

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Demolish existing dwelling, erect replacement dwelling with associated works, widen vehicle access and remove hedges and erect fencing.

LOCATION: Deux, Route De La Douzaine, Fort George, St. Peter Port.

APPLICANT: Mr M Frampton

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: 30/07/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/06/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Mark Frampton & CO - 2024 / 662 / 02 & / 03.

Application Ref: FULL/2024/0951

Property Ref: A41110A002

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 windows to be installed to the north and south elevations of the new dwelling shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) which shall thereafter be retained at all times. No changes shall be made to these windows nor shall any additional first floor windows be inserted in this elevation.

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

5. The privacy screens hereby approved to the north and south sides of the rear (west) roof terrace shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall be installed prior to the new dwelling being first occupied. The screens shall thereafter be retained at all times.

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

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, the surfacing having been proposed to address the requirements of Island Development Plan Policy GP9.

7. Prior to the undertaking of any landscaping along the west site boundary, details of all new planting along that boundary, to include planting schedules noting the sizes,

species, numbers and densities of plants, shall be submitted to and approved by the Authority. The approved planting shall be fully completed, in accordance with the agreed details, 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.

8. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

9. No permission whatsoever is conferred for the erection of fencing along the west boundary of the property.

Reason - The fencing would result in an intrusive feature when viewed from the public land to the west and would have an adverse impact on the character of the area.

Expiry Date: This permission will cease to have effect on 30/07/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For information, guidance on wildlife friendly gardens and creation of wildflower meadows can be found online at www.gov.gg/planning_building_permissions.

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/2024/0951
Property Ref: A41110A002
Valid date: 05/06/2024
Location: Deux Route De La Douzaine Fort George Fort George St. Peter
Port Guernsey GY1 2TA
Proposal: Demolish existing dwelling, erect replacement dwelling with
associated works, widen vehicle access and remove hedges
and erect fencing.
Applicant: Mr M Frampton

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.

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

7. Prior to the undertaking of any landscaping along the west site boundary, details of all new planting along that boundary, to include planting schedules noting the sizes, species, numbers and densities of plants, shall be submitted to and approved by the Authority. The approved planting shall be fully completed, in accordance with the agreed details, 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.

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Reason - The fencing would result in an intrusive feature when viewed from the public land to the west and would have an adverse impact on the character of the area.

INFORMATIVES

For information, guidance on wildlife friendly gardens and creation of wildflower meadows can be found online at www.gov.gg/planning_building_permissions.

OFFICER'S REPORT

Site Description:

The dwelling at the application site is a two storey 1960/70's house located to the west of and accessed from Rue de la Douzaine. The site backs on to the public amenity space at Fort Field to the west. There are detached properties to the north and south of the site and on the opposite side of the road to the east.

The site is located Outside of the Centres in the Island Development Plan.

Relevant History:

None.

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

This application seeks to demolish the existing dwelling and to erect a replacement 3 bed two storey dwelling, to increase the width of the vehicle access to 4m and to construct a new c1.7m high roadside (east) boundary wall. Existing hedging would also be removed and a 2m high fence constructed along the north boundary.

A Site Waste Management Plan and Sustainability Statement have been provided as part of the application.

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:

One letter of representation received noting that the proposed first floor balcony and windows on the east elevation will have line of sight over a tall hedge (over 7ft tall) towards the garden and facing windows in the property to the north-east, and would impact on the reasonable enjoyment of that property.

Consultations:

None undertaken.

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 demolition and rebuild of existing dwellings is supported under Plan policy.

The area is characterised by a mix of development and the new dwelling proposed under this application would be of a scale, mass, form, design and position on site which would respect the character of the area.

The submitted information details accessible approaches to and within the building, together with sufficient space for installation of a lift if required.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and the current Building Regulations, with particular reference to glazing orientation, design and wall construction. The driveway, forming the largest part of the hard surfacing on site, is proposed to be permeable, allowing management of surface water runoff on site and implementation of this can be controlled by condition.

The proposed parking is generous for the size of dwelling proposed, 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 proposed increase to the width of the vehicular access would be reasonable to serve a domestic property and would not give rise to any adverse impacts. The roadside boundary has been cleared, however that boundary was formed by shrubs as opposed to hedging and removal would not have required planning permission. The construction of a 1.7m high wall along the roadside boundary would introduce a hard means of enclosure along that boundary. Roadside boundaries along Rue de la Douzaine and Avenue Morley tend to be planted, but are often high, resulting in an enclosed feeling to the roads. The proposed wall would continue the enclosure along the roadside, but with a more urban finish. It is however noted that there are short sections of high roadside walls on the property to the south (approved under FULL/2015/0972), and on the property to the south-east (approved under FULL/2013/1134). On balance, taking into account the existing, authorised walls on the adjacent properties and suburban nature of this area, it is considered that the proposed wall would not result in significant adverse impacts on the character of the area.

There is no identified provision for cycle storage, however there is scope to provide this either within the proposed garage or in a separate shed, and it is noted within the Parking Standards Guidance that, in respect of development of this type, it is only necessary to demonstrate that provision could be made and it is not necessary to condition this provision.

The hedge along the north boundary is in poor condition and replacement with fencing would not have any adverse impacts. Whilst 2m high fencing is not normally supported forward of the building line of a property, as noted above roadside

boundaries along this road are high, and the proposed fencing would not have significant visual impacts.

Following deferral it has been confirmed that the hedge along the west boundary is on States land, and does not fall within the ownership of the property. Fencing is proposed along the boundary to improve the privacy of the property however, whilst this is not an unreasonable justification, there are concerns regarding the visual impact in views from the west, given the low height and poor condition of the adjacent hedge at this point. To progress the application, the agent has confirmed that the fencing can be omitted and, if necessary, this will be revisited in a separate application at a later date. Precise details of the planting to this boundary and implementation of that planting should however be required by condition, to ensure retention of an appropriate boundary to the public land. The submitted plans also include landscaping to the other site boundaries. Whilst this landscaping is welcomed, in this instance, the impacts of the proposal are not such that it is considered necessary to require implementation of those elements of the proposal. It is however noted that the scheme refers to wildflower seeding and the applicant is referred to the Wildflower Meadows Guidance on the Planning Service website.

A Site Waste Management Plan has been provided which is adequate to address the requirements of policy, update and implementation of which can be controlled by condition.

The site is bounded by residential properties to the north and south. Taking into account the position of the replacement dwelling relative to the adjacent properties, the proposal would not result in significant additional overbearing or overshadowing of those properties. First floor windows are proposed to both the north and south elevations of the replacement dwelling however, following deferral, these are proposed to be obscurely glazed and this can be managed by condition. Privacy screens have also been included to the north and south elevations of the proposed rear roof terrace to protect the amenity of the adjoining properties, implementation of which can also be managed by condition.

The proposed replacement dwelling would extend closer to the north and east boundaries of the site, and would include a substantial amount of glazing to the east elevation, together with the introduction of balconies at first floor level. The east elevation would however be set c18m from the boundary to the adjacent property to the east, and over 20m to the adjacent properties to the north-east and south-east. Taking into account the distance involved, any overlooking arising from the proposals would not be of a level which would warrant refusal of the application. The northern balcony would be inset within the building envelope and would not give rise to overlooking of the property to the north and, given the limited size and relative position of the southern balcony, it is not considered necessary to require mitigation measures in respect of potential impacts on the property to the south.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application. 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: 24/07/2024

