

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 and alter dwelling to create 2 dwellings, demolish and rebuild roadside wall to form two vehicular accesses and associated works.

LOCATION: Tanybryn, Route De La Mare De Carteret, Castel.

APPLICANT: Cobbler Investments Ltd

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: 30/01/2026

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/09/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Architecture Ltd: 22-1396-P2 PPD/01B, PD/02A, PD/03B

Application Ref: FULL/2025/1327

Property Ref: D018820000

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. a) The bedroom window in the north elevation of unit 2 shall be fixed shut and glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) to a minimum height of 1.7m above the finished first floor level of unit 2, bedroom 2. The obscure glazing shall be installed prior to the first occupation of the dwelling hereby approved and the obscure glazing as approved shall thereafter be retained at all times.

b) No changes shall be made to this window at any time.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

5. The east and west facing rooflights of bedroom 2, unit 2, shall be positioned a minimum of 1.7m above the finished first floor level of bedroom 2. The rooflights shall be installed in accordance with the approved plans and details prior to the first occupation of the dwelling hereby approved and shall thereafter be retained as such.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

6. Notwithstanding the note contained on drawing no PD/01 revision B the vehicular accesses hereby approved shall not exceed 4m in width. The replacement roadside boundary walls hereby approved shall be constructed within 28 days of the removal of the existing wall and shall be rendered on both sides within 28 days of construction.

Reason - In the interests of visual amenity.

7. Prior to the first occupation of either dwelling hereby approved the 1.8m high timber fence between the properties and amenity spaces to the rear/north and 0.9m high palisade fencing to divide the site frontage shall be fully completed and the 1.8m high fencing shall thereafter be retained at all times.

Reason - In the interests of residential and visual amenity.

8. The shed/bike storage shall be installed in accordance with the details shown on the approved plans prior to the first occupation of the dwelling to which it relates.

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

9.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) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of planting within the site frontage area; and
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;

b) The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms above, 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 the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 29/01/2029 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/2025/1327
Property Ref: D018820000
Valid date: 01/09/2025
Location: Tanybryn Route De La Mare De Carteret Castel Guernsey
GY5 7XD
Proposal: Subdivide and alter dwelling to create 2 dwellings, demolish
and rebuild roadside wall to form two vehicular accesses and
associated works.
Applicant: Cobbler Investments Ltd

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.

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Reason - In the interests of visual amenity.

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

9. 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) the treatment proposed for all ground surfaces, including hard areas;
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- iii) planting schedules, noting the species, sizes, numbers and densities of plants;

b) The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms above, 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 the interests of visual amenity.

OFFICER'S REPORT

Site Description:

The site comprises of a detached pitched roof bungalow. The site forms part of a ribbon development of residential properties to the north of Route de La Mare de Carteret and is Outside of the Centres.

Work has commenced on the extension granted permission under FULL/2023/0742 however, this has not progressed in accordance with the approved plans (e.g. first floor void, first floor window, rooflights).

Relevant History:

FULL/2022/1765 - Subdivide, extend and alter dwelling to create 2 dwellings, widen existing vehicle access and create new vehicle access - withdrawn

FULL/2023/0742 - Demolish extension and outbuilding, erect extension to east (side) and south (front) elevations and alterations to fenestration (revised) – granted

Silver Bears

FULL/2024/1881 - Erect single storey extension to east (side) and south (front) elevations – granted

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

Planning permission was initially requested to subdivide, extend and alter dwelling to create a 2 bedroom dwelling and a 3 bedroom dwelling. Permission was also sought

to demolish and rebuild the roadside wall in rendered block work including altering the existing vehicle access and creating an additional vehicle access.

The plans appear to indicate in the notes the access serving plot 1 as being 4m and 4.4m wide. When scaling from the drawings the access is shown as 4m. The existing access is shown to be widened to 4m and would serve plot 2.

The agent has confirmed that the single-storey extension initially proposed is not required for the subdivision and can be omitted from the scheme. As exempt works it can be undertaken at a later date.

The application was deferred so that the extension to the rear of unit 1 could be omitted and the scheme amended to demonstrate that unit 1 could be accommodated successfully within the existing built footprint and to address matters relating to the amenities of future occupiers of unit 2 and privacy/overlooking issues from unit 2 to other properties. Revised drawings have been submitted to show unit 1 as a three bedroom (two double and one single) dwelling incorporating open plan living, kitchen and dining room along with a shower room, one en-suite and utility. The previously shown extension has been omitted and fenestration altered in line with these changes.

