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 temporary vehicular access at south east corner of boundary wall.

LOCATION: Liberty House, Rue Vautier, Fort George, St. Peter Port.

APPLICANT: Mrs O Qizilbash

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: 14/08/2019

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/06/2019 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Create Ltd: 864-3-015 & 016

Application Ref: FULL/2019/1219

Property Ref: A41110A084

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.This permission is given for a limited period of 12 months from the date hereof, expiring on 13th August 2020, by which time the temporary access point carried out under this permission shall be closed and the wall reinstated to its former condition in accordance with a scheme previously agreed in writing by the Authority.

Reason - The permission is granted to meet a declared short term need and/or because it is a development which by virtue of its nature and impact is considered to be unacceptable for any longer period and to ensure that the wall is reconstructed to its former condition in the interests of visual amenity.

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 13/08/2020 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.

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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

States of Guernsey
Planning Service

PLANNING APPLICATION REPORT

Application No:	FULL/2019/1219
Property Ref:	A41110A084
Valid date:	11/06/2019
Location:	Liberty House Rue Vautier Fort George Fort George St. Peter Port Guernsey GY1 2SR
Proposal:	Create temporary vehicular access at south east corner of boundary wall.
Applicant:	Mrs O Qizilbash

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. This permission is given for a limited period of 12 months from the date hereof, expiring on 13th August 2020, by which time the temporary access point carried out under this permission shall be closed and the wall reinstated to its former condition in accordance with a scheme previously agreed in writing by the Authority.

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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 application site comprises a detached property situated to the east of Rue Vautier and to the north of Rue Adolphus. Surrounding the site the area comprises residential properties of mixed building types and design.

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

Relevant History:

FULL/2019/1151	Install new windows and doors and excavation to create external steps to east elevation.	Granted 18/07/2019
FULL/2019/0740	Demolish conservatory, erect single storey pitched roof extension to south elevation, install rooflight to south roofslope. Reconfigure and extend to form flat roof porch north elevation. Erect single storey pitched roof extension to east elevation of outbuilding and alterations to fenestration.	Granted 29/05/2019
FULL/2011/3498	Demolish existing and build new granite roadside boundary walls on north elevations (retrospective).	Granted 20/12/2011
FULL/2019/0182	Demolish, reconfigure and extend terrace and external staircases to the south and east elevations. Install rooflight in south roofslope, alterations to fenestration, remove satellite dish and concrete base and replace the existing access gate.	Granted 12/03/2019
FULL/2019/0735	Install rooflight in south roofslope (Retrospective)	Granted 16/05/19

Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation	✓	visual amenity acceptable	✓
accords with policy	✓	no material neighbour impact	✓
within curtilage	✓	traffic not affected	✓
design acceptable	✓		

Policies considered most relevant:

GP8: Design;
GP9: Sustainable Development; and
GP13: Householder development.

Conclusion/Brief comment:

Planning permission is sought to create a temporary vehicular access at the southeast corner of the boundary wall. Initially the proposal sought retrospective permission (as the applicant intended to complete the works at risk prior to permission being granted) however after a visit to the site the works have yet to be completed and the proposal is therefore not in retrospect.

The applicant's agent has confirmed in a covering letter (dated 07th June 2019) that the owners of the site have recently moved into the property whilst works are still progressing. They occupy the western/front aspect of the property whilst works continue to implement the planning permission to the rear. To prevent disruption to themselves and neighbours to the north and for safety reasons, they require that the temporary access in the southeast corner of the site to be created. The covering letter states various options that were considered as an alternative to the creation of the temporary access and for safety reasons these were discounted. The letter confirms that a photographic record of the wall will be completed prior to any demolition and the materials retained, to ensure once the temporary access is no longer needed, the wall is rebuilt in its current condition.

Although not protected and although not situated within a Conservation Area, the property is situated within a prominent position within the street-scene on a corner plot near to the junction of Rue Adolphus with Hautes Falaises and Rue Vautier. Furthermore, the wall makes a positive contribution to the character and appearance of the surrounding area and provides a strong boundary between the property and the roadside.

The creation of multiple vehicle access points are usually resisted by the Authority on the grounds that they lead to obtrusive gaps within the street-scene and the loss of importance boundary features. Therefore, the permanent loss of this section of boundary wall would not be supported. However, in this particular instance planning permission is requested for a temporary period only and sufficient information has been provided as to why this is needed. It is considered therefore that a permission limited to a temporary 12 month period (which can be controlled by planning condition) would allow for works to continue and to be completed at the site. It is

also recommended that a condition is included to ensure that on expiration of the 12 month temporary period, the temporary access point is closed and the wall reconstructed in accordance with details that have been previously approved in writing by the Authority. This will ensure the satisfactory restoration of the wall and that it continues to provide an important boundary feature within the street scene.

It is considered that the temporary access will not harm residential amenity or cause a detriment to highway safety.

For the reasons contained within this report it is considered that the proposal accords with the above mentioned Policies of the Island Development Plan.

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.

Recommendation:
Grant with Conditions ☑

Date: 13/08/19