

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 1.5 storey extension to east (side) elevation and single storey extension to west (side) elevation.

LOCATION: Land At Rue Coutance, Vale.

APPLICANT: Messrs R W & J F Wilkes-Green

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: 12/09/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/07/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates:- 2152 03.01A, 03.02A, 03/03B, 03.06A

Application Ref: FULL/2024/1280

Property Ref: C01162A000

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.

Expiry Date: This permission will cease to have effect on 12/09/2027 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/2024/1280
Property Ref: C01162A000
Valid date: 19/07/2024
Location: Land At Rue Coutance Vale Guernsey GY3 5PU
Proposal: Erect 1.5 storey extension to east (side) elevation and single storey extension to west (side) elevation.

Applicant: Messrs R W & J F Wilkes-Green

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.

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).

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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.

OFFICER'S REPORT

Site Description:

The application site comprises a newly constructed dwellinghouse situated to the north of Rue Coutance. Surrounding the site the area comprises open fields with residential properties beyond the fields in all directions.

The site is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

05/12/18 FULL/2018/0826 Refusal to convert existing outbuilding to new dwelling with associated car parking and amenity area.

31/10/19 PAP/008/2019 Appeal on above refusal dismissed.

29/03/21 FULL/2020/1010 Permit to convert existing outbuilding to new dwelling with associated car parking and amenity area.

26/09/22 FULL/2022/0793 Permit to demolish existing building and erect new dwelling with associated parking and landscaping.

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

Permission is sought to extend the existing dwelling with a 1.5 storey extension to the east elevation (providing two additional en-suite bedrooms) and a single storey extension to the west elevation (providing additional living space).

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

Two letters of representation received making the following comments:

- The plans do not show the total width of the extended building, nor the total width of the proposed conservatory extension, all measurements should be shown;
- The application should be considered in the context of the previous policy gateways for development;
- The proposal would almost triple the road frontage of the development;
- The comments made by the Appeals Tribunal (Appeal Ref PAP/008/2019) should be taken into account, specifically relating to the openness of the area, and the subsequent clearance on site has made the site even more open;
- The proposal would result in increased traffic on a narrow lane frequently used by vulnerable road users;
- This is a blatant case of development creep.

Consultations:

None undertaken.

Summary of Issues:

Relevant policy framework;
Impact on openness and the character of the area;
Impact on traffic, highways and road safety.

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).**

Residential use at this site was obtained first through permission for the conversion of a former building at the site, and then through the demolition of that building and the construction of a new dwelling under Policies GP16(A) and GP16(B) (Conversion of Redundant Buildings). This planning history is well known. It is however accepted that, once any dwelling approved under GP16(B) is constructed to a wind and watertight state, the residential use of that site is established and any further application for extension or alteration to the building falls to be considered under Policy GP13 (Householder Development).

In this case, the dwelling approved under FULL/2022/0793 has been constructed to a wind and watertight condition, and the current application therefore falls to be considered under Policy GP13. That policy allows for alterations and extensions to residential properties where there is no significant adverse impact on the amenities of adjoining properties; the design, scale, mass and form of development does not detract from the character of an open area; and there is no adverse effect on the

special interest of a Conservation Area, Area of Biodiversity Importance, Protected Building or Protected Monument.

In this case, Policies GP8 and GP9, relating to Design and Sustainable Development, would also be relevant and the material considerations of the Law must be taken into account.

The site is set away from nearby residential properties and there would be no adverse impact on the amenities of those properties arising from the proposals. The site is not located within or adjacent to a Conservation Area or Area of Biodiversity Importance, and does not form part of the setting of a Protected Building or Monument.

In considering the appeal against the initial refusal for conversion of the building at this site, the Appeals Tribunal stated: *"We saw during our site visit that the appeal site and the parcel of land of which it forms a part are perceived as a large, flat, open area of agricultural land that is partially enclosed by trees and planting to the west, north and north-east. Neighbouring buildings are situated at some distance and have little visual presence. We consider that the ancillary development and paraphernalia associated with a converted dwelling, such as parking area, garden equipment, and the boundary hedges around the domestic curtilage would result in the suburbanisation of this otherwise undeveloped rural environment, resulting in unacceptable harm to the character and openness of the landscape."*

This description of the open character of this area is accepted, and it is noted that there has been subsequent vegetation clearance at the site which has served to increase the openness of the land when viewed from the surrounding lanes. Furthermore, the approved landscaping has not yet been implemented (to be done prior to completion or occupation of the dwelling, whichever is sooner) and views of the new dwelling are available for a short distance from the west, the length of Rue Coutance to the east and across the fields from Rue de L'Essart to the north-east.

The revised application for conversion of the former building at the site proposed a reduced domestic curtilage, reduced areas of hardsurfacing and additional planting. The report on that application noted that: *"The IDP recognises there is a balance between protecting open and agricultural land and other legitimate uses Outside of the Centres...the proposed residential curtilage is relatively limited in extent and the land surrounding the residential unit will remain open"*. On that basis, the proposed curtilage was determined to be proportionate to the size of the dwellinghouse, and to meet the terms of policy without significant impacts on the open character of the area, overcoming the concerns raised by the Appeals Tribunal.

The extensions proposed under the current application would remain within the previously approved curtilage. Those extensions do increase the width of built form across the site from west-east, and increase the bulk and mass of the dwelling, and would impede views of the open land to the north of the building when viewed from a short section of road immediately adjacent to the site. The varying heights and

forms of the extensions, together with the staggered set back from the front elevation of the existing dwelling, however reduce the bulk when viewed from that section of road.

When viewed from the west the single storey extension will be read against the existing building and will be of limited visual impact, particularly once the approved landscaping has been implemented. Equally, whilst of greater bulk, when viewed from the east and north-east the eastern extension will be read against the existing building and will not be viewed as an intrusion into the surrounding open land.

On balance therefore the extended built form would limit views of open land from only a short section of the adjacent road, and would not generally present as a significant incursion into that land. The proposal would not therefore result in such impacts on the open character of the area as to warrant refusal of the application.

The extensions are of a design and finish which complements the existing dwelling at the site, and would enhance the accommodation enjoyed by the occupants of the dwelling.

The proposal would reduce the amenity space associated with the dwelling, however the retained area would remain sufficient to serve the dwelling. Whilst the proposed extensions would increase the bedroom numbers in the dwelling, the parking area would not be extended and would remain as approved, and the proposal would not be likely to result in a significant intensification in traffic on the adjacent lanes. Access and cycle storage would remain as previously approved.

A statement is provided in respect of sustainable development.

The submitted plans are to a recognised stated scale, as required by planning law. As all dimensions can be measured from the submitted plans it is not necessary for all measurements to be annotated on the plans.

Overall the proposals accord with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 11/09/2024

