

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: Subdivide, extend and alter existing dwelling to create 2 dwellings, create new vehicle access and associated works.

LOCATION: Shorncliffe, Route Des Fauconnaires, St. Andrew.

APPLICANT: Mr D Warr

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: 17/01/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/12/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Turnstone Design: 402- 10 Rev P1 & 11 Rev P2

Application Ref: FULL/2024/1981

Property Ref: K001030000

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.Prior to the commencement of any work in connection therewith, details of separating the front steps serving unit 1 and the veranda associated with unit 2 shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details and the approved details shall be fully implemented prior to the first occupation of either dwelling hereby approved and shall thereafter be retained at all times.

Reason - In the interests of residential amenity.

5.a) Prior to the commencement of any work in connection therewith 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 to provide the boundary separation between the domestic garden areas of units 1 and 2 and between the domestic garden area of unit 2 and the agricultural land beyond shown on drawing 402-140 rev P1 (02 proposed block plan);
- ii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

b) 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 first occupation of any part of the development 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 order to help assimilate the development into its surroundings, to provide clear definition between the existing domestic garden area and agricultural land beyond and in the interests of residential amenity.

6. Prior to the commencement of any work in connection therewith a scheme showing provision for secure and covered cycle parking for both dwellings hereby approved have been submitted to and agreed in writing by the Authority. No dwelling shall be occupied until the cycle parking to serve it has been fully implemented.

Reason - To encourage the use of bicycles as an alternative to the car.

7. Prior to the first occupation of either dwelling the parking and turning facilities to serve it, as shown on the approved plan 402-10 rev P1 (02 Proposed Block Plan) shall be fully completed in accordance with the approved plans and details.

Reason - To make sure vehicles can enter and leave the site in a forward direction and to provide off-street parking, in the interests of road safety and effective traffic management.

8. The entranceway and ends of the new vehicular access opening shown on drawing 402-10 rev P1 (01 Proposed ground floor plan) shall be finished off using materials and a method of construction which match the roadside boundary and the rendered gate pillars shown on the approved plan, 402-11 rev P2 (09 south-east elevation to new vehicular opening) shall all be fully completed within four weeks of the new access being formed.

Reason - In the interests of visual amenity and highway safety.

9. The development hereby permitted shall be constructed in accordance with the details set out in the Design & Sustainability Statement supplied by Turnstone Design and in accordance with the details shown on the approved plans regarding solar panels and permeable hardstanding. There shall be no occupation any dwelling until the solar panels to serve it has been installed and made operational.

Reason - In the interests of sustainable development.

10. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no shed, outbuilding or greenhouse (other than any hereby expressly permitted) shall be erected, constructed or placed to the east of unit 1 hereby approved.

Reason - In view of the location of the area of the site to the east of unit 1 in relation to wider areas of open and undeveloped land and its visibility from public vantage points, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

Expiry Date: This permission will cease to have effect on 17/01/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The Authority does not recognise all of the land outlined on the submitted plan(s) as forming the domestic curtilage associated with the dwelling presently known as Shorncliffe, nor as domestic garden associated with either dwelling hereby approved. The land recognised as domestic curtilage by the Authority is identified on the submitted plan 402-10 revP1 (02 Proposed Block Plan).

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/2024/1981
Property Ref: K001030000
Valid date: 02/12/2024
Location: Shorncliffe Route Des Fauconnaires St. Andrew Guernsey
GY6 8UE
Proposal: Subdivide, extend and alter existing dwelling to create 2
dwellings, create new vehicle access and associated works.

Applicant: Mr D Warr

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.

4. Prior to the commencement of any work in connection therewith, details of

separating the front steps serving unit 1 and the veranda associated with unit 2 shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details and the approved details shall be fully implemented prior to the first occupation of either dwelling hereby approved and shall thereafter be retained at all times.

Reason - In the interests of residential amenity.

