

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: Variations to plans previously approved to demolish extension, extend and alter at ground and first floor level and excavate and erect retaining wall to east of property. - Extend and alter at ground and first floor level, erect single storey extension with link to north (front) elevation.

LOCATION: Demi Rocher, Rue Du Rocher, Torteval.

APPLICANT: Ms T Lesbirel

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: 07/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Martel Design Ltd: 23-1081/02C & /03C.

Application Ref: FULL/2024/0442

Property Ref: G004780000

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 on or before 17/08/2026.

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 part of the single-storey pitched roof extension hereby approved shall be occupied or used until the approved ground floor extension to the main house and link associated with the pitched roof extension have been constructed.

Reason - To ensure an internal connection is created between the pitched roof extension and the main house and so that the pitched roof extension remains ancillary development in terms of its size and use to comply with Policy GP13.

5.The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 18/08/2023, issued under planning application reference FULL/2023/0884, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation only.

6.NNotwithstanding the information shown on the approved drawings and prior to the commencement of work, including site works, on the approved single-storey pitched roof extension, full details of a replacement tree planting scheme as agreed by the agent (e-mail dated 26th April 2024) noting the species, sizes, numbers of replacement trees shall be submitted to and agreed in writing by the Development & Planning Authority.

Reason - To ensure that the loss of the existing trees as indicated on the approved drawings are appropriately offset elsewhere on the site to taken into account the requirements of the Land Planning and Development (Guernsey) Law, 2005 and to assimilate the development into its surroundings.

7.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 completion of, or prior to the first use of the hereby approved extension (whichever is the sooner). Any trees removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting, shall be replaced in the following planting season by trees of a size and species similar to those originally required to be planted.

Reason - To ensure that the loss of the existing trees as indicated on the approved drawings are appropriately offset elsewhere on the site to taken into account the requirements of the Land Planning and Development (Guernsey) Law, 2005 and to assimilate the development into its surroundings.

8.No cladding shall be brought to the site until such time as details of the type, texture and colour of the cladding material 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 - The timber cladding comprises a large extent of the ground floor and first floor extension therefore it is important to establish the full details of the proposed material in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 17/08/2026 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/2024/0442
Property Ref: G004780000
Valid date: 13/03/2024
Location: Demi Rocher Rue Du Rocher Torteval Guernsey GY8 0PQ
Proposal: Variations to plans previously approved to demolish extension, extend and alter at ground and first floor level and excavate and erect retaining wall to east of property. - Extend and alter at ground and first floor level, erect single storey extension with link to north (front) elevation.

Applicant: Ms T Lesbirel

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 on or before 17/08/2026.

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 part of the single-storey pitched roof extension hereby approved shall be occupied or used until the approved ground floor extension to the main house and link associated with the pitched roof extension have been constructed.

Reason - To ensure an internal connection is created between the pitched roof extension and the main house and so that the pitched roof extension remains ancillary development in terms of its size and use to comply with Policy GP13.

5. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 18/08/2023, issued under planning application reference FULL/2023/0884, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation only.

6. Notwithstanding the information shown on the approved drawings and prior to the commencement of work, including site works, on the approved single-storey pitched roof extension, full details of a replacement tree planting scheme as agreed by the agent (e-mail dated 26th April 2024) noting the species, sizes, numbers of replacement trees shall be submitted to and agreed in writing by the Development & Planning Authority.

Reason - To ensure that the loss of the existing trees as indicated on the approved drawings are appropriately offset elsewhere on the site to taken into account the requirements of the Land Planning and Development (Guernsey) Law, 2005 and to assimilate the development into its surroundings.

7. 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 completion of, or prior to the first use of the hereby approved extension (whichever is the sooner). Any trees removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting, shall be replaced in the following planting season by trees of a size and species similar to those originally required to be planted.

Reason - To ensure that the loss of the existing trees as indicated on the approved drawings are appropriately offset elsewhere on the site to taken into account the requirements of the Land Planning and Development (Guernsey) Law, 2005 and to assimilate the development into its surroundings.

8. No cladding shall be brought to the site until such time as details of the type, texture and colour of the cladding material 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 - The timber cladding comprises a large extent of the ground floor and first floor extension therefore it is important to establish the full details of the proposed

material in the interests of visual amenity.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a semi-detached property located to the east of Rue Du Rocher. The site is located Outside of the Centres and is located in an Agriculture Priority Area as designated in the Island Development Plan.

Planning permission was refused in 2023 (FULL/2022/1637) to erect single storey detached outbuilding/dower unit to north-east of the property. The reason for refusal was that the dower unit was not deemed to be ancillary, well-related or dependent upon the main house due to the size of the structure compared to the smaller, main house, together with the accommodation provided.

Planning permission was granted in 2023 (FULL/2023/0884) to demolish an extension, and to extend and alter the property at ground and first floor level.

