

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 dwelling to south of site and associated works, resurface right of way access to west of site.

LOCATION: West Lydford, Robergerie Lane, St. Sampson.

APPLICANT: Miss L Martin

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: 26/02/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/11/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd: 6321/A/4b.

Application Ref: FULL/2024/1769

Property Ref: B007710000

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. Within 3 months of the commencement of the development, revised details for the treatment of the section of the application site north boundary as indicated on drawing 6321/A/4b shall be submitted to and agreed in writing by the Authority. No occupation of the dwelling hereby permitted shall begin until the agreed scheme for boundary treatment has been fully completed.

Reason - To protect the reasonable amenities of neighbouring residents.

5. Within 3 months of the commencement of the development, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting; and
- ii) planting schedules, noting the species, sizes, numbers and densities of plants.

Reason - In the interests of visual amenity.

6. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 5, in the first planting season following the first occupation of the dwelling 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 - In the interests of visual amenity.

7. The solar panels shall not be installed and the permeable hard surfaces shall not be constructed until details of their construction has been submitted to and agreed in writing by the Authority. Thereafter the dwelling shall not be occupied until the solar panels and permeable hard surfacing have been completed and made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

Expiry Date: This permission will cease to have effect on 26/02/2028 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/2024/1769
Property Ref: B007710000
Valid date: 01/11/2024
Location: West Lydford Robergerie Lane St. Sampson Guernsey GY2 4NG
Proposal: Erect dwelling to south of site and associated works, resurface right of way access to west of site.
Applicant: Miss L Martin

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.

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boundary treatment has been fully completed.

Reason - To protect the reasonable amenities of neighbouring residents.

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- i) full details of tree and hedge planting; and
- ii) planting schedules, noting the species, sizes, numbers and densities of plants.

Reason - In the interests of visual amenity.

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Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

OFFICER'S REPORT

Site Description:

The site consists of a traditional detached two storey dwelling and a recently constructed dwelling to the west gable. The dwellings are constructed of rendered walls and a slate roof and front onto the highway Robergerie. The site includes parking to the front of the dwelling and a garden to the rear. There is a gravelled track to the side (west) of the dwelling providing vehicular access to the rear of the site and to neighbouring properties.

The site is in The Bridge Main Centre Outer Area and the Delancey Conservation Area. The site is bounded to the east and south by open and undeveloped land designated as Important Open Land.

Relevant History:

18/02/2025 – FULL/2025/0007 – Permission granted to erect dwelling (revised scheme) (Retrospective).

17/05/2023 – FULL/2022/2195 – Permission granted to demolish part of garage and extension, erect 1.5 storey dwelling to west (side) of existing dwelling, erect wall to rear, lower existing north (roadside) wall and demolish section of wall to widen vehicle access.

02/10/2020 – FULL/2019/0539 – Permission granted to erect dwelling to south (rear) of existing property including erect wall and replace boundary fencing.

B771/A

05/03/2021 – FULL/2021/0150 – Permission granted to tarmac access driveway.

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to erect a single storey 2-bedroom dwelling within the rear garden of the existing dwelling. The dwelling is proposed to be finished with Marley eternity equitone charcoal cladding, aluminium fenestration and a shallow hipped fibre glass roof. Permission is also sought to install permeable paving to a right of way access and to install a 2m high timber fence with concrete posts to the east boundary.

During the course of consideration the application was deferred to request additional information to assess the impact of the development on the amenities of neighbouring residents and the character and appearance of the Conservation Area. In response, revised plans were submitted which provided additional information about the proposed ground and floor levels, the positioning and height of boundary treatments and a letter of owner's authority to carry out works to the access road was submitted.

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

Policy MC2: Housing in Main Centres and Main Centre Outer Areas

Policy GP1: Landscape Character and Open Land

Policy GP4: Conservation Areas

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport Infrastructure & Support Facilities

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

Four objections were received in response to the original application, main points as follows:

- Inaccuracies with the planning application form are highlighted including statements that the proposal would not involve removal of trees and hedges, that they have the written consent of all of the owners of the land and it is unclear what demolition is required.
- The entire access should be surfaced and consideration is required to drainage.
- It is unclear where the 2m high fence would be located.
- Limited details about ground levels and measurements including the roof height are provided and it is not possible to assess the location and height of the proposed development.
- It is questioned whether an Environmental Impact Assessment is required and whether any protected trees are affected.
- Building works have commenced and foundations have been laid.
- Refers to the refusal of an application at a neighbouring property for the creation of a parking area to the front of a dwelling due to its location within a Conservation Area.
- Impact on wildlife due to loss of habitat in previously mature rear garden.
- Disturbance during construction works including blocking access.
- Insufficient on-site parking.
- The need for the development is questioned.
- Impact on neighbouring amenity including additional vehicle movements, noise and disturbance.
- No allowance has been made for increased run-off from the site.
- Works undertaken to date have damaged fence posts and panels and the access road and proposed works potentially could affect the stability of the access road.
- The development includes a lack of open or green space and the building is larger than previously approved. Original dwelling also included a green roof.
- No information has been provided about landscaping and boundary treatments, including along the west boundary where a fence has been removed.
- The design of the dwelling and the impact on the neighbouring properties has not been dealt with to the same level of detail and consideration as the previously approved application.
- No details of the works to the right of way access road are provided including the type of permeable paving, water runoff and lighting.
- It is unclear how waste water will be connected to the mains drain.

