

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: Alter roof form, extend and alter at basement and ground floor level with raised terrace areas to west (rear) elevation, install solar panels to east (front) and west (rear) elevations and alterations to fenestration.

LOCATION: Castaways, La Rue Gros Jean, St. Martin.

APPLICANT: Mr & Mrs B & Y Le Huray

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: 06/12/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/10/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects - 1249_9, _11, _12, _13, _14, _15, _16.

Application Ref: FULL/2024/1737

Property Ref: J013160000

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.Notwithstanding the details submitted, prior to the commencement of any works on site (including demolition works) confirmation of any trees that are to be removed as part of the construction process of the development shall be provided to and agreed in writing by the Authority.

Reason - There are a number of trees in close proximity to the north and west of the existing dwelling, which make an important contribution to the overall design of the scheme by assimilating the development into its rural surroundings. Construction works to lay new foundations for the extension and/or, decking etc, may require access around the perimeter of the existing house and consequently removal of the trees. This condition is applied to ensure that existing trees are retained where possible, or replaced where removal is necessary.

5.Notwithstanding the information submitted and prior to the commencement of works on site (excluding demolition works), full details of a landscaping scheme to the north and west of the development, including the species, height and diameter of the trees when planted, shall be submitted to and agreed in writing by the Authority.

Reason - To ensure the new and existing landscaping is sufficient to satisfactorily assimilate the development into its rural surroundings in the interests of visual amenity. This condition is required as the development, including the vertical timber screening and timber decking, is likely to be highly visible in long distance views to the west of the application site.

6.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the hereby approved extension being first occupied. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be

replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity and to assimilate the development into its rural surroundings.

7.No cladding or decking shall be brought to the site until such time as details of the type, texture and colour of the cladding material to be used have been submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - To secure the satisfactory appearance of the completed development in the interest of visual amenity.

8.Prior to installation, a finished sample of the roof material to be used in the development shall be submitted to the Authority. Only those 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.

9.The flue hereby approved shall be finished in matt black.

Reason - To limit the visibility of the flue in public vantage points and to assimilate with the black corrugated roof in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 06/12/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the alterations to the vehicular access, change of use of agricultural land to domestic curtilage, and the self-catering unit as shown on drawing No.1249_10 shall be carried out in accordance with planning permission FULL/2024/1737.

In respect of Conditions 4 & 5, it would be expected that any trees to be removed would be replaced with a native species in a similar position to offset its loss, as set out in Section 42 of the Law (2005).

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/2024/1737
Property Ref: J013160000
Valid date: 23/10/2024
Location: Castaways La Rue Gros Jean St. Martin Guernsey GY4 6EW
Proposal: Alter roof form, extend and alter at basement and ground floor level with raised terrace areas to west (rear) elevation, install solar panels to east (front) and west (rear) elevations and alterations to fenestration.

Applicant: Mr & Mrs B & Y Le Huray

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).

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.

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Reason - There are a number of trees in close proximity to the north and west of the existing dwelling, which make an important contribution to the overall design of the scheme by assimilating the development into its rural surroundings. Construction works to lay new foundations for the extension and/or, decking etc, may require access around the perimeter of the existing house and consequently removal of the trees. This condition is applied to ensure that existing trees are retained where possible, or replaced where removal is necessary.

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Reason - To ensure the new and existing landscaping is sufficient to satisfactorily assimilate the development into its rural surroundings in the interests of visual amenity. This condition is required as the development, including the vertical timber screening and timber decking, is likely to be highly visible in long distance views to the west of the application site.

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

Reason - In the interests of visual amenity and to assimilate the development into its rural surroundings.

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INFORMATIVES

For the avoidance of doubt, the alterations to the vehicular access, change of use of agricultural land to domestic curtilage, and the self-catering unit as shown on drawing No.1249_10 shall be carried out in accordance with planning permission FULL/2024/1737.

In respect of Conditions 4 & 5, it would be expected that any trees to be removed would be replaced with a native species in a similar position to offset its loss, as set out in Section 42 of the Law (2005).

