

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 and widen vehicle access.

LOCATION: Courtil Canivet, Calais Lane, St. Martin.

APPLICANT: Mrs R Bonanni

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: 01/11/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/07/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTECH Freelance Architecture: RB-24-1184-02C, 03B & 04C

Application Ref: FULL/2024/1244

Property Ref: J01713A000

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 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.

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. Prior to occupation, the windows in the northeast elevation must be glazed with obscure glass, as shown on the approved plans, to a level equivalent to Pilkington Level 3 or above and shall also be fixed shut below 1.7m above floor level in the room in which they are installed. The door on this elevation shall also be obscure glazed to a level equivalent to Pilkington Level 3. The windows and door shall be permanently retained as such.

Reason: To safeguard the amenity and privacy of the occupiers of adjoining residential property, in accordance with Policy GP8 and GP9.

7. Notwithstanding the information provided, in addition to the obscure glazed windows already shown on RB-24-1184-02B, prior to occupation the rooflight window in the north east elevation which serves the en-suite to Bedroom 2 shall be glazed with obscure glass to a minimum privacy level 3 and fixed shut, and shall thereafter be retained at all times.

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

Expiry Date: This permission will cease to have effect on 01/11/2027 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/2024/1244
Property Ref: J01713A000
Valid date: 26/07/2024
Location: Courtil Canivet Calais Lane St. Martin Guernsey GY4 6AU
Proposal: Demolish existing dwelling, erect replacement dwelling with associated works and widen vehicle access.
Applicant: Mrs R Bonanni

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 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.

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. Prior to occupation, the windows in the northeast elevation must be glazed with obscure glass, as shown on the approved plans, to a level equivalent to Pilkington Level 3 or above and shall also be fixed shut below 1.7m above floor level in the room in which they are installed. The door on this elevation shall also be obscure glazed to a level equivalent to Pilkington Level 3. The windows and door shall be permanently retained as such.

Reason: To safeguard the amenity and privacy of the occupiers of adjoining residential property, in accordance with Policy GP8 and GP9.

7. Notwithstanding the information provided, in addition to the obscure glazed windows already shown on RB-24-1184-02B, prior to occupation the rooflight window in the north east elevation which serves the en-suite to Bedroom 2 shall be glazed with obscure glass to a minimum privacy level 3 and fixed shut, and shall thereafter be retained at all times.

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

OFFICER'S REPORT

Brief Description of the site:

The site comprises of a detached hipped roof dwelling which is largely single storey except for the eastern end which is 2 storeys due to the level changes across the site. The site is situated to the north-west of Calais Lane and is located Outside of the Centres.

The application was deferred due to concerns regarding overlooking from the side facing windows and one rooflight, to reduce the width of the access driveway and gain additional information regarding the retaining walls within the front garden. A shadow survey was also requested to demonstrate the impact on light levels to neighbours. The boundary of the property has also been revised through amended plans.

Relevant History:

FULL/2023/2349- Demolish existing dwelling, erect replacement dwelling with associated works and widen vehicle access.

This application was withdrawn following officer concerns raised over the proposed design and potential for overlooking.

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 and Open Land
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:

Two letters of representation have been received from a neighbour, and have been summarised below:

Original plans

- Plans show hedge within site boundary, but belongs to neighbouring property, The Firs.
- Impact of development will have harmful impact on the day and sunlight received by neighbours, particularly in winter months.

- Impact on the enjoyment of neighbouring property and privacy due to new windows, doors, external steps and walkways directly overlooking the neighbour's living accommodation, garden and pool area.
- Existing house is in good condition and so does not need replacing, already large enough.
- Noise, dust, vibrations and disturbance from building works.
- Traffic disruption during construction works.
- Overbearing visual impact on neighbours from increased height and width of ridge.

Revised & additional plans

- Harm to privacy as a result of additional side windows
- Boundary is incorrect - hedging belongs to The Firs – *Officer Note- this has been revised through amended plans.*
- Lighting to side walkway will shine directly into neighbouring dwelling
- No other dwellings here are 3 levels, this will be overbearing and incongruous.
- Height will overshadow the main part of the garden and impact on privacy.
- Side windows are unnecessary and even with obscure glazing, neighbours will feel overlooked. Kitchen door will have harmful impact.
- Walkway and side access will be noisy and disruptive.

Conclusion/Brief comment:

The main issues in deciding this application are:

1. Design, scale and impact of the development on the open character and appearance of the area.
2. The impact of the development on the amenity of people living in the area.

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).**

Policy GP13 indicates that proposals for the demolition of existing dwellings and the erection of replacement dwellings on a one for one basis will be supported. It also allows for replacement dwellings to be larger than that which it replaces and have a greater impact on the openness of the area compared to the existing, subject to certain criteria being met, including with regards to the impact on the amenities of neighbouring properties, taking into account the surrounding character and where they accord with all the relevant policies of the Island Development Plan. In this instance Policies GP1, GP8, GP9, IP6, IP7 and IP9 are also relevant.

In addition, the preceding text of Policy GP13 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.

Policy GP1 sets out that development will be supported where it respects the relevant landscape character type within which it is set, where development does not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area, and takes advantage where practicable of opportunities to improve visual and physical access to open and undeveloped land.

Policy GP8 seeks to ensure that new development achieves a good standard of design making effective use of land whilst respecting the character of the open landscape concerned. Development should also give consideration to the amenities of occupiers and surrounding neighbours and provide accessibility for all. Policy GP8 requires development to make the most effective and efficient use of land. In this respect, it highlights that multi-storey buildings are a more efficient use of land than single storey buildings and it states that development proposals should consider a multi-storey design from the outset, unless there are overriding reasons why this design approach would be unacceptable within a particular locality.

