

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 single storey extension to east elevation of domestic outbuilding and alter fenestration (retrospective). Erect enclosed pergola to east elevation of dwelling.

LOCATION: Fort Le Crocq, Route De La Marette, St. Saviour.

APPLICANT: Mr P Morris

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: 03/10/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/08/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room - 348 F1, F2, F3A, F4, F5, F6A

Application Ref: FULL/2024/1384

Property Ref: E004670000

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 03/10/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the erection of an extension to an existing domestic outbuilding to be used as an integral part of and incidental to the principal dwelling presently known as Fort Le Crocq. It does not permit the creation of a separately occupied 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/2024/1384
Property Ref: E004670000
Valid date: 28/08/2024
Location: Fort Le Crocq Route De La Marette St. Saviour Guernsey GY7 9XB
Proposal: Erect single storey extension to east elevation of domestic outbuilding and alter fenestration (retrospective). Erect enclosed pergola to east elevation of dwelling.
Applicant: Mr P Morris

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.

INFORMATIVES

For the avoidance of doubt, this decision permits the erection of an extension to an existing domestic outbuilding to be used as an integral part of and incidental to the principal dwelling presently known as Fort Le Crocq. It does not permit the creation of a separately occupied 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:

Fort Le Crocq is a detached flat roof dwelling with turret features to the west elevation. The property is accessed via a long driveway from Route De La Marette to the west. There are glimpse views of the property from the lane. The property is situated on an open headland and the site is visible from Richmond Kiosk, Vazon Road, Vistas, Vazon Road and Fort Hommet to the east. The detached outbuilding is currently largely screened from long distance views by established landscaping, with only the pitched roof visible. The west and south boundaries are landscaped whilst the northern boundary and much of the east of the site is open to the beach.

The application relates to the erection of a flat roof single-storey extension to the east of the detached, pitched roof outbuilding along with an infill pergola extension to the main house. Retrospective permission is also sought to alter fenestration in the existing outbuilding and this work has already been undertaken.

The site is located Outside of the Centres and a Protected Monument is situated to the west of the dwelling, to the north of the access driveway.

Relevant History:

FULL/2018/2273 - Demolish existing conservatory and extend dwelling at ground and first floor levels (east and west elevations), erect single storey flat roof double garage and glazed link to dwelling (south elevation), demolish chimney stacks, and alter fenestrations – granted

FULL/2019/2108 - Install external steps to north-west boundary – granted

FULL/2019/2174 - Erect a garden studio to east of site – granted

FULL/2022/2157 - Install solar panels to flat roofs - granted

FULL/2023/1525 - Erect extension at first floor level to south (side) elevation with balcony to front and rear elevations – granted

FULL/2024/ - demolish section of wall, erect outbuilding/garden room and flag pole to north of site – under consideration

Existing Use(s):

01 dwellinghouse

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

- GP6: Protected Monuments
- GP7: Archaeological Remains
- GP8: Design
- GP9: Sustainable Development
- GP13: Householder Development

Conclusion/Brief comment:

As part of the application and as stated within the covering letter that accompanies the application, planning permission was initially sought amongst other things to convert and extend the existing garage at the site to create a dower unit that has previously been utilised as a guest bedroom suite. To create ancillary accommodation including forming additional room(s) in a building that sits within the domestic curtilage does not represent a material change of use and there is no need for planning permission. This is because one type of ancillary residential use is simply being replaced by another. The description of development has therefore, been amended accordingly and reference to dower accommodation omitted.

The extension, pergola and associated alterations represent a good standard of design that respect the character and appearance of the locality and which will not result in unacceptable harm to the landscape character and visual amenities of the locality. The works will offer more flexible and adaptable accommodation for occupiers to utilise.

The developments will not result in harm to residential amenity (overshadowing/overlooking) given that the works are set well away from the site boundaries and any residential neighbours.

The works are set away from the Protected Monument and will not have an adverse impact on the setting of the Monument when considering Policy GP6.

Given the close relationship between the outbuilding and main dwelling, particularly when considering the proposed pergola, this would not enable the site to be easily subdivided without compromising the amenity of both the outbuilding and the principal dwelling. The submission also confirms that 2-3 meals a week will be taken with the occupiers of the main dwelling with shared laundry facilities and bills with all care and support required being provided by the occupiers of the main house. It is also noted from the plans and site visit that gardens and parking would also be shared. The relationship between the ancillary living unit and the principal dwelling, the nature of use and facilities to be shared indicate that the additional accommodation would be subsidiary to and dependent upon the principal dwelling unit. Sufficient information has therefore been provided to demonstrate that the proposal will be used for ancillary domestic purpose and would not engage other planning policy considerations.

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

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 planning permission is granted.

Recommendation:

Grant with Conditions



Date: 01/10/2024

