

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 outbuilding and shed, erect 1 1/2 storey outbuilding/dower unit with terrace area at 1st floor level to rear, to south boundary. Erect shed/outbuilding to north of property.

LOCATION: Chez Nous, Route De La Mare, Castel.

APPLICANT: Mr Corbin

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: 19/11/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/08/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Evans Architecture - 2310 03.01A, 02, 03.03A, 03.04A

Application Ref: FULL/2024/1423

Property Ref: D010420000+D01041A000

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 window in the south elevation of the outbuilding hereby approved shall have a minimum cill height of 1.6m above finished ground floor level. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance) no changes shall be made to that window nor shall any additional windows be inserted in this elevation.

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

5. The privacy screen to the south side of the first floor roof terrace hereby approved shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall be installed prior to the terrace being brought into use. The screen 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 19/11/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the erection of an outbuilding to be used for purposes incidental to the principal dwelling presently known as Chez Nous. 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/2024/1423
Property Ref: D010420000+D01041A000
Valid date: 29/08/2024
Location: Chez Nous Route De La Mare Castel Guernsey GY5 7BH
Proposal: Demolish outbuilding and shed, erect 1 1/2 storey outbuilding/dower unit with terrace area at 1st floor level to rear, to south boundary. Erect shed/outbuilding to north of property.

Applicant: Mr Corbin

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 window in the south elevation of the outbuilding hereby approved shall have a minimum cill height of 1.6m above finished ground floor level. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance) no changes shall be made to that window nor shall any additional windows be inserted in this elevation.

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

5. The privacy screen to the south side of the first floor roof terrace hereby approved shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall be installed prior to the terrace being brought into use. The screen shall thereafter be retained at all times.

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

INFORMATIVES

For the avoidance of doubt, this decision permits the erection of an outbuilding to be used for purposes incidental to the principal dwelling presently known as Chez Nous. 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

Site Description:

The application site comprises an existing dwellinghouse, known as Chez Nous, and the land immediately to the west, recently approved as domestic curtilage. The site is set to the west of Route de la Mare.

The site is bounded by residential properties to the south and across the road to the east, a religious building to the north and by agricultural land to the west.

The site is located Outside of the Centres in the Island Development Plan.

Relevant History:

FULL/2023/0218 Change of use from agricultural land to domestic garden (352 sq.m.) Approved 11/10/2023 subject to the following conditions:

4.Details of the sizes, numbers and densities of plants to be used within the hedging along the south and west boundaries of the extended curtilage hereby approved shall be submitted to and agreed in writing by the Authority by 31/12/2024.

5.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of this application and the above condition, by the 31 March 2025. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Existing Use(s):

Residential Use Class 1 – The change of use approved under FULL/2023/0218 is considered implemented at the point of approval. The dates by which details and implementation of landscaping are required to be undertaken have not yet passed and, whilst no information has yet been submitted in respect of these conditions, the site is not currently in breach of those conditions. The whole of the site would therefore be recognised as domestic curtilage. Should the terms of the relevant conditions not be met by the stipulated dates enforcement action would be taken.

Brief Description of Development:

Permission is sought to demolish an existing outbuilding and shed, and to erect a 1.5 storey outbuilding/dower unit with terrace area at first floor level in the south-west corner of the site. The outbuilding would contain 66sqm of floorspace (51sqm at ground floor, 15sqm at first floor plus terrace), providing a kitchenette and sitting room, double bedroom and shower room at ground floor level with study at first floor level.

In support of the application the following points are noted:

- The proposed accommodation would be occupied by a grandparent to the occupants of the house;
- The accommodation is located close to the main house, with good access between;
- The layout of the accommodation takes into account potential future requirements for wheelchair use;
- The first floor will provide a flexible space for multiple uses by all occupants of the site;
- Meals will generally be taken in the main house, with limited cooking facilities provided within the kitchenette;

- Laundry facilities will be shared;
- Amenity space will be shared;
- There is sufficient parking for all accommodation within the existing parking area;
- The layout of the site would make it very difficult to subdivide.

The outbuilding previously located along the south boundary of the site was demolished following storm damage and two outbuildings have been erected as shown on the submitted plans, one to the south and one to the north of the dwelling. This work would have comprised exempt development not requiring planning permission.

The erection of a greenhouse is noted on the proposed plans but does not form part of the current application. Provided that the height of the glasshouse complies with the Land Planning and Development (Exemptions) Ordinance, 2023, this work would not require planning permission.

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

GP8 Design
 GP9 Sustainable Development
 GP13 Householder Development
 IP7 Private and Communal Car Parking

Representations:

None received.

Consultations:

None undertaken.

Summary of Issues:

Whether proposed accommodation is ancillary to the primary use of the site;
 Impact on the character of the area;
 Impact on neighbour amenity.

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).

The proposed building would be set back on the site, behind the building on the application site and that on the adjacent site to the south. It would be further screened in public views by the high roadside hedge. The proposed building is designed to appear subservient to the main dwelling, and utilises materials appropriate to its context. Whilst the a-symmetric and flat roof combination is an unusual approach to building design, the sides and the rear of the building will not be visible from a public place and the front elevation respects surrounding development. The proposed building would therefore achieve a good standard of design which would not have any adverse impacts on the character of the area.

The accommodation proposed within the new building, taking into account the size, nature and positioning of that accommodation relative to the main dwelling and the stated use of the accommodation, would be demonstrably ancillary and well-relatedly to the main dwelling, would provide flexible accommodation and would not easily be severed from that dwelling.

The building would be located to the north of the adjacent property and, taking into account the size of the building, the orientation relative to the neighbouring property and the layout of that property, would not have any adverse impacts in terms of overbearing or overshadowing. The proposed ground floor window would be located at high level, a matter which can be controlled by condition, and set behind the rear boundary of the adjacent property, preventing overlooking. As initially proposed there were however concerns regarding the potential for overlooking of the adjacent property from the first floor terrace. Following deferral an 1800mm screen has been included along the south side of the terrace, preventing any overlooking of the adjacent property, and implementation can be controlled by condition.

The landscaping approved as part of the permitted change of use included hedging along both the west and south boundaries of the extended curtilage, together with some trees in the south-west corner, a pollinator patch in the north-west corner and general re-wilding. If this landscaping is to be varied (eg by the placement of a greenhouse where a pollinator patch was approved), this will have to be requested in writing as an amendment to the previously approved application. In terms of this application, the proposed works would comprise a limited intrusion on to the extended curtilage and would not significantly impede the implementation of the approved landscaping scheme. The proposed extension would be located on the south boundary, meaning that 4m of hedging previously approved along the 11m long south boundary could not be planted. This would not compromise the acceptability of the previous application and can be dealt with as part of the discharge of conditions for that application. The proposed scheme does not require additional mitigating landscaping.

Sufficient parking and amenity space exists to service the increased accommodation at the site.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

Overall, subject to the conditions referenced above, the proposal would comply with the purpose of the Law, material planning considerations and relevant Plan policies and approval is recommended.

Date: 19/11/2024