5. a) Prior to the commencement of any work in connection therewith 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 to provide the boundary separation between the domestic garden areas of units 1 and 2 and between the domestic garden area of unit 2 and the agricultural land beyond shown on drawing 402-140 rev P1 (02 proposed block plan);
- ii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

b) 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 first occupation of any part of the development 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 order to help assimilate the development into its surroundings, to provide clear definition between the existing domestic garden area and agricultural land beyond and in the interests of residential amenity.

6. Prior to the commencement of any work in connection therewith a scheme showing provision for secure and covered cycle parking for both dwellings hereby approved have been submitted to and agreed in writing by the Authority. No dwelling shall be occupied until the cycle parking to serve it has been fully implemented.

Reason - To encourage the use of bicycles as an alternative to the car.

7. Prior to the first occupation of either dwelling the parking and turning facilities to serve it, as shown on the approved plan 402-10 rev P1 (02 Proposed Block Plan) shall be fully completed in accordance with the approved plans and details.

Reason - To make sure vehicles can enter and leave the site in a forward direction and to provide off-street parking, in the interests of road safety and effective traffic management.

8. The entranceway and ends of the new vehicular access opening shown on drawing 402-10 revP1 (01 Proposed ground floor plan) shall be finished off using materials and a method of construction which match the roadside boundary and the rendered gate pillars shown on the approved plan, 402-11 rev P2 (09 south-east elevation to new vehicular opening) shall all be fully completed within four weeks of the new access being formed.

Reason - In the interests of visual amenity and highway safety.

9. The development hereby permitted shall be constructed in accordance with the details set out in the Design & Sustainability Statement supplied by Turnstone Design and in accordance with the details shown on the approved plans regarding solar panels and permeable hardstanding. There shall be no occupation any dwelling until the solar panels to serve it has been installed and made operational.

Reason - In the interests of sustainable development.

10. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no shed, outbuilding of greenhouse (other than any hereby expressly permitted) shall be erected, constructed or placed to the east of unit 1 hereby approved.

Reason - In view of the location of the area of the site to the east of unit 1 in relation to wider areas of open and undeveloped land and its visibility from public vantage points, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

INFORMATIVES

The Authority does not recognise all of the land outlined on the submitted plan(s) as forming the domestic curtilage associated with the dwelling presently known as Shorncliffe, nor as domestic garden associated with either dwelling hereby approved. The land recognised as domestic curtilage by the Authority is identified on the submitted plan 402-10 revP1 (02 Proposed Block Plan).

OFFICER'S REPORT

Site Description:

The application site contains an existing bungalow, with accommodation in the roof space, facing roughly east to west. The land rises from the east and south so that the

bungalow occupies an elevated position. Access is from Route Des Fauconnaires in the south-east corner of the site. The road side boundaries on both sides are marked by banks and planting.

To the east of the site is land forming part of a golf course. There is an earth bank on the boundary with trees within the golf course. There is a field on the north side of the site which previously contained glasshouses associated with the bungalow. There is no clear definition between this field and the land around the bungalow.

There is a large detached dwelling on the adjoining higher land to the west, separated by a high conifer hedge. Fenestration facing the site is largely screened by the existing boundary hedge although the rooflights are visible above it.

The character of the area is predominantly rural with pockets of ribbon development based on the older more traditional dwellings but with the presence of the more formal golf course.

The site is located Outside of the Centres.

Relevant History:

FULL/2012/0084 - Demolish existing and erect replacement dwelling. Close existing and create new vehicle access – granted

FULL/2013/1043 - Variations to works previously approved to demolish existing and erect replacement dwelling - install six roof lights and vary or remove Condition 6 of planning reference FULL/2012/0084 – granted

The existing access was proposed to be retained and used as a parking place for sewage trucks. A planning condition was imposed relating to defining the edges of the proposed parking space. Recommendations were received from THS regarding improvements to visibility at the point of access.

