

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 buildings, erect 2 dwellings with associated works, create vehicle access to north.

LOCATION: North View, Route De Carteret, Castel.

APPLICANT: Northview Property Limited

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: 07/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JG Architecture Ltd - 2353 02.01B, 02.02A, 02.03A, 02.04A, 02.05A; Sheds.co.uk specification

Application Ref: FULL/2024/0333

Property Ref: D015750000

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.Prior to the demolition of the existing garage, roadside wall and gate pillars, a revised detail of the proposed new gate pillars shall be submitted to and approved in writing by the Authority. Within four weeks of the demolition of the above features, the ends of the new access shall be finished off in accordance with the approved details.

Reason - To ensure that appropriate sightlines are achieved from the access and to secure the satisfactory appearance of the completed development.

5.No cladding shall be brought to the site until such time as details of the type, texture and colour of the cladding material(s) to be used have been submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

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

6.Prior to any works being undertaken to the west site boundary, details of the proposed treatment to that boundary shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed boundary treatment. This condition is imposed to make sure that the boundary treatment is of satisfactory design and does not have any adverse impact on the character of the area or neighbour amenity.

7.Prior to the undertaking of any landscaping at the site, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by

the Authority:

- i) the treatment proposed for all ground surfaces, including the method of laying of hard areas;
- ii) full details of tree and hedge planting; and
- iii) planting schedules, noting the species, sizes, numbers and densities of plants.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

8.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

9.The electric vehicle charge points hereby approved shall be installed and made operational prior to the associated dwelling being occupied.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

10.No part of either dwelling hereby approved shall be used or occupied until the agreed cycle storage for that dwelling has been fully implemented. The provision for cycles shall be retained at all times.

Reason - To encourage the use of bicycles as an alternative to the car.

11.The finished ground floor level of the dwellings hereby approved shall be a minimum of 300mm above finished external ground level.

Reason - To make sure that the development takes account of and is resilient to the risk of flooding.

12.The windows hereby approved in the west elevation of Unit 1 and the east elevation of Unit 2 shall have a minimum cill height of 1.7m above finished floor level. No changes shall be made to these windows nor shall any additional windows be inserted in this elevation.

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

13.The dormer window hereby approved to the south elevation of Unit 2 shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) to a minimum height of 1.7m above finished first floor level. That obscure glazing shall thereafter be retained at all times.

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

14.The rooflight hereby approved to the south elevation of Unit 2 shall have a minimum cill height of 1.7m above finished first floor level.

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 07/06/2027 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/2024/0333
Property Ref: D015750000
Valid date: 29/02/2024
Location: North View Route De Carteret Castel Guernsey GY5 7UX
Proposal: Demolish buildings, erect 2 dwellings with associated works, create vehicle access to north.

Applicant: Northview Property Limited

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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).

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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. Prior to the demolition of the existing garage, roadside wall and gate pillars, a revised detail of the proposed new gate pillars shall be submitted to and approved in

writing by the Authority. Within four weeks of the demolition of the above features, the ends of the new access shall be finished off in accordance with the approved details.

Reason - To ensure that appropriate sightlines are achieved from the access and to secure the satisfactory appearance of the completed development.

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Reason - The information provided with the application does not include full details of the proposed boundary treatment. This condition is imposed to make sure that the boundary treatment is of satisfactory design and does not have any adverse impact on the character of the area or neighbour amenity.

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- i) the treatment proposed for all ground surfaces, including the method of laying of hard areas;
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Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

8. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

9. The electric vehicle charge points hereby approved shall be installed and made operational prior to the associated dwelling being occupied.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

10. No part of either dwelling hereby approved shall be used or occupied until the agreed cycle storage for that dwelling has been fully implemented. The provision for cycles shall be retained at all times.

Reason - To encourage the use of bicycles as an alternative to the car.

11. The finished ground floor level of the dwellings hereby approved shall be a minimum of 300mm above finished external ground level.

Reason - To make sure that the development takes account of and is resilient to the risk of flooding.

12. The windows hereby approved in the west elevation of Unit 1 and the east elevation of Unit 2 shall have a minimum cill height of 1.7m above finished floor level. No changes shall be made to these windows nor shall any additional windows be inserted in this elevation.

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

13. The dormer window hereby approved to the south elevation of Unit 2 shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) to a minimum height of 1.7m above finished first floor level. That obscure glazing shall thereafter be retained at all times.

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

14. The rooflight hereby approved to the south elevation of Unit 2 shall have a minimum cill height of 1.7m above finished first floor level.

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

OFFICER'S REPORT

Site Description:

The application site comprises a detached, 2.5 storey dwellinghouse with detached outbuilding and garage. The site is located to the south of Route de Carteret and to the west of Rue de Bouverie, with residential properties located on the opposite side of both roads and adjoining the site to the south and west. The Iceland food shop is located across the road to the north-west.

