

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 and outbuildings, erect replacement dwelling, erect single storey outbuilding/dower unit and associated works.

LOCATION: Mazack (formerly Notre Maison), Route Du Tertre, Castel.

APPLICANT: Mr & Mrs D Crouse

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: 26/09/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/06/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JG Architecture: 02.02A, 02.03A, 02.04, 02.05, 02.06A, 02.06(1), 02.07, 02.08, 02.09A, 02.10A, 02.11, 02.12.

Application Ref: FULL/2024/1094

Property Ref: D01116A001+D01116A000

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 dwelling hereby permitted shall not be occupied until full details of the photovoltaic panels have been provided and those panels have been installed and made operational.

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

5. 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.

Expiry Date: This permission will cease to have effect on 26/09/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The applicant is reminded that the details of the boundary gate require submission under application FULL/2023/2364, and so have been removed from the approved roadside elevation plan.

For the avoidance of doubt, this decision permits the erection of an annexe to be used as an integral part of and incidental to the principal dwelling presently known as Mazack. It does not permit the creation of a separately occupied, self-contained annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.
- (5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2024/1094
Property Ref: D01116A001+D01116A000
Valid date: 18/06/2024
Location: Mazack (formerly Notre Maison) Route Du Tertre Castel
Guernsey GY5 7JN
Proposal: Demolish existing dwelling and outbuildings, erect
replacement dwelling, erect single storey outbuilding/dower
unit and associated works.
Applicant: Mr & Mrs D Crouse

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 dwelling hereby permitted shall not be occupied until full details of the photovoltaic panels have been provided and those panels have been installed and made operational.

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

5. 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.

INFORMATIVES

The applicant is reminded that the details of the boundary gate require submission under application FULL/2023/2364, and so have been removed from the approved roadside elevation plan.

For the avoidance of doubt, this decision permits the erection of an annexe to be used as an integral part of and incidental to the principal dwelling presently known as Mazack. It does not permit the creation of a separately occupied, self-contained annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

OFFICER'S REPORT

Brief Description of the site:

The site is located to the east of Vazon and occupies a triangular plot to the north of Route de Tertre which is bound by agricultural land to the north and north-east and a neighbouring residential dwelling immediately adjacent to the eastern boundary. The land rises gently to the north of the site, meaning the dwelling is elevated approx. 0.5m above the road level.

Relevant History:

FULL/2022/1607- COU of agricultural land to domestic garden –Approved
21/12/2023

FULL/2023/2364- Erect 1.5 storey detached garage/office, erect new roadside wall, relocate and create gated vehicle access and pedestrian access to bin store to south boundary- Approved 08/06/2023

Existing Use(s):

01 Dwelling houses

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:

GP1- Landscape Character

GP8- Design

GP9- Sustainable Development

GP13- Householder Development

Conclusion/Brief comment:

Policy GP13 allows for the erection of replacement dwellings on a one-for-one basis. Policy GP13 also sets out that a comparison should not be made between the impacts of the existing dwelling compared with the impact of the new. The existing dwelling is not of particular merit to warrant its retention and so there is scope for its demolition. Although the proposed dwelling is considerably larger than the one it replaces, as the replacement dwelling is proposed in a similar position to the existing dwelling and garage, adjacent to the neighbour, and so the mass, scale, design, and form do not detract from the open countryside.

The Island Development Plan allows for greater flexibility with regard to new development proposed in non-designated areas such as this, although development should preserve or enhance the character and appearance of the locality. With the varied nature of development in the area the replacement dwelling should not appear unduly visually intrusive or out of keeping. The scheme would introduce a mixture of render, stonework and timber cladding and as there is no uniform design or palette of materials in the local area this is acceptable.

The proposed dwelling would be set back from the road and runs along the sites eastern boundary. The development is taller than the existing building on the site, replacing a 1.5 storey building with a 2-storey building in a slightly elevated position with a significant increase in the length of the building, scale and mass. The plot is generous, although the close proximity to the neighbouring boundary, introduction of the lower unit and the 2-storey flat roof and gable end section of the main dwelling along the boundary has been carefully assessed.

The property is set along the boundary shared with the neighbour to the east. The proposed development has limited windows at first floor in order to manage the

potential for overlooking and loss of privacy. The east facing windows which serve the stairs/landing appear to be positioned relatively low down, which means some views may be possible when climbing up/down the stairs, however the recessed position of the window and location towards the rear of the neighbour's garden means that the most sensitive areas of amenity space for the neighbours will not be affected. The proposed balcony areas are also not expected to have a harmful impact on neighbouring privacy as they are positioned away from the neighbour's boundary. The first-floor windows of the south (side) elevation which serve the dressing room and ensuite are shown to be obscure glazed, this will prevent any harm to the neighbour. The basement is not raised and has no windows, so will have no impact on amenity.

The development is likely to have some impact on the light levels received by the neighbour to the east, however the shadow analysis submitted demonstrates that only the winter early morning and summer evenings will be significantly affected and so the proposal is not considered, in the whole, to result in a demonstrably harmful significant impact on light levels received.

Policy GP8 supports development that achieves good design that respects the local character but demonstrates an effective and efficient use of land and uses soft and hard landscape where appropriate to help mitigate and/or assimilate a scheme within its setting. The scheme has been designed to provide for the future occupiers of the dwelling with good size, flexible living accommodation which far exceeds both the Guernsey Technical Standards and the best practice UK DCLG Space Standards. The lift, level internal floors, off-road parking and private amenity space should provide access for all and enable future occupiers to remain in the property for longer. In this respect the scheme should meet the aims of Policy GP8.

The provision of the dower unit is considered acceptable in relation to Policies GP13, GP8 and GP9, as it provides ancillary accommodation incidental to the use of the existing dwelling. In the context of this site, the application has demonstrated that the physical and functional relationship with the main dwelling is appropriate. The application was deferred and revised to address officer concerns regarding the provision of extensive dining accommodation, distance between the two units and the lack of any inter-relationship between the dower and main dwelling.

Revised plans have added additional windows to the side elevation of the dower unit to improve the inter-relationship between the two units, along with moving the dower unit 1m closer to the main dwelling and internal alterations to ensure that the dower is not self-contained and remains ancillary and incidental to the main dwelling. Although the scale of the dower is reasonably large, the main dwelling is substantial, and the revised plans ensure there is an adequate physical and functional link between the units.

With regard to Policy GP9: Sustainable Development, the proposed development will comply with Building (Guernsey) Regulations 2012 taking into account the use of

energy, resources and any adverse impact on the environment. A condition will be used to ensure the provision of suitable solar panels.

The submitted Waste Management Plan is acceptable and fulfils the requirements of Policy GP13 in this respect. A condition will be used to manage this aspect.

The proposed plans show elevations of the previously approved front boundary wall and gate, although the details of the gate were not approved under FULL/2023/2364, with further details of the design requested by condition 8 of this consent. These details have not been submitted and the condition has not been discharged. The gate has therefore been struck out on the approved plans and an informative note used to remind the applicants of the need to discharge this condition.

The proposal is considered acceptable in relation to the relevant policies and amenities annexe. 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.

Recommendation:

Grant with Conditions



Date: 26/09/2024