Unit 2 remains as a two-bedroom dwelling, a lounge and separate kitchen/diner with bathroom is proposed on the ground floor whilst two double bedrooms at first floor level. As amended one rooflight would be repositioned in the west roofslope with a cill height of 1.7m and another in the east roofslope with a 1.7m high cill. The window in the north gable is shown to be retained but altered to be obscure glazed and fixed to 1.7m high with non-obscure, openable fanlight above.

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

Island Development Plan policies

OC1: Housing Outside of the Centres

GP8: Design

GP9: Sustainable Development

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Cycle parking advice note

Annex I: Amenities

Representations:

One letter of representation was submitted in relation to the original scheme and raised the following points:

- Supportive of the work undertaken and the proposed changes
- Object to the window aperture built in the northern upstairs gable in the unit – it has been constructed without permission
- It greatly compromises the privacy of the property directly behind Silver Bears and White Haven with direct garden views possible
- The unit has the benefit of large roof windows facing west to provide light and ventilation
- If a window is essential then there is no reason why it cannot be stipulated that it must be frosted glass with opening as a standard fan light in the top portion of the window

A further letter of representation has been submitted following the receipt of revised plans:

- The main concern is overlooking of the neighbouring property, taking away privacy and enjoyment, particularly fenestration and pool area/patios
- The previously approved single-storey dwelling posed no issues
- The east facing window now proposed would directly overlook the neighbouring property. It would give the neighbours zero privacy – due to its close proximity, position, height and angle it would directly overlook the pool, patio area, windows and sunroom
- Fenestration seems to be constantly changing at this property, some changes cannot be located on the original applications (only one roof window and no gable window previously, followed by no gable window and two west facing rooflights) – the other bedroom has only one gable window so the east facing window now proposed is unnecessary as enough light and ventilation is available with that format (especially if the gable window is permitted)
- The gable window offers side (not direct) views of the pool area of the neighbouring property – the obscure glazing as proposed must be a condition of the permission and must not be permitted to change in future
- It is disappointing that the developer/agent have an apparent disregard for the privacy of neighbours, they are not trying to resolve the issue sensibly and are making things worse even though direct discussions have been held – it was expected that these issues would be resolved (other nearby developments have taken positive steps to prevent such overlooking problems)
- Trees and hedges were removed before the development and replacement planting would have been beneficial (a requirement for other developments to mitigate some of the overlooking issues)

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the subdivision proposed, the effect of the subdivision on the character of the locality and the amenities of surrounding residents and the amenities of proposed future occupiers.

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 a dwelling into two (or more) self-contained units subject to certain criteria being met. As the site is situated in an area of residential development the division of the property into two units would remain compatible with the character and amenities of the surrounding area. The appearance of the development and external alterations are compatible in this location and comply with the aims of Policy GP8 in relation to the character of the local built environment.

As revised, neither unit of accommodation would incorporate an extension therefore criterion c. of OC1 would not apply.

The key aspect of Policy OC1 is therefore the living environment and amenities of occupiers.

Policy GP8 and OC1 b. requires that the units created consider the health and well-being of the occupiers by means of providing adequate daylight, sunlight and private/communal open space, and directs proposals to be considered against Annex 1 of the Plan: Amenities.

Unit 1 would benefit from good aspect/outlook and accommodation would be served by adequate sunlight and daylight. Although the majority of accommodation in unit 2 would also be satisfactory in this regard bedroom 2 would not represent good design given that the accommodation would be served by high level or obscure glazed windows which would curtail aspect and outlook from the space. The fenestration associated with bedroom 2 is considered further, in relation to neighbour amenity, elsewhere in this report but given the north facing aspect of bedroom 2 (unit 2) the east and west facing rooflights will ensure that the space is served by sunlight, not just daylight, which is an aim of Annex I of the IDP and contributes towards the balance of amenities for this property/accommodation.

The site boundaries are generally marked by a 1.8m high close boarded fence with a new 1.8m high fence between the two dwellings and in this regard the matter of

privacy is appropriately managed with access to private amenity space proposed to the north of both dwellings. The dividing boundary fencing is a matter that can be managed by condition.

Significant concerns have been raised through the public consultation process regarding overlooking and loss of privacy. These concerns originated with the north facing gable window but following receipt of revised plans now focus on the high-level east facing rooflight.