OFFICER'S REPORT

Site Description:

The dwelling-house, known as Castaways, is located outside of the Centres and is adjacent to an Agriculture Priority Area as designated on the Island Development Plan Proposals Map.

The property comprises a detached, two-storey hipped roof dwelling-house, with a garage and parking area to the north of the property, with additional parking on adjoining land to the east (CLU/2022/1554).

The property is also served by a detached, two storey self-catering unit to the south of the dwelling, known as 'Le Petit Chalet'. The self-catering unit is currently accessed by a narrow driveway which runs to the east of the dwelling. An area of agricultural land lies immediately adjacent (south) of the self-catering unit.

Both the dwelling and self-catering unit are located towards the end of La Rue Gros Jean. La Rue Gros Jean continues in a south-wards direction (running parallel and east of Castaways), although the surface of the road turns from tarmac to a dirt track and serves a neighbouring property known as Seagull House.

Both the dwelling and self-catering building were present in the 1938 orthophotograph and have undergone various adaptations and extensions over

years, and possess little architectural merit, although respect the prominent position of the site.

To the north of the dwelling, within the applicant's ownership, lies a dense area of trees and vegetation, although is sited outside of a Site of Special Significance and the Agriculture Priority Area as designated on the Island Development Plan Proposals Map. A Site of Special Significance is located to the west, and south-west of the self-catering unit.

The property is located at the top of a tree-lined valley which runs down to Saints Bay. Due to the position and height of the buildings, the site is visible from public vantage points. A hedge bank separates the curtilage of the dwelling with the larger parcel of agricultural land to the east, separated by La Rue Gros Jean, although no clear and obvious physical demarcation exists between the dwelling-house, the self-catering unit and the smaller parcel of agricultural land to the south, such as a mature hedgerow or earth bank. Although following a recent site visit, the applicant has allowed the agricultural land to become fallow, and not mowed, which would informally indicate the extent of domestic curtilage.

To the east of the property lies a large area of agricultural land which runs parallel to the parcel of land containing the dwelling-house and self-catering unit. The larger area of agricultural land, understood to be known as 'Le Courtil Renault field', has been subject to a Certificate of Lawful Use application (CLU/2022/1554) where a small section of land to the north of the site was granted permission as a lawful car park. It is understood that the driveway serving the self-catering unit is too narrow for the majority of vehicles, therefore guests have been using the agricultural land as a car park (CLU/2022/1554).

Planning permission was recently granted in November 2023 to demolish and erect a replacement dwelling and self-catering unit (FULL/2023/1110). Permission was also granted to; erect a 1½ storey detached garage, extend the domestic curtilage of the dwelling, relocate the existing vehicle access, create pedestrian access and install an agricultural vehicle access.

Relevant History:

FULL/2023/1110	Demolish existing dwelling and self-catering unit. Erect replacement dwelling, 1½ storey detached garage and self-catering unit with associated landscaping and change of use of agricultural land to domestic garden (287sqm). Relocate existing vehicle access, create pedestrian access and agricultural gated vehicle access.	Granted
PREA/2022/0978	Extend and alter main dwelling and visitors accommodation and extend domestic curtilage and create vehicle access and parking area.	Pre-application enquiry

CLU/2022/1554	Regularise use of area of agricultural land for the parking of vehicles.	Granted
CURT/2022/0116	Definition of curtilage	
FULL/2022/0108 - Castaways	Change of use of Guest House (Visitor Accommodation Use Class 8) to dwelling (Residential Use Class 1).	Granted
PAPP/2003/4278	Construction of a garage / store.	Granted
PAPP/1993/0909 Castaways	Change of use of dwelling to guesthouse	Granted
1978	Reconstruct upper floors of dwelling.	Granted
1973	Change of use of guest house to dwelling	Granted

Existing Use(s):

Dwelling-house – Residential Use Class 1 – Castaways.

