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 summer house and gazebo to rear of property.

LOCATION: Happy Valley, Bordel Lane, Vale.

APPLICANT: Mr & Mrs K Herbert

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: 27/01/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/12/2020 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Mark Frampton & Co - 2018/554/18

Application Ref: FULL/2020/2479

Property Ref: C004190008

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 27/01/2024 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.

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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

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States of Guernsey
Planning Service

PLANNING APPLICATION REPORT

Application No:	FULL/2020/2479
Property Ref:	C004190008
Valid date:	24/12/2020
Location:	Happy Valley Bordel Lane Vale Guernsey GY3 5DB
Proposal:	Erect summer house and gazebo to rear of property.
Applicant:	Mr & Mrs K Herbert

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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.

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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.

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OFFICER'S REPORT

Site Description:

The property known as 'Happy Landings' is a detached one and a half storey dwelling which is set back from and facing southwest onto Bordel Lane, there are close neighbours to the northwest and southeast and adjacent to the rear garden in the northwest and northeast. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2018/1039 - Erect 1 1/2 storey pitched roof extension and single storey flat roof extension to rear (north), alterations to dormers in south and east elevations, erect porch (east elevation), alterations to fenestration and install external render. Remove and re-plant hedging and erect 1m chain link fencing along east and west boundary to front. Erect 2.3m high timber fence and 3m high boundary wall to rear – Approved June 2018.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to erect a summerhouse in the northeast corner of the garden and a gazebo close to the house near the northwest boundary.

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

GP8 – Design
GP9 – Sustainable Development
GP13 – Householder Development

Representations:

There has been one letter of representation with the following issues;

- The summer house is a habitable room,
- There will be an increase in noise, light pollution and loss of privacy,
- The structure is too high and will be clearly visible from neighbouring properties,
- The position of the gazebo will increase light pollution, noise pollution and smells from cooking appliances,
- The proposals will have a negative effect on the natural beauty of the area in and around the property,
- The scale is out of proportion with the property and with the surrounding area,

- The character and surrounding area will be adversely affected.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The 4.5m x 4.25m summer house is an average size for a domestic outbuilding and if positioned further away from the site boundaries could have been Exempt, and GP13 states that the Authority acknowledges the reasonable aspirations people have to improve their homes, for example to provide additional accommodation.

The Authority will ensure that the outcome is proportionate to the particular circumstances. The Island Development Plan (IDP) places a stronger emphasis on control in cases involving the development of protected buildings and in Conservation Areas, Sites of Special Significance and Areas of Biodiversity Importance. However, less prescriptive control will be applied beyond these areas, providing householders with greater freedom of choice with regard to private property development and use. Within the IDP householder development within the curtilage of a dwelling will be generally supported subject to certain requirements being met. Development will be expected to respect the amenities of neighbouring properties and to take account of the surrounding character.

The position of the proposed summer house has been off set to avoid the window of the neighbouring property to the northeast. The rear eaves of the summer house would be c.400mm above the height of the northeast boundary fence with the apex of the roof reaching c.800mm above that fence. It is not considered that this would result in an unacceptably overbearing impact on neighbouring amenity, and as a single storey structure there would be no overlooking or loss of privacy arising from its use.

The gazebo is close to the house along the northwest boundary, will be screened by an existing 2.35m high wall, therefore it will not affect the neighbours privacy or amenity.

Use of the proposed summer house and gazebo for normal domestic activity should not give rise to unacceptable noise, light or odours, and it would be unreasonable to refuse planning permission on those grounds.

The proposals will not be visible from public vantage points and are located in the rear garden of a property surrounded by a large number of other dwellings, so would not have any detrimental effects on the natural beauty, character and appearance of the surrounding area.

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

For the reasons set out within this report, it is recommended that planning permission be granted, subject to conditions.

Date: 25/01/2021