Design:

Properties within the area are of a mixed size and design, although predominantly bungalows. The proposal would result in an approx. 1m increase to the eaves height of the dwelling, an increase in the ridge height (1.3m increase at the highest point, and 1.9m at the lower ridge) and resultant increase in the scale and mass of the dwelling by virtue of the alterations to form the first floor. Due to changes in land levels within the site, the dwelling is elevated above the highway, the neighbouring properties to both the north east and south west are also elevated slightly above the road, but as the replacement dwelling is two storey, it will result in a more visually prominent form of development. However, this is a more efficient use of land which is supported by Policy and is not considered to appear significantly out of character of the area due to the variety of buildings in the area with a number of larger dwellings to the south west.

There is a garage located within the basement of the dwelling due to the changes in land levels, this is proposed to be retained and accessed from ground level at the front of the dwelling, as the existing arrangement. The property is not considered to be three storey as the limited garage area does not constitute an entire floor.

The replacement dwelling would be situated on a similar footprint to the existing dwelling, and it would be viewed in context with the ribbon development of

neighbouring properties along Calais Lane which would limit its impact on the character and openness of the area.

The property is not located within a Conservation Area or other sensitive area as set out in the preceding explanation to Policy GP8, and Policy GP8 provides support for personal choice in design matters in such circumstances. There is a mix of style of properties within the wider area and the modern two storey design and materials proposed would not detract from the openness of the area and would not have a significant adverse effect on the character of the local built environment. Further details of the external materials are required, this can be dealt with by condition. The overall design of the dwelling is good and the scale, mass and design of the replacement dwelling accords with Policies GP1, GP8 and GP13.

Impact on neighbours:

The replacement dwelling is set in approximately the same location as the existing, close to the northeastern boundary with the adjoining neighbouring property located around 10m away (at the closest point). The proposed dwelling is pulled back approx. 2m further away from the boundary than the existing, but the design features a gable end, increase in ridge height and new ridge length to the rear. This is likely to have some additional visual impact on the neighbours to the northeast, particularly due to the elevated nature of the site, however, the roof above the rear section is pitched away from the neighbours and the separation distance of approx. 13m is sufficient to prevent an overbearing visual or physical impact.

The existing northeast elevation has no side windows, and the proposed dwelling has a number of ground floor level windows proposed. Due to the proximity to the boundary, in the interests of neighbour amenity it is considered reasonable and necessary to ensure that these are obscure glazed and fixed shut below 1.7m above ground level in the room which they serve. There is a door to this elevation, and it is considered reasonable to require this to be obscure glazed, the level of harm likely from its use or being left open is considered to be limited to an acceptable degree due to its opening onto an access only which is likely to result in significantly less overlooking than if it opened onto a dedicated sitting out area.

The first-floor windows in this side elevation comprise of two rooflights which serve ground floor accommodation, and from which no overlooking would be possible, and a smaller rooflight which serves a first-floor bathroom. It is also considered appropriate to ensure this rooflight window is obscure glazed and fixed shut in the interests of neighbour amenity.

The neighbour to the southwest is set at a similar land level to the proposed dwelling, and with an approx. 17m separation distance between the two dwellings. The ground floor windows are therefore considered appropriate and not likely to result in harm to neighbouring amenity, and the first floor rooflights in the southwest elevation serve the vaulted ground floor accommodation only.

The proposed balcony is unlikely to have a significant impact on neighbour amenity, as its enclosed sides mean only views directly to the south are possible, and dwellings located on the opposite side of the road are sufficiently far away to safeguard their amenities.

Neighbours have raised concern regarding the impact of the development on the levels of sunlight and daylight they currently receive. The submitted shadow analysis indicates that in the summer months there may be a small additional level of shading to part of the rear of the neighbour to the south west, although this is only for a short part of the morning. During winter months the neighbour to the north east appears to experience a reasonably high existing level of shade due to the high boundary hedging to the western and southern boundaries of the site. The replacement dwelling is not expected to significantly or harmfully increase the existing level of shading experienced during the winter months. It is not considered that a refusal of the application could be substantiated on this basis.

Other considerations:

There is an extension to the parking area proposed to the west which should allow for onsite turning which is an improvement on the existing layout. There is scope to provide storage for bicycles if required within the garage.

The new retaining wall within the front garden is an appropriate height and should not appear prominent. The widening of the access from 4.5m to 6m is considered necessary due to the narrow width of Calais Lane in this section, and this is broadly similar to neighbouring properties.

Policy GP9 is wide-ranging and includes requirements for sustainable design and construction with reference to the design, layout and orientation of buildings, flood risk and surface water run-off, renewable energy, the use of materials and the management of waste. The application is supported by a letter from the agent which sets out how the development has been designed to take into account sustainable design principles. The agent advises that the design and construction will exceed Building Regulation requirements in terms of the thermal envelope and meet the air tightness regulations, and permeable paving or a SUDs scheme will be incorporated. Overall, the information submitted is sufficient to demonstrate that the development has been designed to take into account the use of energy and resources, in accordance with Policy GP9.

Neighbours have raised concerns regarding noise, dust, vibrations, disturbance and traffic disruption during construction works, however these are considered short term in nature and not significant enough to warrant the refusal of the application.

In conclusion, 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.

It is recommended that the application is approved, subject to relevant conditions.

Recommendation:

Grant with Conditions



Date: 01/11/2024