Self-catering unit – Visitor accommodation Use Class 8 (non-serviced) – Le Petit Chalet.

Agricultural land – Use Class 28 – parcel of land to the east and south of Castaways.

Brief Description of Development:

Planning permission is now sought to alter the roof form of the existing dwelling to create a traditional dual pitched roof, erect a flat roof extension to the west of the building, and install raised terrace areas to the north, west and south of the property. The application also includes installing solar panels, a flue, and make alterations to the fenestration. A pergola is also proposed to the south of the dwelling, and external insulation will also be incorporated to the building envelope.

The application does not seek to demolish the house unlike the previous permission (FULL/2023/1110), and no works are proposed to the self-catering unit as part of this application. Reference is made on the drawings submitted in relation to approved works which fall under permission FULL/2023/1110.

The proposed flat roof extension will serve as a kitchen.

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

GP1 Landscape Character and Open Land
GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

None.

Consultations:

None.

Summary of Issues:

The main issues in deciding this application are:

- Whether the design, scale, mass, siting, form and materials of the proposed development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development 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).**

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Policy GP8 and GP13 give a degree of flexibility to householder development with regards to the design of the proposed development in areas that are less sensitive to change. The site is not located in a Conservation Area, nor is the building protected. That said, the application site is prominently located at the top of an escarpment and therefore it is sensitive to change (Policy GP1).

The proposal seeks to upgrade and create additional habitable accommodation. The proposed development is more simplistic and sympathetic in terms of design when compared to application FULL/2023/1110, and therefore will be less impactful. The skyline will not be interrupted given that the alterations to the roof will not increase the ridge height of the property.

By retaining the building envelope and making modest adjustments to the fabric of the building the proposals will have a negligible visual effect on the landscape character and amenity of the area, subject to appropriate landscaping conditions. Similar to application FULL/2023/1110, it is necessary and reasonable to require a landscaping scheme showing the number of trees to be removed and appropriately

replanted when taking into account the close proximity of mature planting near the dwelling-house.

The proposed single storey flat roof extension to the west of the building is subservient and subordinate to the main house which will be finished by a living green wall, as shown on drawing no. 1249_16. The combination of green walls, green living walls, black timber cladding, and a corrugated metal roof will be respectful to the landscape character and rural surroundings, subject to requiring full details of the materials proposed.

Whilst some concerns are raised over the size and extent of the proposed terrace areas to the north and south of the dwelling (as shown on drawing 1249_10), the additional area of terrace is considered to be of a limited size when viewed in context with that approved under application FULL/2023/1110. It is also considered that any replacement trees, together with the existing tree canopy adjacent to the dwelling, would be sufficient, in time, to assimilate the development into its rural surroundings. On this basis, the degree of harm caused to the character and appearance of the area as a result of the proposed terrace area, when viewed in long range public views, would not be so substantial to defer the application, or to reasonably justify refusal.

The use of a corrugated roof is unusual and different to a more traditional roof finishes, such as a slate roof, although there is sufficient scope in Policy GP8 and GP13 to support the homeowner's reasonable aspirations with regards to design matters. The use of a corrugated roof would not cause unacceptable harm in the landscape, although it will be different when viewed against other roof forms and finishes the dark finish will enable it to blend into the landscape. A condition requesting a finished sample of the corrugated roof should be attached to the decision. The flue should also be finished in black to limit its visibility and to 'soften' its appearance in the surrounding area given the reflective properties of stainless steel.

The proposed development is not considered to cause significant neighbour amenity issues with regards to overlooking when taking into account the distance and relationship to neighbouring residents.

Overall, the extension and alterations to the dwelling are cohesive and the proposals comprise a well thought-out design that will have less harm than that previously approved. The proposal is considered to a 'good' standard of design for the purposes of Policy GP8, and is supported under Policy GP13.

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. The use of solar panels, together with an external insulated render system, and replacement windows and doors are welcomed additions.

3 - General material considerations set out in the General Provisions Ordinance.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings or Protected Trees.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Date: 05/12/24

