

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 (west boundary) to widen vehicular access and erect gates, increase height of part of south boundary wall/fence. Demolish single-storey extension (north elevation) and conservatory (south elevation) and erect single storey flat roof extension to south (side) elevation, erect two storey hipped roof extension to north (side) elevation, alterations to fenestration to (side) elevation and erection of a shed to west (front) of dwelling.

LOCATION: Linden House, Avenue Germain, Ville Au Roi Estate, St. Peter Port.

APPLICANT: Mr & Mrs C Tsan

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: 25/10/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room: 268 C1, C2, C3, C4, C5, & C6

Application Ref: FULL/2021/1853

Property Ref: A404890000

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 24/10/2024 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.

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/2021/1853
Property Ref: A404890000
Valid date: 20/09/2021
Location: Linden House Avenue Germain Ville Au Roi Estate Ville Au Roi Estate St. Peter Port Guernsey GY1 1PF
Proposal: Demolish section of roadside wall (west boundary) to widen vehicular access and erect gates, increase height of part of south boundary wall/fence. Demolish single-storey extension (north elevation) and conservatory (south elevation) and erect single storey flat roof extension to south (side) elevation, erect two storey hipped roof extension to north (side) elevation, alterations to fenestration to (side) elevation and erection of a shed to west (front) of dwelling.
Applicant: Mr & Mrs C Tsan

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.

OFFICER'S REPORT

Brief Description of the site:

Linden House is a two-storey detached dwelling situated to the east of Avenue Germain. A large single-storey flat roof exists to the rear of the property and a conservatory to the side/south. A blockwork wall/timber fence that is varied in height marks the south site boundary. The west/roadside boundary is marked by a low wall with some hedge and shrub planting and the north boundary is marked by a close boarded fence.

The application relates to the demolition of a section of roadside wall to widen the vehicular access, installation of gates and erection of a shed to the front/west of the dwelling. The south boundary wall/fence is, in part, to be increased in height and the conservatory to the south and single storey extension to the north elevations demolished. A single-storey flat roof extension is proposed to the south of the dwelling and a two-storey hipped roof extension to the north with associated alterations to fenestration.

The site is located in the Main Centre Outer Area as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

01 dwellinghouse

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage

x
x
x

visual amenity acceptable
no material neighbour impact
traffic not affected

x
x
x

design acceptable

x

Policies considered most relevant:

Island Development Plan policies:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

IP9: Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

The existing extensions are of no particular merit to warrant their retention and their removal is accepted.

The extensions have been designed to reflect the design and external appearance of the existing dwelling and represent a good standard of design that respects the local built environment. The two-storey extension has been set back from the front elevation of the dwelling to reduce its prominence in the street and the hipped roof proposed will reduce the bulk associated with this aspect of the development. The extensions are to be set off the site boundaries and as a result will not result in unacceptable overshadowing to the occupiers of surrounding dwellings. Fenestration associated with the extensions has been positioned such that it will not unacceptably increase the potential for overlooking or loss of privacy to occur to surrounding residential neighbours. These aspects of the scheme therefore accord with the aims of Policies GP8, GP9 and GP13 of the Island Development Plan.

The increase in the height of part of the south site boundary has been designed to reflect the easternmost part of this boundary which has previously had permission granted for the erection of a fence over the wall. The proposal will not appear unduly prominent in the streetscene or out of character in this location. Given the driveway that runs along the south site boundary the proposed works will not have an unacceptable impact on the amenities enjoyed by the occupiers of adjoining dwellings and it will enhance privacy for the application property. This proposal meets the aims of the policies referred to above.

Policy IP9 relates to highway safety, accessibility and capacity. Although a section of the boundary wall would be lost, a large proportion will remain intact and will continue to provide an adequate boundary feature. In this particular instance it is considered therefore that any adverse impact on the character of the area as a result of the development is not so substantial to warrant the refusal of planning permission. This conclusion is reinforced by the preceding text to Policy IP9, which notes that, "the Authority will balance any impact on the character of the locality concerned with affording a significant degree of flexibility so that reasonable development aspirations can be met."

In view of the above it is recommended that planning permission is granted for the vehicular access proposed.

The proposed shed/outbuilding is approximately 3.2m high. The pitched roof design of the outbuilding and its location, set back from Avenue Germain and with space for access/landscaping around it is such that it will not appear unduly prominent in the streetscene. It will not result in overshadowing or overlooking to the occupiers of adjoining properties and meets the aims of Policies GP8 and GP13 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: 25 October 2021

