

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 outbuilding, extend and alter dwelling at ground and 1st floor level and create a lower ground floor and basement level with associated landscape. Alter and create vehicle accesses and parking areas to north-west of site.

LOCATION: Tides, Ravelin Road, St. Peter Port.

APPLICANT: Tides 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: 31/10/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates - 2361/01.01D, 2361/03.01D, 03.02D, 03.03D, 03.04D, 03.05D, 03.06D, 03.07C, 03.08C, 03.09C, 03.10C, 03.11A & 03.13A.

Application Ref: FULL/2024/0593

Property Ref: A41110A097

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. The first floor window in the south west elevation which serves the dressing room/bedroom shall be glazed with obscure glass (to a minimum level 3 on the Pilkington scale) which shall thereafter be retained at all times.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents, in accordance with GP8 and GP9.

5. No materials to be used on the exterior of the buildings shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

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

6. The permeable hard surfacing shall not be constructed until full details of that surfacing, including a written specification for its laying, have been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing has been laid in accordance with the approved details.

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

Expiry Date: This permission will cease to have effect on 31/10/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This site lies within an area where there is evidence of unstable land. The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner.

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/2024/0593
Property Ref: A41110A097
Valid date: 12/04/2024
Location: Tides Ravelin Road St. Peter Port Guernsey GY1 2SW
Proposal: Demolish outbuilding, extend and alter dwelling at ground and 1st floor level and create a lower ground floor and basement level with associated landscape. Alter and create vehicle accesses and parking areas to north-west of site.
Applicant: Tides Limited

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. The first floor window in the south west elevation which serves the dressing room/bedroom shall be glazed with obscure glass (to a minimum level 3 on the

Pilkington scale) which shall thereafter be retained at all times.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents, in accordance with GP8 and GP9.

5. No materials to be used on the exterior of the buildings shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

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

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

INFORMATIVES

This site lies within an area where there is evidence of unstable land. The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner.

OFFICER'S REPORT

Site Description:

The dwelling at the application site is set on a steeply sloping site overlooking the coast, facing southwest onto La Corniche, with the access from Ravelin Road to the north west. The property and Ravelin Road are set at a much higher land level than La Corniche below, and is surrounded by detached dwellings to the north, south and west.

The site is in an established residential area which is located Outside of the Centres in the Island Development Plan.

Relevant History:

n/a

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

This application seeks to extend and remodel the existing dwelling providing additional living space, sleeping accommodation, improved home office working, pool, and remodelled side entrance and access.

An existing garden access will be enlarged to enable access to the new twin double garages at basement level whilst a new vehicular access would be formed to the east of the dwelling to allow for car parking for three cars at lower ground floor level with steps up to the main entrance.

The application has been deferred to provide additional improved plans to assist in understanding the proposal in relation to its context. Some changes to the design were also requested to reduce the solid form, and physical and visual bulk of the development. The access width and level of hard standing was also reduced, additional office removed and also to clarify the ownership of the entire site and revise the location of the application site red boundary line.

During the course of the application process, the application was deferred to revise the red line to ensure that this included land within the applicant's ownership only, and also to ensure consistency regarding its position along the north and eastern boundary of the site where the red line does not include an approx. 1.5m wide section of land adjacent to the pavement. No development is proposed within this section, and so the exclusion in the plans is acceptable.

The application was also deferred to reduce the level of hardstanding and parking provision, remove the flat roof due to its impact on the bulk and mass of the development and bring in the southwest side elevation away from the neighbouring boundary. Additional section plans and 3D images were also submitted to provide a better understanding of the development in the landscape setting and allow a comparison between existing and proposed.

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

- 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

Representations:

Six letters of representation have been received in respect of the application as initially submitted. These raised the following points:

