

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: Partially demolish conservatory, create raised terrace area to northwest (side) elevation and install rooflight to southwest (rear) elevation.

LOCATION: Le Mirage, Rue De La Madeleine, St. Pierre Du Bois.

APPLICANT: Mr & Mrs P Morgan

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: 28/02/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/01/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd - 7878-01 B1B, B2B, B3 & B4B.

Application Ref: FULL/2024/2074

Property Ref: F003500003

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.

Expiry Date: This permission will cease to have effect on 28/02/2028 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/2024/2074
Property Ref: F003500003
Valid date: 21/01/2025
Location: Le Mirage Rue De La Madeleine St. Pierre Du Bois Guernsey
GY7 9EW
Proposal: Partially demolish conservatory, create raised terrace area to
northwest (side) elevation and install rooflight to southwest
(rear) elevation.
Applicant: Mr & Mrs P Morgan

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.

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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.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Le Mirage' is a 1970's bungalow which was converted to a one and a half storey dwelling at the beginning of the 21st century. It is located on a corner plot with Rue de la Madeleine running along the north and west boundaries, the dwelling faces northwest and looks out over the open fields across the road. In every other direction there are other residential properties. The property is located Outside of the Centres and within an Agriculture Priority Area as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to partially demolish the existing conservatory and create a raised terrace area instead on the side southwest elevation and to install a rooflight in the southeast rear roof slope.

Initially the proposals also had an Air Source Heat Pump (ASHP) adjacent to the garage on the northeast side elevation close to the neighbouring property. After some feedback from Environmental Health the applicant decided to omit the air source heat pump from this application, due to the chosen unit being too large, and which would omit noise at levels unacceptable for the area.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There has been one letter of representation and the issues are:

- This planning application requests the installation of an air source heat pump (ASHP) approximately 2 metres away from the neighbours property. They believe this will have a direct impact on them regarding the associated noise levels of the proposed unit, which will be unreasonable and detrimental.
- The proposed Air Source Heat Pump is to be an Aeron 290 15.5kW model. This is a large 2 fan unit, located adjacent to the garage and directly opposite the neighbours home. This large 2 fan model with 53dB sound power level (based on manufacturer's specification), which is almost 1.4m in height and 1.2m in width is more synonymous with industrial locations and not the rural environment proposed. The noise emanating from this model, coupled with the very close proximity to the neighbours, will be detrimental to the neighbours health and well-being.
- The plans recognise the neighbours existing boundary and gate, but do not show -
 - a) The distance from the proposed ASHP location to our property is approximately 2 metres. The main, first floor bedroom window overlooks this location and will be subject to its associated noise. The proposed 1.8m high boundary fence will provide little or no sound attenuation as the bedroom window will overlook this fence, having a direct line of sight to the proposed ASHP;
 - b) The walkway is an established and frequently used amenity, used daily;
 - c) The proposed location of the ASHP is obviously preferable to the applicant but will be detrimental to the neighbours.
- You kindly advised us that the Environmental Health Department will be notified of this application.
- This application for a large ASHP, and it's very close proximity to the neighbours, with a sound power level of 53dB, will impact the neighbours right to enjoy their amenity to its fullest.

Consultations:

The Office of Environmental Health and Pollution Regulation
06/02/2025

'I have reviewed the proposed plans for Le Mirage which were received by email on 24th January 2025 and there is an issue of concern that I must raise. A noise assessment has been carried out to assess the potential noise level caused by the proposed ASHP, Aeron 290 15.5kW, at a neighbouring property. Due to the proximity of the proposed ASHP to that neighbouring property, it is believed the noise level experienced by them could be as high as 53 db. This is anticipated to be higher than the background noise level for the area. As such, I believe that the development

could cause a noise statutory nuisance. I would recommend that the application is refused by the Planning Authority.'

14/02/2025

'We maintain our previous comments, and in addition have added the following text; Where available this office will always use sound power level defined in the technical data of the manufacture's speciation not the sound pressure level that PF&A have highlighted. As such, I maintain my comments that the Planning Authority should refuse this application. If the Planning Authority are minded to accept the application, then at the very least an acoustic report should be obtained by an acoustic consultant. The report should detail the background noise level of the area and the anticipated noise level at the boundary of the receptors land parcel. It should also consider refraction and compounding noise between the two buildings. However overall, I will reiterate that the application should be refused.'

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

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.

Since the ASHP has been omitted, it is only the other elements of the proposal which will now be assessed.

The creation of a raised terrace and additional on a rooflight are both changes which are considered appropriate and acceptable. They are not considered to have any impacts on the character and appearance of the surrounding area, nor will they have any adverse effects on neighbour amenity.

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

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 24/02/2025