

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: Demolish section of roadside wall to create vehicle access and extend wall to east and create driveway (protected building).

LOCATION: La Croute D'Aval, Les Grands Moulins, Castel.

APPLICANT: Mrs A Falla

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: 17/01/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/08/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne drawing no: A0095/24

Application Ref: FULL/2021/1746

Property Ref: D003380000

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.Within three months of the new opening being completed or its first use (whichever is the sooner) the new wall must be constructed in accordance with the details shown on the approved plans.

Reason - To ensure the development is carried out only as hereby approved.

Expiry Date: This permission will cease to have effect on 16/01/2025 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.

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/2021/1746
Property Ref: D003380000
Valid date: 26/08/2021
Location: La Croute D'Aval Les Grands Moulins Castel Guernsey GY5 7LA
Proposal: Demolish section of roadside wall to create vehicle access and extend wall to east and create driveway (protected building).

Applicant: Mrs A Falla

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.

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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.

4. Within three months of the new opening being completed or its first use (whichever is the sooner) the new wall must be constructed in accordance with the details shown on the approved plans.

Reason - To ensure the development is carried out only as hereby approved.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'La Croute D'Aval' is single storey 18th century traditional cottage which is set back from and faces south onto Les Grands Moulins. To the west is a new build dwelling and a shared driveway. To the north is a vinery and to the west an open field. Across the road to the south are detached residential dwellings. The property is located Outside of the Centres and is within a Conservation Area as defined in the Island Development Plan. The Dwelling is a Protected Building.

Relevant History:

PREA/2021/1131 - Completion of approved shared driveway (PAPP/2003/3090) – Closed June 2021.

PAPP/2003/3090 - Extend and alter barns to create a unit of permanent residential accommodation, create driveway and parking area for existing dwelling – Approve October 2003.

Existing Use(s):

Residential use class 1: dwelling house.

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:

GP4: Conservation Areas
GP5: Protected Buildings
GP8: Design
GP9: Sustainable Development
GP13: Householder Development

IP9: Highway Safety, Accessibility and Capacity.

Conclusion/Brief comment:

This application is to demolish a section of roadside wall to create a vehicle access (the east end of the south boundary) and extend the roadside wall round and along west side of the new entrance in line with the dwelling to create a driveway to parking at the rear of the dwelling.

At present the vehicular entrance to the dwelling is via a shared driveway on the neighbouring land to the west, as both properties were owned by family members. The intention is to separate the properties, giving each their own vehicular entrance (as was approved in the previous application PAPP/2003/3090). The application was also for the conversion of the neighbouring property from a barn to a residential dwelling. The conversion was carried out, but the additional driveway was not.

Six months ago, an enquiry was made to see if the works for the driveway could be carried out, but the applicant was advised that a new application would have to be made because the property was protected in 2018.

The 19th century coursed granite front boundary wall has been included in the listing, but the majority of the special interest is within the main dwelling, dating much earlier than the wall. The proposal will demolish approximately 3.25m of the front wall which is minimal, and the changes could be considered an alteration (para. 19.6.9 of the IDP) instead of partial demolition.

The wall and the garden in front of the facade clearly adds to the setting of the protected building, but under the proposed plans a granite wall is to be built to match the existing wall which will close off the front garden so that's cars cannot park on it. The effect on the overall special interest of the protected building will therefore be low.

Policy GP5 requires the effect on the overall special interest of the protected building to be weighed against the reasonable aspirations of the property owner. In this case, the need to demolish the wall is to create a driveway to parking spaces behind the property. In this location it is a reasonable aspiration for a property owner to have on-site parking.

Given the low effect on the overall special interest of the dwelling, it is considered that the application complies with GP5.

The boundary wall also contributes to the character of the Conservation Area. For the same reasons set out above, the harm to the Conservation will be low which is outweighed by the benefits, therefore the proposals are considered to comply with GP4.

The proposals achieve a good standard of design, and are not considered to have a detrimental effect on the character and amenity of the surrounding conservation area, nor will they have any impact on any of the immediate neighbours.

The new opening is onto Les Grands Moulins, which is a Local Circulation Route, the road is relatively straight and has good site lines in both directions. The new opening is not close to any other junctions and therefore the proposals are not considered to impede highway safety and so comply with IP9.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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: 14/01/2022