- Incorrect statement that there will be no visual impact on neighbouring buildings and that the neighbours are elevated higher - the ground floor of Peppercorns is level with the first floor of Tides.
- Small existing north facing window of Tides will be replaced with much larger windows which will look directly towards the sunroom of Peppercorns - this should be obscure glazed to prevent adverse impact on neighbours.
- Proposed planting includes three trees directly in front of neighbour's window which will obscure their outlook. Landscaping here would be better as low shrubs and hedges.
- The large amount of excavation and removal of earth to create lower floors which are set into slope may result in subsidence to Ravelin Road. Repair works were needed following construction works at Seaward House and the increased use of Ravelin Road may weaken the neighbour's existing retaining wall and cause damage to the road.
- Query regarding landownership raised by Fort George Estate Company Limited. *Officer note - following this the agents revised their site plans to remove a verge area which belongs to the Fort George Estate company and amended the site plans to reflect the location of this line. Some proposed landscaping relating to the entrance and parking area crossed this boundary, therefore the drawings were amended to leave this entire verge area as existing. With this amendment the agents believe the entire site boundary as marked on the attached plans is under the single ownership of the applicant and therefore the application forms are correct.*
- Concerns have been raised regarding the stability of the land. There have been other landslips in the area at Seaward House (next door) and below La Corniche resulting in the road being closed to large vehicles. The scale of the development and loss of trees, mean that the land should be surveyed to confirm the stability prior to any works.
- Extensive ground works may severely impact and undermine the stability of neighbour's existing granite boundary walls and should be assessed by a structural engineer.
- Overdevelopment of the site
- Difficulties removing the excavated earth from the site due to access issues.

Following the submission of the revised plans received 26/09/2024, two additional letters of representation were received. These have been summarised below:

- Request removal of window overlooking Peppercorns, use of obscure glazing or alternative means of lighting.
- Additional planting should be limited to 2m in height to preserve existing outlook
- Concern for level of excavation required under the road to create the new garage, and impact on neighbour's walls and the road stability itself. Request

for solutions for the excavation of the garages and use of heavy construction traffic in order to maintain the integrity of Ravelin Road to prevent damage to retaining walls.

- There is no existing vehicular access/parking to the proposed garage area.
- Concern regarding the stability of the land and damage to property and roads which may occur. Request for a condition requiring ground monitoring and ensuring the applicants are fully responsible for any rebuilding, underpinning, and reinstatement works which become necessary.

Consultations:

States of Guernsey Building Control have made the following comments/observations:

It appears that there has been a series of landslips in the past, according to the neighbours to this development; although unsure to extent of these landslips; I would suggest in this instance and with extension and alterations to the property, a full geological assessment would be advantageous inclusive of structural engineer assessment/appraisal. I'm unsure what impact the ground enabling works during the construction process would have on the land in close proximity to site and this should be taken into consideration in the geological assessment/structural assessment.

With the glazing element, it appears that the proposed extension and alterations definitely exceeds the permitted 25% of the floor area; A target U value calculation or thermal calculation would be required by Building Control to meet the requirements under Approved Document L1 of the Building (Guernsey) Regulations 2012; to include energy efficiency measures to overcome the excessive glazing element.

Summary of Issues:

Impacts on the character of the area;
Impacts on traffic management and road safety;
Impact on neighbour amenity.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The principle of extensions and alterations to residential dwellings is supported under Island Development Plan (IDP) Policy GP13. Policies GP8 and GP13 give a degree of flexibility to householder development with regards to the design of the proposed development in areas that are less sensitive to change. The site is not located in a Conservation Area, nor is the building Protected.

In this case, the existing dwelling is a single storey pitched roof dwelling of relatively low profile, the proposals primarily add two additional floors below the existing dwelling, and the topography means that these will sit on the slope below the existing dwelling with minimal excavation required to connect the floors.

The proposed replacement dwelling retains a relatively low profile, with no increase in ridge height, the built form is increasing slightly in width with the most significant increase due to the introduction of two floors below the existing ground floor. This results in a larger form of development and increases the prominence of the dwelling. However, the topography of the area means that the dwelling is elevated above La Corniche, but its position adjacent to neighbouring dwellings means that it does not appear especially prominent. Due to the steep slope, it is likely that only in longer views from the sea, would the complete front elevation, and all four floors, of the dwelling be visible. In most views of the site from the surrounding roads, the building would be read amongst the surrounding development, which encompasses a mix of contemporary and more traditional buildings.

Although, some concerns remain over the increased mass and bulk of the development, the steep topography of the site and physically close location of the access road which runs north to south, means that the complete front elevation of the development is unlikely to be seen which will, to some extent, help to 'break up' the visual mass of this aspect of the design. The side elevations show the additional lower levels but these follow the gradient of the site and do not result in overly large or deep projections.