The site is located within a Local Centre in the Island Development Plan.

Relevant History:

Pre-application advice regarding demolition of garage and construction of two dwellings.

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

Permission is sought to construct a semi-detached pair of 3 bedroom dwellings to the west of the existing dwellinghouse at the site, served by amenity space to the rear (south) and two parking spaces for each dwelling to the front (north).

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

LC2	Housing in Local Centres
GP8	Design
GP9	Sustainable Development
IP6	Transport infrastructure and support facilities
IP7	Private and Communal Car Parking
IP9	Highway Safety, Accessibility and Capacity

Representations:

Two letters of representation have been received raising the following points:

- Loss of green area which supports bird life and plants, in an over developed area;
- Impact of additional hard landscaping in an area effected by tidal flooding;
- Impact on adjoining properties:
 - o Ability to use adjacent access safely, due to extending west boundary wall to roadside, potentially exacerbated by any overhang from the pillar capping stone;
 - o Loss of light;

- Overlooking;
- Any planting along the boundary would impact further on light and there would be the risk of invasive tree roots undermining living accommodation.

Consultations:

Guernsey Water have no comment to make on coastal flooding and note that there is a surface water sewer in the front of the property which North View could connect into.

Summary of Issues:

Principle of housing development;
 Design & impact on the character of the area;
 Amenity of the proposed units;
 Provision of access and parking;
 Impact on neighbour amenity;
 Sustainable Development.

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).**

Principle of housing development

Policy LC2 (Housing in Local Centres) in the Island Development Plan supports housing development within the Local Centres, providing that each proposal is of a scale that is appropriate to maintain or enhance the character and vitality of the particular Local Centre concerned and will not negatively affect the vitality and viability of the Main Centres or otherwise undermine Spatial Policy; and where they are able to accommodate a variety of dwellings they provide an appropriate mix and type of dwellings.

In this case the proposal is of a density and form that respects the residential character of the Local Centre and is not of a scale that would impact on the viability of the Main Centres.

This application is for 2no three bed dwellings, whilst this does not address the most significant of the current housing requirements, which is for two bed dwellings, there is still a requirement for 3 bed dwellings and, taking into account the limited scale of this development, this would not significantly impact on the overall proportion of housing supply.

Design & impact on the character of the area

Policy GP8 (Design) sets out a number of criteria which development will be expected to address to ensure that a scheme achieves high standards of design which respect the character of the environment.

Concerns have been raised by representation regarding the loss of green space resulting from the proposed development. It is acknowledged that the immediate area is of relatively high density development, however only a small proportion of the land proposed for development is “green”, comprising a limited lawned area, conifer hedging and palm trees. The biodiversity value of this area would be low. Furthermore, the space is set behind the existing garage and screened from public view. It does not therefore provide a visual break in the built form. The proposed development would not therefore result in any loss of openness or particular contribution to landscape character. Limited landscaping is proposed as part of the scheme, however taking into account the nature of the area and the site itself this landscaping is considered adequate, details and implementation can be controlled by condition.

The proposed dwellings would form part of the built form lining the southern side of Route de Carteret, and would be read amongst that development, which comprises a mix of building types and scales. The scale and general form of the proposed dwellings would be acceptable in this context. Whilst it might be preferable if the building line was further forward on the site, bridging the space between the buildings to the west and the existing dwelling at the application site, the building line matches that of the existing dwelling and any alteration would not allow for the provision of parking at the site. Taking into account the building line of the existing dwelling, and that of those on the opposite side of the road, the position of the dwellings on the site is considered acceptable.

The proposed design, introducing cladding on the wall façade and breaking the eaves with the dormer windows, includes elements which are not characteristic in this area however, taking into account the mix of development in this area and the flexibility in design supported by policy, would be acceptable. Details of the proposed cladding should however be required by condition.

The buildings have taken into account Lifetime Home Standards and would include level threshold entry, appropriate circulation space, with provision of ground floor WC and sleeping facilities, providing accessibility for people of all ages and abilities, and to be adaptable to changing needs over time.

Amenity of the proposed units

The internal space provision, whilst falling short of the Technical Housing Standards – nationally described space standard, would meet the requirements of the Building Regulations, and would achieve sufficient levels of daylight/sunlight. The external amenity provision would be limited and that space, together with some of the internal

areas within the new dwellings, would suffer from some overlooking from the surrounding buildings. Overall however, particularly taking into account the good access to the beach, the amenity of the units would be adequate.

Provision of access and parking

The existing double garage is set back from the roadside, and there is no existing boundary enclosure along the first 6.8m of the north site boundary, there is then a short section of wall and a large pedestrian gateway bounded by substantial pillars. The proposal would result in the removal of a limited section of roadside boundary enclosure, and the creation of an open area of hardsurfacing forward of the new dwellings.

