ONLINE VERSION

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: Create parking at rear of property.

LOCATION: Liberty House, 4 Route Isabelle, St. Peter Port.

APPLICANT: Ms K Haysom

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: 29/07/2015

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/06/2015 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Application Ref: FULL/2015/1537

Property Ref: A308960000

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 Environment Department 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 Environment Department and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Environment Department 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 development being commenced on the site, precise details of a boundary feature to separate the property subject of this application and the neighbouring property to the west (No.3 Route Isabelle) shall be submitted to and approved in writing by the Environment Department.

Reason - To ensure that the detailed design of the development is satisfactory.

5.The approved details pursuant to condition 4 of this permission shall be installed on site within 2 months of the new opening being formed and thereafter retained.
Reason - To ensure a satisfactory external appearance in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 28/07/2018 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 Department made this decision. The official Appeal Notice Forms are available on the Department's website at www.gov.gg/planning-appeals 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 Department took into account any written representations arising from consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any representations made to the Department under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

You should note that any work which abuts or affects the public highway requires prior approval by the Public Services Department (PSD). You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with PSD 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

ENVIRONMENT
A STATES OF GUERNSEY GOVERNMENT DEPARTMENT

PLANNING APPLICATION REPORT

Application No: FULL/2015/1537
Property Ref: A308960000
Valid date: 04/06/2015
Location: Liberty House 4 Route Isabelle St. Peter Port Guernsey GY1 1QR
Proposal: Create parking at rear of property.

Applicant: Ms K Haysom

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 Environment Department 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 Environment Department and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Environment Department 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 development being commenced on the site, precise details of a boundary feature to separate the property subject of this application and the neighbouring property to the west (No.3 Route Isabelle) shall be submitted to and approved in writing by the Environment Department.

Reason - To ensure that the detailed design of the development is satisfactory.

5. The approved details pursuant to condition 4 of this permission shall be installed on site within 2 months of the new opening being formed and thereafter retained.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity.

OFFICER'S REPORT

Site Description:

The property is a two storey mid terraced type property situated on the northern side of Route Isabelle. Surrounding the site the area comprises residential properties of mixed building types, style and design.

The property has a small amenity space to the front with a garden area to the rear. The site is situated within a Conservation Area as designated in the Urban Area Plan.

Relevant History:

Application site:

PREA/2015/1258	Create a parking space at the rear of the property	Closed 21/05/2015
PAPP/1996/3074	Extend and alter dwelling	Granted 08/08/1996

Neighbouring properties:

FULL/2015/1654	(No. 3 Route Isabelle) Remove gate pillars and wall to rear of property to create car parking area (Retrospective)	Pending consideration
PAPP/2006/1619	(No. 1 Route Isabelle) Create vehicular access and car parking area	Granted 07/06/2006
PAPP/2006/0137	(No. 1 Route Isabelle) Create vehicular access and car parking area	Principle permission Granted 03/04/2006

Existing Use(s):

Residential – Use Class 1

Brief Description of Development:

Planning permission is sought to create a car parking area to the rear of the property.

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

GEN5 – Design;
GEN6 – Character and amenity;

GEN12 – Effect on adjoining properties;
DBE1 – Design (general);
DBE7 – New development in Conservation Areas;
DBE9 – Demolition of buildings and features.

Representations:

One letter of representation has been received from the owner/occupier of a neighbouring dwelling which does not object to the proposal, but in summary states the following:

- The proposal will require access over a small lane, the ownership of which is unclear
- Questions whether planning permission confers a right of access
- Access track is maintained voluntary and it is in a poor condition and needs to be upgraded if more cars will continue to use it.
- The property at No.3 Route Isabelle has recently opened up an access point without planning permission.

Consultations:

None

Summary of Issues:

- Whether the demolition of a section of wall is acceptable;
- The impact on the character and appearance of the Conservation Area;
- Impact on neighbours;
- Impact on highway safety.

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).

The site is situated within a designated Conservation Area where Policy DBE7 (New Development in Conservation Areas) is relevant. Policy DBE7 states that:

> *"Development within, or affecting the setting of, a Conservation Area will only be permitted if it conserves or enhances the character and appearance of the area, in terms of size, form, position, scale, materials, design and detailing. Particular attention will be given to the removal of unsightly and inappropriate features and the retention of features that contribute to the character of the area."*

In addition, Policy DBE9(a) (Demolition of buildings and features) is relevant which states inter alia :

> *"Proposals to demolish existing buildings and features will be considered against the following criteria":*
>
> *(a) The contribution of the building or feature to the character and appearance of the area (absence of such a contribution will not necessarily be a reason for demolition)."*

The proposal involves the demolition of a small section of a boundary wall to the rear of the property (circa 130cm in width). The Department does not usually encourage the demolition of boundary walls, especially in Conservation Areas. However the wall is of breeze block construction and is visible only from a small gravel access track to the rear of the property and not from any other public vantage points.

The granite wall for the remainder of the boundary will remain in situ and the section of wall to be removed is not considered to make a positive contribution to the character and appearance of the Conservation Area. Its demolition is considered to be acceptable in this particular instance and the proposal therefore complies with Policies DBE7 and DBE9 of the Urban Area Plan.

To provide sufficient space to park a vehicle in the proposed location, an existing oil tank will be moved to a new position between an existing shed and flowerbed. The oil tank in the relocated position would be largely hidden from view by the existing shed and would have less harm on the character and appearance of the surrounding area.

In order to ensure that a boundary feature is maintained to separate the property subject of this application and the neighbouring property to the west (No.3 Route Isabelle) a condition should be included on the permission for details to be submitted for approval by the Department to either erect a small pillar, or retain a small section of the wall. This is required to prevent a large opening being formed across the two properties in the interest of visual amenity and to protect the character and appearance of the Conservation Area.

The proposal is minor in nature and would have limited effect on any neighbouring properties.

With regard to land ownership concerns stated in the letter of representation, this is not a material planning consideration that the Department can take into account in determining planning applications. Planning permission does not grant any right of access over land not in the ownership of the applicant and should any matters arise then these would need to be resolved between the parties involved.

With regard to the point raised relating to the property at No.3 Route Isabelle a retrospective planning application has recently been submitted which is currently pending consideration and will be assessed on the individual merits of the case.

The proposal would not impact negatively on any Protected buildings, monuments, trees or on an SSS.

For the reasons contained within this report it is considered that the proposal complies with the planning law, relevant policies and material considerations and it is recommended that planning permission is granted.

Date: 23/07/15