

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 and covered pergola to north (rear) elevation, install air source heat pumps to west and east elevations (partially retrospective) (Protected Building) (Revised).

LOCATION: Le Gardinet, Ruelle De Fries, Castel.

APPLICANT: Mr & Mrs J Regnard

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: 10/03/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/10/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Architects - 2019 03.63A, 03.64C, 03.65A, 03.66A, 03.67B, 03.73, 03.74, 03.75
Air Source Heat Pump details

Application Ref: FULL/2024/1691

Property Ref: D012770000

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 landscaping scheme shall be fully completed, in accordance with Landscape Plan 2019/03.73, in the first planting season following the first occupation of any part of the extension or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. 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.

Reason - To help assimilate the development into its surroundings in the interests of visual 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 façade 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+A1:2019.

Reason - To protect the reasonable amenities of neighbouring residents.

Expiry Date: This permission will cease to have effect on 09/03/2028 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 be used as an integral part of and incidental to the principal dwelling presently known as Le Gardinet. 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/2024/1691
Property Ref: D012770000
Valid date: 17/10/2024
Location: Le Gardinet Ruelle De Fries Castel Guernsey GY5 7PW
Proposal: Erect single storey extension and covered pergola to north (rear) elevation, install air source heat pumps to west and east elevations (partially retrospective) (Protected Building) (Revised).

Applicant: Mr & Mrs J Regnard

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 landscaping scheme shall be fully completed, in accordance with Landscape Plan 2019/03.73, in the first planting season following the first occupation of any part of the extension or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. 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.

Reason - To help assimilate the development into its surroundings in the interests of visual 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 façade 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+A1:2019.

Reason - To protect the reasonable amenities of neighbouring residents.

INFORMATIVES

For the avoidance of doubt, this decision permits the erection of an extension to be used as an integral part of and incidental to the principal dwelling presently known as Le Gardinet. 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 site consists of a traditional farmhouse, outbuildings of varying age and an area of agricultural land under the same ownership to the north-east and east. The whole of the house and the barn to the south is a protected building. The 20th century elements involving the east timber lean-to, north kitchen and conservatory, lean-to to the south barn and sheds to the north and north-east are not protected.

The site is located Outside of the Centres, the agricultural land to the north-east of the dwelling is within an Agriculture Priority Area.

Relevant History:

03/05/2024 – FULL/2023/2372 – Permission granted to erect 1.5 storey extension to west (side) elevation, install hard surfacing to south (front) of property, change of use of agricultural land to domestic land (775sqm) and alterations to vehicle access (partially retrospective) (Protected Building).

05/09/2022 – FULL/2022/0145 – Permission granted to demolish extension and outbuilding and erect 2 storey extension to north (rear) elevation, erect single storey plant room/gym and erect wall and gate to east elevation (Protected Building).

30/09/2021 – FULL/2021/1569 – Permission granted to demolish lean-to extension to east (side) elevation. Install dormer window and rooflights to north (rear) elevation. Internal alterations and replacement windows and doors (partially retrospective) (Protected Building).

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to erect a single storey extension and covered pergola to the north (rear) elevation and install air source heat pumps to west and east elevations. The works are partially retrospective as an air source heat pump has already been installed.

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

Policy GP1: Landscape Character and Open Land

Policy GP5: Protected Buildings

Policy GP8: Design

Policy GP9: Sustainable Development

Policy GP13: Householder Development

Representations:

None

Consultations:

The Office of Environmental Health and Pollution Regulation, 05/12/2024

"I have reviewed the revised plans for the above site which include the installation of three air source heat pumps (ASHPs) which is in part retrospective. There is an issue of concern that I must raise.

I have carried out approximate acoustic calculations based on the specifications of two Grant Aeronas³ R32 17kW ASHPs proposed for the west elevation, and one Grant Aeronas³ R32 17kW ASHP installed on the east elevation. In order to protect the amenity of nearby neighbours, I would recommend that the following condition is attached to any consent granted for this application:

- 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 façade 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+A1:2019”.

Summary of Issues:

The main issues in deciding this application are:

1. The scale, design and impact of the development on the character and appearance of the area.
2. The impact of the works on the special interest of the protected building.
3. The impact on the amenities of neighbouring residents.

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 extension would result in a substantial increase to the footprint of the dwelling and a substantial increase to the projection of the built development to the rear (north). The extension would be partially visible from the public highway to the south-west and west, however, its visual impact would be limited by virtue of its single storey nature and existing planting on the neighbouring site. The extension would be visible from Ruelle de Fries to the north at a distance exceeding 100m but it would be seen against a backdrop of the existing substantial built development on the site which would reduce its visual impact. On balance, the extension is unlikely to have a significant adverse effect on the character and openness of the area. The proposed landscaping along the west boundary and to the north would further help to soften the visual impact of the extension from public viewpoints. Taking into account the support and flexibility for extensions and alterations to existing residential buildings as set out in Policy GP13, the proposal does not conflict with Policies GP1, GP8 and GP13.

Due to the siting of the extension to the rear of substantial modern extensions and its distance to and relationship with the main original house, the proposal is unlikely to have any significant adverse effects on the setting of the protected building.

By virtue of its single storey nature and together with the distance to and relationship with the neighbouring property, the extension is unlikely to have any significant adverse effects on the amenities of neighbouring residents.

To address the comments raised by the Office of Environmental Health and Pollution Regulation, it is recommended to attach a condition to control the noise associated with plant and machinery in order to protect the amenity of neighbouring residents.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

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.

Date: 10/03/2025