

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 a detached garage and remove section of hedge to front (east) of property.

LOCATION: Sittella, La Route Des Coutures, St. Martin.

APPLICANT: Mr J Wickenden & Miss G Pols

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: 18/02/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/08/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: 13b JW (date stamped received 19th January 2022), Block Layout Plan (date stamped received 7th July 2021)

Application Ref: FULL/2021/1524

Property Ref: J012130000

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.Prior to the removal of the existing conifer hedge, full details of the replacement landscaping scheme, including the species, spacing and height at which planted, shall be submitted to and agreed in writing by the Authority. The landscaping scheme thereafter shall be fully completed in accordance with the agreed details, in the first planting season following the completion of the approved garage. 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 - To secure the satisfactory appearance of the completed development and to satisfactorily assimilate the garage into the surrounding area.

Expiry Date: This permission will cease to have effect on 17/02/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed garage 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.

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the 2020 Strategy for Nature, and the need to comply with their provisions. The hedge may be used by nesting birds or other wildlife. You are therefore requested to remove the hedge outside of the main bird breeding season (March-July inclusive). If

removal during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

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/2021/1524
Property Ref: J012130000
Valid date: 02/08/2021
Location: Sittella La Route Des Coutures St. Martin Guernsey GY4 6HJ
Proposal: Erect a detached garage and remove section of hedge to front (east) of property.

Applicant: Mr J Wickenden & Miss G Pols

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.

4. Prior to the removal of the existing conifer hedge, full details of the replacement landscaping scheme, including the species, spacing and height at which planted, shall

be submitted to and agreed in writing by the Authority. The landscaping scheme thereafter shall be fully completed in accordance with the agreed details, in the first planting season following the completion of the approved garage. 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 - To secure the satisfactory appearance of the completed development and to satisfactorily assimilate the garage into the surrounding area.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed garage 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.

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the 2020 Strategy for Nature, and the need to comply with their provisions. The hedge may be used by nesting birds or other wildlife. You are therefore requested to remove the hedge outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

OFFICER'S REPORT

Brief Description of the site:

The application site known as 'Sittella' comprises a detached dwelling-house, located to the north of La Route Des Coutures. The property is situated in a Local Centre as defined in the Island Development Plan.

Planning permission was originally sought to erect a detached garage and remove a section of hedge to the front of the property.

Some concerns were raised with regards to the position of the garage and its resultant effect on the surrounding built environment. It was advised to reposition the garage in line with, or behind, the forward building line of the property to achieve a better relationship to the surrounding area.

Despite these concerns, the applicant has provided justification in respect of the garage's position. The applicant has also altered the design of the proposal in attempt to better assimilate the garage into its surroundings by cladding the exterior in timber cladding, and planting a new hedge to the front and side of the garage in replace of the dead conifer hedge.

The applicant has also clarified that the proposal does not seek to widen the existing vehicular access.

Relevant History:

FULL/2018/2992	Demolish conservatory and erect flat roof extension to south west (side) elevation. Install dormer windows to south east (front) roofslope, install rooflights on north west (rear) roofslope, remove chimney stack at north east gable and apply external insulation to all elevations.	Granted
FULL/2009/1474	Demolish existing and erect replacement shed	Granted

Existing Use(s):

Residential

Assessment: (Tick as appropriate)

no representation
 accords with policy
 within curtilage
 design acceptable

✓
✓
✓
✓

visual amenity acceptable
 no material neighbour impact
 traffic not affected

✓
✓
✓

Policies considered most relevant:

GP8 Design
 GP9 Sustainable Development
 GP13 Householder Development

Comments:

La Societe Guernesiaise's comments:

"In respect of this application, we would like to highlight that all types of hedges support nesting birds and other wildlife.

If the application is approved, we would request that the removal of the hedge be undertaken outside of the main bird breeding season (March-July inclusive). If removal during the bird breeding season is considered essential, then we would recommend that the hedge is inspected for current or recent use by birds (and other

wildlife) by a suitably qualified person prior to removal. This would reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012.

We would request that an informative note be added to the Information Sheet as follows -

'Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the 2020 Strategy for Nature, and the need to comply with their provisions. The hedge may be used by nesting birds or other wildlife. You are therefore requested to remove the hedge outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email jamie.hooper@cwqsy.net'.

Conclusion/Brief comment:

Policy GP13 (Householder Development) states that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Area, Area of Biodiversity Importance, protected building or protected monument. In this instance Policy GP8 (Design) is also relevant.

Whilst the garage will be positioned forward of the front elevation of the property and will to some extent detract from the relatively consistent built form to the north of La Route Des Coutures, the degree of harm is considered to be limited. This decision has been reached when taking into account that the existing shed was granted planning permission in 2009 in the same position as the proposed garage, together with little difference in size and materiality between the two structures.

In addition, the replacement landscaping scheme to the front of the proposed garage will in time assimilate the development into its surroundings and therefore the resultant visual affect is considered to be negligible. Full details of the replacement landscaping scheme are to be agreed prior to the removal of the existing hedge.

Consequently, the proposal will be visible in public views, although due to the amendments secured will not be overly detrimental to the character or amenity of the area to rebut the general support in favour of householder development (Policy GP13) to warrant refusal.

The development will not have a detrimental effect on the amenities of neighbouring residents due to its position and relationship to surrounding properties.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

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.

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.

Recommendation:

Grant with Conditions



Date: 16/02/22