

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 1.5 storey garage/studio/pool house to east boundary. Alter existing vehicle access to create pedestrian access and create new gated vehicle access to north boundary.

LOCATION: Vacarme, Rue Du Gele, Castel.

APPLICANT: Mr P Davidson & Miss S L Norrie

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: 01/05/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/02/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room:279/C1, /C2, /C3, /C4 & /C5.

Application Ref: FULL/2025/0191

Property Ref: D005780000

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 four weeks of the new access being brought into use, the existing access shall be reduced in width in accordance with the plans hereby approved.

Reason - The granite wall surrounding this site forms part of the character and appearance of the locality and the closure of the existing vehicular access will preserve the character and appearance of the locality.

Expiry Date: This permission will cease to have effect on 30/04/2028 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/2025/0191
Property Ref: D005780000
Valid date: 03/02/2025
Location: Vacarme Rue Du Gele Castel Guernsey GY5 7LU
Proposal: Erect 1.5 storey garage/studio/pool house to east boundary.
Alter existing vehicle access to create pedestrian access and
create new gated vehicle access to north boundary.

Applicant: Mr P Davidson & Miss S L Norrie

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.

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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.

4. Within four weeks of the new access being brought into use, the existing access shall be reduced in width in accordance with the plans hereby approved.

Reason - The granite wall surrounding this site forms part of the character and appearance of the locality and the closure of the existing vehicular access will preserve the character and appearance of the locality.

OFFICER'S REPORT

Brief Description of the site:

Vacarme, Rue du Gele is a detached one and a half storey dwelling situated on the corner of Rue de Gele and the coast road, Vazon Road.

The application relates to the erection of a pitched roof building along the east site boundary to provide a garage and swimming pool with associated facilities with an office/studio and gym at first floor level above the garage. The scheme also relates to the formation of a new vehicular access in the north site boundary and the partial infilling of the existing vehicular access to form a pedestrian access to the site.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2017/0684 - Demolish existing extensions and outbuildings, erect pitched roof extension with first floor balcony (north facing elevation) and glazed link (east elevation), raise height of main dwelling, raise ridge height and install rooflights and fenestration, erect detached pitched roof double garage, remove section of front boundary wall and install timber sliding gate – granted

FULL/2017/1783 - Variations to works previously approved to erect a detached pitched roof double garage - erect a pool room/gym and sauna to rear of garage - granted

FULL/2018/2199 - Variations to plans previously approved to Demolish existing extensions and outbuildings, erect pitched roof extension with first floor balcony (north facing elevation) and glazed link (east elevation), raise height of main dwelling, raise ridge height and install rooflights and fenestration, erect detached pitched roof double garage, remove section of front boundary wall and install timber sliding gate - Further raise height of main dwelling, install additional dormer window (north elevation), alter and install additional rooflights and fenestration (south elevation), change roof covering on north facing extension to natural slate, and extend and alter detached garage (east elevation) – granted

FULL/2019/0882 - Variations to plans previously approved to Demolish existing extensions and outbuildings, erect pitched roof extension with first floor balcony (north facing elevation) and glazed link (east elevation), raise height of main dwelling, raise ridge height and install rooflights and fenestration, erect detached pitched roof double garage, remove section of front boundary wall and install timber sliding gate - Relocate extension 0.5m to the east and south (retrospective) – granted

FULL/2019/1941 - Demolish chimney on west elevation (retrospective) - granted

FULL/2021/2112 – Erect 1 1/2 storey garage/studio/pool house to east boundary. Alter existing vehicle access to create pedestrian access and create new gated vehicle access to north boundary – granted

Existing Use(s):

01 dwellinghouse

Assessment: *(Tick as appropriate)*

no representation

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accords with policy

X

within curtilage

X

design acceptable

X

visual amenity acceptable

X

no material neighbour impact

X

traffic not affected

X

Policies considered most relevant:

Island Development Plan policies:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representation:

One letter of representation has been submitted objecting to the application and raising the following points:

- The height of the building is of concern, it will be situated all along the boundary and impact on the house and patio area
- A tall structure will completely block sunlight during the evening and make that part of the house and patio very gloomy
- Concerns exist regarding the depth of the structure into the ground given that the land level is low, below sea level at times

- could water be displaced by the development that would make the situation of existing standing water worse?
- Concerns relate to the structural stability of the neighbouring property as a result of the development, impact of surface water and the rising water table and that this could be worsened by the pool proposed close to the boundary
- Soakaways may negate these concerns
- The neighbour would be content with a structure being erected that is below the height of the dividing wall or in a fashion where distance from the diving wall is such that there is no shadow or impingement of sunlight

Conclusion/Brief comment:

Permission was granted in 2021 for the proposed outbuilding and this permission has now lapsed. There have been no changes in the policies against which an application must be considered and so reason to reach a different conclusion to that of the 2021 application.

The scheme represents a good standard of design, that will respect the character and appearance of the built environment and will be viewed in the context of the existing built development set back from Vazon Road thereby meeting the aims of Policies GP8, GP9 and GP13 in this respect.

The proposed development is set off the common boundary with the neighbouring property where a driveway exists along the west boundary of L'Horizon, This adjoining property is therefore set away from the application site and there is reasonable separation between the adjoining dwelling and outbuilding proposed.

The scheme has been designed to consider the health and well-being of the occupiers of the adjoining dwelling in relation to overshadowing and loss of light with the taller one and a half-storey element to be situated between the one and a half storey main house at L'Horizon and the application property which thereby limits the potential for overshadowing to occur.

Although the scheme is described as being a one and a half-storey outbuilding an element of this is lower and proposes only ground floor accommodation serving the proposed pool (eaves – c. 2.5m and ridge - c. 5.2m). This is proposed to the south of the garage which is to the west of the patio and most private garden area of L'Horizon. Its height, with pitched roof sloping away from the common boundary will limit the potential for overshadowing to the garden of L'Horizon. Given its position in its own plot, separation from the adjoining dwelling and garden and its height in relation to the adjoining dwelling to the east the proposed outbuilding will not result in an unacceptable loss of sunlight or daylight to the occupiers of the adjoining dwelling. In this regard the scheme accords with the aims of Policies GP8, GP9 and GP13.

The scheme will not result in unacceptable loss of privacy to the occupiers of the adjoining property with first floor accommodation served by high level rooflights. The gable window facing north will provide views of the open land and coastline beyond, whilst glazing in the south facing gable is at ground floor level and faces into the rear garden in accordance with Policies GP8, GP9 and GP13 of the Island Development Plan.

The proposal relates to the provision of two garaged parking spaces and revised site layout for further off-road parking and turning. The hardsurfacing within the application site does not require the specific grant of planning permission, but in any event the level of off-road parking indicated complies with Policy IP7.

Although a section of the boundary wall would be lost, a large proportion will remain intact and will continue to provide an adequate boundary feature, including the partial infilling of an existing vehicular access. It is reasonable however, to require the existing access to be reduced in line with the approved plans within a reasonable timeframe following the formation of the new access and for details regarding the proposed gate to be provided, a condition also imposed on earlier permissions for alterations to the access arrangements on this site. This is to ensure that an appropriate level of boundary wall enclosure is retained in order to preserve the character and appearance of the locality.

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.

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.

In view of the above it is recommended planning permission is granted for the proposed development.

Recommendation:

Grant with Conditions



Date: 11/03/2025