FULL/2015/0109 - Demolish existing and erect replacement dwelling. Close existing and create new vehicle access – granted

FULL/2016/1625 - Variations to works previously approved to demolish existing and erect replacement dwelling - Install six roof lights and vary/remove condition 6 of FULL/2015/0109 – granted (see FULL/2023/1043)

FULL/2018/0036 - Demolish existing and erect replacement dwelling with replacement vehicular access – granted

FULL/2020/1494 - Change of use of agricultural land to domestic garden. Demolish existing and erect replacement dwelling with detached garage and swimming pool, infill existing and create new vehicular access – refused. It was not demonstrated that the agricultural land could not positively contribute to the commercial agricultural use of the APA contrary to Policy GP15 c).

Existing Use(s):

01 dwellinghouse
28 agriculture

Brief Description of Development:

The application relates to the subdivision of the existing dwelling in two units of residential accommodation. An existing single-storey extension is to be demolished and a single-storey, flat roof extension erected in its place (west elevation). A further extension is proposed to the northeast corner, with alterations proposed to the adjoining roof, altering it from a hip to a pitched roof. An extension is also proposed to the east elevation to extend the hipped roof with a subservient pitched roof including flat roof bay feature.

The accommodation will comprise two, two-bedroom units of accommodation with stepped access up to the entrance to unit 1 (existing front door) and a pathway to the propose entrance to unit 2.

The existing vehicular access is proposed to be retained to serve as the access for unit 1 with revised parking and garden area to the east and south of the proposed dwelling. A new vehicular access is proposed to the south site boundary to provide parking and turning to serve unit 2. Hedge planting is proposed to separate the two areas of amenity space. No boundary treatment is proposed (as is currently the case) between the existing extent of domestic garden and the agricultural land beyond, to the north.

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

Island Development Plan Policies:

OC1: Housing Outside of the Centres
GP13: Householder Development
GP1: Landscape Character and Open Land
GP8: Design
GP9: Sustainable Development
IP6: Transport infrastructure and support facilities
IP7: Private and Communal Car Parking
IP9: Highway Safety, Accessibility and Capacity

Annex I
Advice Note: Bicycle Parking

Representations:

None.

Consultations:

Traffic and Highway Services commented on the approved redevelopment proposals and concluded that THS supported the application due to improvements in road safety and traffic management compared with the inherent concerns in the existing access' geometry and location.

Summary of Issues:

The key issues in this case relate to the principle of subdivision of the existing dwelling, the size/scale of extensions proposed in connection with the proposed subdivision, the amenities of future occupiers and neighbours of the development along with matters relating to access and parking.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

Policy OC1 makes provision for the subdivision of an existing dwelling subject to certain policy criteria having been satisfied. The site is located in an area of scattered residential development along the road frontages in the area and the subdivision of this property would be compatible with the character of the area.

Policy OC1 of the Island Development Plan sets out in paragraph 16.1.16 that the relevant requirements of the Building (Guernsey) Regulations, 2012 and the practical guidance on those requirements in the associated Guernsey Technical Standards will need to be taken into account in determining whether a proposed unit offers an adequate standard of accommodation. This means that the accommodation must be capable of meeting the current Building Regulations without extension. Given the size of the existing dwelling there is no conflict with Policy OC1 in this regard.

In terms of the matter of a modest extension to an existing building, this should be considered in two parts:

- Firstly, the extensions proposed must be modest in relation to the building to be subdivided
- Secondly, each extension should be considered against the new unit to which it relates in order to determine whether it would form a significant part of that unit.

Unit 1, without extension would comprise an open plan kitchen, living, dining area, one bedroom and a bathroom. The application does however, propose to construct a larger, bathroom extension and to extend the open plan living space. Unit 2 prior to extension would comprise a kitchen/dining room, a separate living room one double bedroom and a bathroom. An extension is proposed to enlarge the bathroom space available and to provide the dwelling with a second bedroom.