No representations were received in response to the revised/additional information provided.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. The principle of housing development on this site.
2. Design and impact of the development on the character and appearance of the Conservation Area.
3. The impact of the development on the amenity of people living in the area.
4. Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.
5. Parking and access issues.

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).**

Planning permission was granted to erect a dwelling on a similar footprint and of a similar scale in October 2020 (FULL/2019/0539). There has been no significant change to the relevant planning policies since October 2020 and consequently the principle of erecting a 2 bedroom dwelling in this location remains acceptable under Policy MC2.

Although the site formerly comprised of a mature rear garden which adjoins undeveloped land designated as Important Open Land, the site itself is not designated as Important Open Land. Due to its siting to the rear of the existing dwelling and neighbouring properties which form a ribbon of development along the highway, and together with the existing walls and existing and proposed fences along the south-west boundary, the site is not prominent in public views and it does not make a significant contribution to the open landscape character of the land to the south and east when viewed from a public place.

The design and materials of the dwelling do not achieve as high a standard of design as the previously approved scheme. However, the single storey nature and low profile of the dwelling would limit its effect on the surrounding Conservation Area and the adjacent Important Open Land. Some landscaping details are indicated which would further mitigate the impact of the development on the surrounding Conservation Area and the adjacent Important Open Land, further details can be requested by condition. Resurfacing the access driveway in brick paving would have no adverse effects. Overall, the revised proposal would achieve a satisfactory

standard of design and it would conserve the character and appearance of the Conservation Area, in accordance with Policies GP1, GP4 and GP8.

The footprint and height of the dwelling is similar to the previously approved scheme. The single storey nature and low profile of the dwelling is unlikely to result in any significant shading or overbearing impact on the neighbouring property to the north/north-east. The section of fence along the north boundary directly outside the door on the north-west elevation would be approximately 1m above the ground level of the path around the north elevation of the dwelling which would not be sufficient to protect the privacy of the neighbouring property. To address these concerns the agent has subsequently agreed to increase the height of the boundary fence by 0.5m, as per the previously approved plans, and to install obscure glazing in the door in the north-west elevation; these aspects can be dealt with by condition. Taking into account these amendments to the north boundary and the north-west elevation door, the proposal is unlikely to have a material adverse effect on the amenities of neighbouring residents.

The proposed dwelling would substantially exceed the Guernsey Technical Standards minimum internal space standards and it would exceed the best practice minimum internal space standards which are published on the Authority's website. The dwelling includes adequate privacy and there are windows in all four elevations providing good daylight and sunlight levels and adequate outlook. Although the outdoor space for both the existing and proposed dwellings are of limited size, they would be south facing and of reasonable quality. Overall, the proposal would provide a satisfactory quality of residential environment for future occupiers of the existing and proposed dwelling, in accordance with Policy GP8.

The additional dwelling would result in a modest intensification of use of the existing shared driveway to the side of the dwelling which is unlikely to raise any significant road safety or traffic management concerns. On-site car parking provision is adequate for the size and type of the dwelling proposed. There is adequate space around the dwelling to provide secure and covered bicycle parking. The proposal accords with Policies IP6, IP7 and IP9 and the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance.

Policy GP9 is wide-ranging and includes requirements for sustainable design and construction with reference to the design, layout and orientation of buildings, flood risk and surface water run-off, renewable energy, the use of materials and the management of waste. The layout and orientation of the building results in the living area being served by large south facing fenestration which can benefit from solar gain. In addition, photovoltaic panels are proposed to the roof and permeable paving is indicated for hard surfaced areas. Overall the layout and form of the development and the information submitted is sufficient to demonstrate that the development has been designed to take into account the use of energy and resources, in accordance with Policy GP9.

With regards to the comments in the representations, due to the scale and nature of the development, an Environmental Impact Assessment is not required. The site is not within an Area of Biodiversity Importance and the loss of the former mature garden is likely to have a limited impact on wildlife. Due to the modest scale of the development it would not be reasonable to impose a condition to control the construction process. A degree of disturbance is an inevitable but temporary consequence of most building operations and separate controls exist under Environmental Health legislation to deal with any statutory nuisance that may arise. Matters related to drainage will be considered under the Building Regulations. All decisions made by the Authority are without prejudice to third party rights, and the Authority is not able to address civil matters such as boundary, third party disputes or other related matters of ownership. Where necessary such cases should be resolved by seeking legal advice.

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: 26/02/2025