The existing garage is of simple utilitarian appearance and the height and substantial appearance of the adjacent gate pillars are out of character in this context. The removal of these features would not impact adversely on the character of the area. The adjacent cottage to the west is built up to the pavement edge, providing strong enclosure to the roadside, and this is followed by the stone boundary wall on the application site. In this case and in this particular context, on balance, the opening up of the road frontage forward of the proposed dwellings to form parking for both dwellings is not considered to cause significant harm to the character of the area.

The proposed accesses have been designed to achieve good sightlines, subject to the proposed gate pillars being reduced in height, a matter which can be controlled by condition. Whilst the proposal does not provide on site turning, the good sightlines and position in proximity to a junction, where vehicles will be travelling more slowly, is considered to mitigate the lack of turning.

Concerns have been raised in the letters of representation regarding the potential for the creation of a new wall along the front of the west boundary to restrict movements in and out of the driveway on the adjacent property. Whilst these points are noted, where there is not a legal right of way for the adjoining property to use the land at the application site it would not be reasonable for the Service to seek amendments to the scheme to address this point. It is however noted that any decision granted does not override any existing legal rights, eg does not grant consent for the pillar capping to overhang the adjacent driveway if there are no legal rights for it to do so. Were the developer minded, it is however noted that a reduction in the length of this section of wall would be unlikely to alter the acceptability of the scheme.

In light of the above, the proposed access arrangements would accord with Policies IP9 (Highway Safety, Capacity and Accessibility) and GP8 (Design).

The provision of on-site parking is appropriate to the dwelling size, and cycle storage is provided within sheds in the rear gardens, with clear access shown, in accordance with policies IP6 (Transport infrastructure and support facilities) and IP7 (Private and Communal Car Parking). Implementation of the cycle storage can be controlled by condition.

Impact on neighbour amenity

The site is bounded by residential properties to the south and west, and further residential properties are located across the roads to the north and east. The impact on the amenity of the existing dwelling at the site must also be considered.

Shadows cast from the proposed dwellings would be predominantly over the parking areas associated with those dwellings. The proposal may result in some limited overshadowing of the driveway associated with the property to the west, however, taking into account the use of that land and the limited time of day this might occur, any impact arising would not be sufficient to warrant refusal of the application.

Windows proposed to the outer gables of the proposed dwellings are limited to ground floor only, and are to be high level, which can be controlled by condition. There would therefore be no overlooking or inter-visibility with either the adjacent dwelling to the west, or that existing at the application site. Works are proposed to the west site boundary, however those works are not entirely clear from the submitted plans. This matter can however be addressed by condition.

The rear elevation of the dwellings, at first floor level, would be located c9.5m from the property boundary and includes the provision of a dormer window and a rooflight serving each dwelling. Taking into account the positioning of Unit 1, the absence of private amenity space on the adjacent properties to the south and the separation distance of 14m to the rear facing windows of those properties, it is considered that the first floor fenestration to the rear of Unit 1 would not have unacceptable impacts on the adjoining properties. The application material notes that the dormer window is to be obscured glazed to a height of 1.7m and the rooflight is to have a minimum cill height of 1.7m, which would further preventing any impacts, however, whilst these elements are welcomed, the level of impact is not such that it would be reasonable to condition these elements. The first floor fenestration to the rear of Unit 2 would however face towards the private amenity space of the adjacent property to the south of that unit and in respect of this unit it is considered reasonable and necessary to require obscure glazing to the dormer window and the minimum cill height to the rooflight.

Concerns have been raised in the letters of representation regarding potential for planting within the rear gardens to cause loss of light to the adjoining properties to the south, and for undermining of foundations. Given the limited sizes of the rear amenity spaces it is unlikely that any tree or plant would achieve a size which would impact on the fabric of the adjoining buildings. Whilst it is noted that planting might impact on light to the high level windows located along the boundary, these are not the only fenestration serving the adjacent room and have been positioned along a boundary, with the associated risks that entails. It would not be reasonable to control planting based on these points.

Sustainable development

Confirmation has been provided that the proposed development has been designed to take into account matters of energy efficiency, including through the orientation and construction of the buildings and use of fenestration, and the current Building Regulations. Materials are to be reused on site where possible and EV points are proposed, implementation of which can be controlled by condition.

In respect of flooding, this site is located within the 1:10 year flood risk zone as outlined in the Guernsey Coastal Defences: Flood Risk Assessment. Following deferral, the floor levels of the buildings have been raised to a minimum of 300mm above finished ground level and the permeable paving initially proposed to the patios and pathways has been extended to include the driveways, with a storm drain adjacent to the driveway entrance forming a secondary means of dealing with surface water should the permeable paving become inundated. The proposal now satisfactorily takes into account flooding. The specification and implementation of the permeable paving can be controlled by condition.

Conclusion

Subject to the conditions outlined above it is considered that the proposed development is in accordance with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 05/06/2024