Permission is now sought to vary that permission (FULL/2023/0884) to extend the dwelling further north, off the approved ground and first floor extension. The extension at first floor will serve an enlarged bedroom. The ground floor extension comprises a rectangular shaped single storey pitched roof structure containing a garden room, bedroom and toilet which is connected to the lounge of the main house via a single storey flat roof link/hallway.

The link and ground floor of the house will be finished in render, whilst the walls of the single storey pitched roof extension and the first floor extension will be finished in vertical cedar timber board cladding, with a slate roof.

Relevant History:

FULL/2023/1623	Demolish shed, erect single storey outbuilding to north-east of property (revised scheme).	Withdrawn
FULL/2023/0884	Demolish extension, extend and alter at ground floor and first floor level and excavate and erect retaining wall to east of property.	Granted
FULL/2022/1637	Erect single storey outbuilding/dower unit to north-east of property.	Refused
FULL/2013/1653	Erect a sun lounge (east elevation).	Granted

Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation	☒
accords with policy	☒
within curtilage	☒
design acceptable	☒

visual amenity acceptable	☒
no material neighbour impact	☒
traffic not affected	☒

Policies considered most relevant:

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Conclusion/Brief comment:

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

Policy GP13 (Householder Development) states that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported 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 affect the special interest of Conservation Area, Area of Biodiversity Importance, protected building or protected monument.

The preceding text of Policy GP8 (Design) refers to the need to consider the material planning considerations as specified in Part IV, Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007. These include the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used, as well as its likely effect on the character and amenity of the locality in question and its likely effect on the reasonable enjoyment of neighbouring properties.

Ground floor and first floor extension to the main house:

In light of the policy context above, the proposed extensions represents modest sized additions to the property which relate well to the design of the main house and surrounding built form. The combination of a mix of timber cladding at first floor and render on the ground floor will help to break up the mass and bulk of the first floor extension when viewed from public vantage points and uses a traditional palate that will be 'read' sympathetically with the locality.

Overall, the proposed extensions will achieve a good standard of design (Policy GP8 – Design) in terms of its scale, mass, form, siting and materials.

Careful consideration has been given to the effect of the development on the amenities of neighbouring residents. Due to the size of the extension, coupled with its form, orientation, and distance to the neighbouring property to the west, the proposal is not considered to cause significant harm to the amenities of neighbouring residents to rebut the general support in favour of householder development (Policy GP13).

Ground floor flat roof link and pitched roof extension:

It is acknowledged that the footprint of the proposed flat roof and pitched roof extension takes an unusual form when viewed against the main house, although when taking into account the constraints of the site i.e. steep sided valley to the east and south of the dwelling, the obvious route to extend the property is forward of the façade of the building, and onto the garden to the north of the property. In addition, the wider spatial pattern of development appears to ‘wrap-around’ the Rue du Rocher, in which the position of these extensions will broadly follow this rhythm and configuration. Consequently, the siting of the extensions are acceptable, and a reasonable area of garden would remain.

The proposed hallway will serve both the main house and the pitched roof extension.

Whilst the size of the pitched roof extension remains broadly the same as that refused under application FULL/2022/1637, the proposed bulk and mass of the main house, once the extension is built, would result in a relationship in which the pitched roof extension would be demonstrably ancillary and subservient to the main house in terms of its size and functionality. In addition, the use of the pitched roof extension has changed to a garden room, bedroom and toilet and therefore the kitchen and dining room as shown on the refused plans (FULL/2022/1637) have been omitted from the scheme. This in turn makes the use of the pitched roof extension more dependent upon the main house.

However, given the history of the site and that at least the proposed ground floor extension of the main house needs to be built to ensure that the proposed pitched roof extension is regarded as ancillary development, it is considered necessary and reasonable in this case to require by condition that the ground floor extension and link be constructed (to at least ‘wind and watertight’ stage) prior to the completion or occupation of the pitched roof extension. This is required to prevent a large outbuilding being constructed without the ground floor extension of the main house/link being ever being constructed, and therefore would not result in an ancillary relationship and would conflict with the rationale for refusing the outbuilding in 2023 (FULL/2022/1637).

Subject to appropriate conditions, the proposed variations to the scheme approved (FULL/2023/0884) would result in a development that is ancillary to the main house (once constructed), and responds to the spatial pattern of development and would not undermine visual amenity as the development is sufficiently setback from the road.

The flat roof link and the pitched roof extension is not considered to adversely affect neighbour amenity.

It is also necessary and reasonable to impose a planning condition to ensure that the trees to be removed as shown on the drawings submitted are appropriately replaced by suitable native trees. This condition is required to take into account the provisions of the Law, 2005, which seeks to protect, and where appropriate, plant replacement trees. A landscaping plan to this effect should be submitted by the agent to provide full details of replacement trees on site.

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.

Recommendation:

Grant with Conditions



Date: 30/04/24