The extensions would not form a significant part of either new unit created and the overall the percentage increase in floorspace would be c. 20.5%. The units would exceed the current requirements of the Building Regulations in relation to internal space provision and also exceed the best practice, DCLG Technical Housing Standards published on the States website.

The matter of residential amenity/living environment/health and well-being of occupiers falls to be considered under OC1, GP8 and Annex I of the IDP. Both units would be dual aspect with good aspect and outlook along with good access to sunlight/daylight for the accommodation proposed. The building is set well away from other residential properties and will not result in overlooking or loss of privacy to the occupiers of any surrounding neighbouring property.

The layout of accommodation and fenestration, and proposed boundary treatment within the site will ensure that mutual overlooking between units 1 and 2 remain within acceptable limits. Both properties will be served by good levels of external amenity space to meet the needs of occupiers and the accommodation will offer flexible accommodation to meet the changing needs of occupiers. A condition can be imposed to ensure that the external amenity space is clearly defined in the interests of residential amenity. Whilst it is noted that the existing extent of domestic garden is not defined/separated from the agricultural land beyond with the redevelopment of the site as proposed it is reasonable to require details of a means of defining this boundary (e.g. hedge, bank, low fencing) in connection with this development in order to avoid the overspill of domestic activities and paraphernalia onto the agricultural land beyond.

Unit 1 would not offer a level threshold as shown given that the accommodation is accessed via steps only although this is the existing principal entrance for the Shorncliffe. This matter would be addressed at the Building Control stage. These entrance steps to unit 1 also serve a veranda to unit 2 and it would be reasonable to require details of a means of separating the two elements from one another by way of planning condition.

The proposed extensions and alterations to the roof of the existing building all represent a good standard of design that will respect the character of the local built environment and open landscape concerned. To subdivide the building into two units of accommodation makes more efficient use of the building.

Both properties are shown to be served by adequate levels of hardstanding to provide parking and turning for vehicles to enable them to exit the site in a forward gear in the interests of highway safety.

The matter of a new vehicular access has previously been considered in relation to the redevelopment of the site on a one for one basis, where there would have been an improvement to highway safety as a result of the replacement vehicular access in a revised position. In this case, there would be no intensification of the existing access as a result of the proposed subdivision and the proposed vehicular access would be satisfactory when considering the matter of highway safety and Policy IP9. Appropriate planning conditions would be appropriate in relation to the formation of the new access.

The scheme does not include details of secure and covered cycle storage but both properties would be served by ample amenity space to ensure that an outbuilding/exempt structure could be erected to serve this purpose. In order to ensure compliance with Policy IP6 the provision of cycle storage, having regard to the published Advice Note, should be controlled by condition.

The submission includes reference to the inclusion of solar panels to the southwest facing roof with upgrades proposed to the existing timber frame building with windows replaced with high performance PVCu casements and with improvements to thermal performance. 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 and a condition can be imposed regarding this aspect of the development.

It is reasonable to consider whether it is appropriate to require any exemption rights to be removed in connection with this development. It is noted that the domestic site is currently unrestricted however, this proposal would result in an increase in the number of residential units and therefore the number of exempt works/structures that could be undertaken. The large garden associated with unit 2 is such that the removal of exemption rights is not considered necessary. Much of the garden associated with unit 1 would be situated forward of an elevation of the dwellinghouse facing a highway. Structures constructed to the east of unit 1 (to the front of the dwelling and in/around its parking area) may be visible from the wider area and in order that such structures may be more fully assessed it is reasonable to limit exemption rights for an outbuilding/shed/glasshouse in this part of the site. The garden to the west of unit 1 would be screened by existing landscaping to Route Des Fauconnaires and it would not be reasonable to remove exemption rights in this part of the site.

In view of the above it is recommended permission is granted subject to conditions.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning

considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 16/01/2025

