate off road vehicle parking and the scheme would not cause harm to the provision of such.

It is for these reasons the proposal would not negatively affect highway safety.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

With regards to the issues raised by the representors relating to the loss of a private views and the devaluation of neighbouring properties, these are not material planning considerations that can be taken into account in the determination of the application.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, or building. All of the works proposed are outside of and sufficient distance from the SSS and would not cause any harm.

For the reasons contained within this report it is recommended that planning permission is granted.

Date: 29/04/2024