The effect of the building on the landscape character has also been carefully considered from public vantage points to the east of the site, including Clarence Battery. In these views, the landscaping in the foreground helps to integrate the development into its surroundings and the impact of the development is not considered to be significant when viewed from public vantage points.

Due to the gradient of the land which falls towards the coastline, coupled with buildings located above and surrounding the application site; the replacement dwelling will be read in context with the natural landscape and surrounding built environment which is not considered to have such a substantial adverse effect that reasonably justifies refusal.

The proposed accommodation incorporates ample living and sleeping accommodation over four levels, provides appropriate circulation space for wheelchair access and includes provision of a lift to all floors, as well as accessible external access. The proposed accommodation would therefore be accessible, adaptable and flexible.

The proposed parking is generous for the size of dwelling proposed (over 8 spaces), however it is noted that the maximum parking standards do not apply in this location and policy allows for flexibility in respect of householder development.

The provision of a new vehicular access point in the north-western boundary, serving the proposed double garage and additional parking area, has raised concerns in the letters of representation. The access has been reduced in width and level of hardstanding reduced through amended plans, the proposals now also incorporate a larger area of landscaping to the north east of the site. Neighbours have raised concern regarding the potential of the landscaping within this area to obscure their sea views. However, loss of private views are not material planning considerations and cannot be taken into consideration in the determination of this application.

The property to the south-west of the application site is set at a higher level than the application site, and the land drops away steeply to the south and east. There are existing ground and first floor windows on this elevation and an existing balcony area which has no privacy screening. The proposal includes only one first floor window to this side elevation, serving a dressing room/bedroom and this can reasonably be obscure glazed to prevent loss of privacy. The first-floor balcony includes a solid 2m high wall to the southwestern end and a privacy screen which extends beyond the planter. This has been pulled away from the boundary in revised plans and prevents any harmful views from this level, and aids to reduce the width of the development, albeit only slightly. The lower levels are set down away from the elevated neighbour, and so are less likely to have a significant impact.

There is not considered to be a significant impact on the dwelling to the west, as there are no significant changes to the facing elevation, and it is located across the road at a distance of 21m, and elevated well above the application site, which is sufficient to offset any significant harm.

The neighbour to the north, Peppercorns, have raised concern regarding the potential for harmful overlooking from the proposed new first floor hall/landing windows to the northeastern elevation. A substantial approx. 5m high stone wall forms the boundary between Peppercorns and the road, but due to the land level changes Peppercorns is set at a higher land level and views from their dwelling over the boundary wall are possible. The distance of 15m between the neighbour and proposed windows, which serve only a landing and not habitable room, mean that this relationship is considered to be acceptable.

It is not uncommon for a degree of overlooking between properties on Fort George due to the close proximity of dwellings coupled with the change in topography.

Although the scale and mass of the extended dwelling has increased significantly, the ridge height has not increased, and coupled with the gradient and profile of the cliff face, the proposed development is not considered to cause undue harm to the amenities of neighbouring residents when considering factors such as overlooking, overshadowing or overbearing to reasonably justify refusal.

Taking into account the position and design of the proposed dwelling, and the relationship to adjacent properties, the proposal would have no adverse impacts on the amenity of nearby residential properties.

There is scope for cycle storage within the proposed garage and it is not considered necessary to condition this provision.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and the current Building Regulations, including improvements to the existing heating, ventilation, sound proofing, access and drainage. All surfacing is proposed to be permeable, allowing management of surface water runoff on site. The proposal would therefore be in accordance with Policy GP9 (Sustainable Development).

Concerns regarding thermal efficiency raised by Building Control can be addressed at the Building Regulations stage where U-values will be required.

A number of neighbour representations have been received regarding the stability of the land and roads, potential for land slips, and the impact the development will have on the integrity of existing properties and retaining walls. This matter will be fully considered as part of the Building Regulations assessment, and a land stability report geological assessment will be required including structural engineer assessment/appraisal to demonstrate that ground instability can be satisfactorily mitigated in the design of the development.

Any harm to neighbouring properties or walls, along with land ownership issues would be a private civil matter between the parties concerned and not material planning considerations which would influence a decision on this planning application. Any grant of planning permission would be without prejudice to the normal legal rights and privileges of third parties with regards to ownership disputes.

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 considered in the assessment of this application. The proposals accord with the purpose of the Law, material considerations and relevant planning policies and approval is recommended, subject to the conditions set out above.

Date: 31/10/2024