The proposed east facing rooflight will not generate unacceptable overlooking and loss of privacy. Its high-level position is such that its primary purpose would be to provide light and ventilation, not outlook. This conclusion is reached given the height above the finished first floor level (above average head height) and position of the east facing rooflight for bedroom 2 (unit 2) combined with the c.11m distance separation between the side wall of proposed unit 2 and the existing neighbour at White Haven. It would not be possible to gain views out of this rooflight and downwards to the side windows and sunroom (which is also screened by a 1.8m high fence to the west boundary) at White Haven. It is also noted that the intervening space comprises an access driveway to other properties and parking/turning (hardstanding) at White Haven. Given the above this rooflight would not warrant the refusal of permission.

The west facing rooflight and the distance separation between first floor accommodation facing the road (bedroom 1, unit 2) and the windows of properties opposite the site is such that there will not be an unacceptable degree of overlooking or loss of privacy to other neighbouring properties.

Whitehaven is situated to the east of the application site and has a large garden area to the rear. It is separated from the application site by the driveway serving Silver Bears. The obscure glazing to a height of 1.7m from the finished first floor level of the north facing gable window is also sufficient to address previous concerns relating to the amenities of occupiers of adjoining properties, where the window is situated c. 7m from the north site boundary.

Conditions would need to be imposed about the installation of rooflights 1.7m above the finished floor level and relating to the north facing window, including that no future changes can be made to it without permission having first been granted.

In view of the above the scheme complies with Policy GP8 of the Island Development Plan and the material planning considerations in relation to neighbour amenity.

In relation to internal space provision although one double bedroom in unit 1 is shown as undersized both units exceed the accommodation sizes of Part G of the GTS. Although both units fall short of the DCLG best practice guidance relating to internal space provision but overall the scheme offers good internal space provision. The proposals offer generally accessible, flexible and adaptable accommodation that can respond to the changing needs of occupiers.

The subdivision of the existing building will not alter its relationship with neighbouring properties with regard to overshadowing/loss of light. Ground floor alterations to fenestration will be screened by existing/proposed boundary treatments and will not have an unacceptable impact on residential amenity.

The roadside wall is c.0.85m high and its construction would therefore represent exempt works for householders. In this case however the works are in connection with the formation of one new and alterations to an existing vehicular access. The drawings indicate that the wall will have a rendered finish, a matter that can be secured by condition in the interests of the visual amenities. There is however, a discrepancy on the drawings regarding the width of the access serving unit 1 (4m or 4.4m wide) and a condition relating to the access width is recommended for the avoidance of doubt.

Where a single vehicular access serves a dwelling it can be widened to up to 4m under the current householder exemption rights and no concerns are raised regarding the works associated with the access proposed to serve plot 2 nor the formation of a separate 4m wide vehicular to serve plot 1. The scheme offers adequate off-road parking and turning for both properties and the low wall proposed would not represent an obstruction to visibility for drivers using the accesses (IP7 and IP9). Planting adjacent to the accesses/within the vicinity splays should remain low (less than 1m) in the interests of highway safety and can be addressed through the planning permission.

A shed is proposed within the rear garden area of each new dwelling to provide cycle storage in accordance with Policy IP6. The siting and design of the sheds is such that they will not impact on the amenities of the locality or of neighbouring occupiers in line with Policy GP8. The provision of the sheds for future cycle storage can be controlled by condition.

The different amenity objectives must be balanced and there are some reservations regarding the amenities of future occupiers of unit 2 (bedroom 2). Shortcomings in outlook/aspect have however, sought to be addressed by good sunlight/daylight to the accommodation. It is also noted that this is not primary living accommodation and that in all other respects the scheme addresses the amenity standards of Annex I. There would be insufficient grounds to refuse permission and on balance the scheme accords with Policy GP8 criteria a. (good design) and d. (health and well-being/amenities of occupiers).

Although comments have been received about the clearance of trees and hedges from the site the removal of trees and other planting does not require planning permission. There are also exemptions relating to the removal of some hedges. Nonetheless, it is reasonable to require details of frontage planting and areas of hardstanding around the two dwellings (incorporating permeable paving) to be agreed by the Planning Service in the interests of the overall design and appearance of the development and in the interests of visual amenity.

In view of the above, and subject to relevant planning conditions, it is recommended permission is granted for the proposed development.

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: 29/01/2026

