

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: Erect shed, air source heat pump and screening to north of Westwinds and erect garden room to east of La Vallet.

LOCATION: Westwinds, Rue Du Vallet, St. Pierre Du Bois.

APPLICANT: Mrs S Kelly

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: 31/07/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/07/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A 7 Design - 21-1299 WD-19A, 20A

Application Ref: FULL/2024/1125

Property Ref: F004740000+F00474A000

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 timber screen hereby approved to the east of the air source heat pump shall be installed prior to the air source heat pump being first brought into use. The screen shall thereafter be retained at all times.

Reason - In the interests of visual and residential amenity.

5. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the facade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Reason - To prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 31/07/2027 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/2024/1125
Property Ref: F004740000+F00474A000
Valid date: 02/07/2024
Location: Westwinds Rue Du Vallet St. Pierre Du Bois Guernsey
GY7 9EX
Proposal: Erect shed, air source heat pump and screening to north of
Westwinds and erect garden room to east of La Vallet.

Applicant: Mrs S Kelly

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 - To prevent a nuisance or annoyance to nearby residents.

OFFICER'S REPORT

Brief Description of the site:

West Winds and Le Vallet are a pair of single-storey semi-detached dwellings with pitched and flat roofs situated on the corner of Rue de L'Ardaine and Rue du Vallet. Construction is underway in connection with the rebuilding of La Vallet (see history below). The site is sloping/terraced and vehicular access to the site is via Rue Du Valet and the boundary with Rue De L'Ardaine is marked by a high granite wall.

The application relates to the installation of an ASHP with associated screen fence to the west adjacent to the north boundary wall with Rue de L'Ardaine serving West Winds along with a timber, pitched roof shed to the north of the dwelling. The scheme also proposes the erection of an outbuilding/garden room associated with Le Vallet, to be situated to the east of the approved replacement dwelling and adjacent to the roadside boundary with Rue du Vallet. The building has been designed with a flat roof and composite clad exterior.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan. The eastern part of the building is a pre-1900 building.

Relevant History:

FULL/2021/2200 - Demolish extensions, erect single storey extension to north (rear), install external insulating render system and alterations to fenestration to Westwinds and erect extension to north and porch to south (front) to Le Vallet - granted

FULL/2022/2134 – demolish existing dwelling (La Vallet) and erect replacement dwelling – granted

Existing Use(s):

01 dwellinghouse
28 agriculture

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:

Island Development Plan policies:

GP13: Householder Development
GP1: Landscape Character and Open Land
GP8: Design
GP9: Sustainable Development

Consultation:

Office of Environmental Health and Pollution Regulation - have reviewed the proposed plans for which include the installation of an air source heat pump and which were received by email on 8th July 2024 and there are a number of issues of concern that I must raise. I am concerned about the potential for noise nuisance, having carried out a distance calculation I am confident that the air source heat pump will meet the requirements of the recommended condition.

Conclusion/Brief comment:

The proposed outbuildings, ASHP and associated screen represent a good standard of design that is in keeping with the character of this residential site. The high wall to the north, to Rue de L'Ardaine offers ample screening of the proposed development from the local area. Although the garden room in particular would be visible from

the narrow lane serving the site, Rue du Vallet, it would be viewed very much in the context of existing built development on the site. Overall the scheme therefore, respects the character of the built and open landscapes concerned.

The development will not result in overshadowing or overlooking of any neighbouring dwelling. In terms of noise generated by the proposed ASHP this matter can be satisfactorily addressed by way of a planning condition.

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.

In view of the above it is recommended permission is granted for the developments proposed.

Recommendation:

Grant with Conditions



Date: 30/07/2024

