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: Erect shed to side (east) of property (revised).

LOCATION: The Wing, La Chaumerie, La Rocquette, Castel.

APPLICANT: S W B & S Wiltshire

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: 28/04/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/08/2020 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plan, elevation drawings, manufacturing specification (all date stamped received 29th March 2021).

Application Ref: FULL/2020/1447

Property Ref: D00753A001

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 27/04/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed shed to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

It is noted that the timber fence erected to the front of the house constitutes development in its own right, permission for which has not been granted. It is therefore advised that the fence be removed, or lowered to 90cm in height in accordance with the relevant Exemption, or you submit a separate retrospective planning application, all within 2 months of the date of this decision. Should you submit a separate retrospective planning application, the application will be assessed on its own merits and publicised in the normal manner. Should you take no action then the Authority may take enforcement action to secure the removal of the fence.

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.

ONLINE VERSION

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

ONLINE VERSION

States of Guernsey
Planning Service

PLANNING APPLICATION REPORT

Application No:	FULL/2020/1447
Property Ref:	D00753A001
Valid date:	21/08/2020
Location:	The Wing La Chaumerie La Rocquette Castel Guernsey GY5 7AZ
Proposal:	Erect shed to side (east) of property (revised).
Applicant:	S W B & S Wiltshire

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.

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.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed shed to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

It is noted that the timber fence erected to the front of the house constitutes development in its own right, permission for which has not been granted. It is therefore advised that the fence be removed, or lowered to 90cm in height in accordance with the relevant Exemption, or you submit a separate retrospective planning application, all within 2 months of the date of this decision. Should you submit a separate retrospective planning application, the application will be assessed on its own merits and publicised in the normal manner. Should you take no action then the Authority may take enforcement action to secure the removal of the fence.

OFFICER'S REPORT

Site Description:

The application site comprises a semi-detached property located to the north of La Rocquette, Castel. The property in question, known as the Wing, located to the south-east of the original dwelling-house appears to have been constructed between 2013 and 2016 based on orthophotographs.

The 1.5 storey extension that comprises the Wing was subdivided in 2018 (FULL/2018/06970), although the Wing appears to be under the same ownership as the original dwelling.

The Wing is served by a large driveway to the front with limited amenity space to the rear, served by a separate vehicular access.

It would appear that a 1.8m high fence panel has been erected to the front of the dwellings, although it doesn't appear that planning permission has been granted for the fence.

The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

None germane to this application.

Existing Use(s):

Residential

Brief Description of Development:

ONLINE VERSION

Planning permission was originally sought to erect a shed to the front of the property, adjacent to the roadside.

Concerns were raised with regards to the potential impact on the character of the area and visual amenity.

The applicant has amended the application and repositioned the shed to the side of the dwelling in attempt to overcome the concerns raised. The shed will be comprised of timber, with a pent style roof, and measuring 5ft x 7ft. The highest part of the shed will be approximately 2m.

While the shed would ordinarily be exempt due to its size and position relative to the house and boundary, it would appear that the property is already served by an existing shed and therefore planning permission is required for the additional shed.

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

GP8: Design
GP13: Householder development

Representations:

The Authority has received a letter of representation from one party objecting to the original proposal. Grounds for objection principally relate to the following issues:-

- Size and position of shed.
- Overshadowing effect on neighbour.

No representation has been received in respect of the revised scheme.

Given that the shed would ordinarily be exempt due to its size, position and distance to the neighbouring boundary, it is not considered necessary or reasonable to cause additional delays in order to re-advertise the application, especially due to the minor nature of the development and any potential impact caused.

Consultations:

None

Summary of Issues:

- Whether the size, design, siting, form and materials of the development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.

Assessment against:

ONLINE VERSION

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).

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.

In light of the amendments secured, the position of the shed is positioned to the side of the house and therefore is not considered to adversely affect the character of the area. The impact on visual amenity will be limited by virtue of its size and design, acceptable for the purposes of Policy GP8 and GP13. Despite its position, an acceptable level of private amenity space remains.

Due to the size, position and distance to neighbouring properties, the proposal is not considered to cause any undue harm with regards to overshadowing.

Overall, the development is not considered to adversely affect the character of the area, visual amenity, or result in significant harm to the amenities of neighbouring residents.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

It is considered necessary to attach an informative to the decision to advise the applicant that the existing fence to the front of the house constitutes development, and therefore it should be removed, lowered to 90cm in height, or a separate retrospective application be sought.

Date: 27/04/21

ONLINE VERSION