

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: Alter roof form to create terrace at first floor level with bridge and external steps to south (rear) elevation.

LOCATION: Stoneleigh, La Claire Mare Lane, Rue De La Claire Mare, St. Pierre Du Bois.

APPLICANT: Ms T Munro

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: 03/12/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/10/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Paul Langlois Architects: 2160/01 & /10.

Application Ref: FULL/2021/1994

Property Ref: F00275A000

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 02/12/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the local Strategy for Nature and the need to comply with their provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. Measures may therefore need to be taken (including consideration of the timing of the works and provision to support wildlife in the long term incorporated into the development) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. 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/2021/1994
Property Ref: F00275A000
Valid date: 06/10/2021
Location: Stoneleigh La Claire Mare Lane Rue De La Claire Mare St.
Pierre Du Bois Guernsey GY7 9QA
Proposal: Alter roof form to create terrace at first floor level with bridge
and external steps to south (rear) elevation.
Applicant: Ms T Munro

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

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the local Strategy for Nature and the need to comply with their provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. Measures may therefore need to be taken (including consideration of the timing of the works and provision to support wildlife in the long term incorporated into the development) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

OFFICER'S REPORT

Site Description:

The property known as 'Stoneleigh' is a two storey 1970's dwelling which is set far back from and faces north onto Claire Mare Lane. There are neighbouring properties to the east and west which are set closer to the lane, an open field to the south and other neighbouring properties to the north across the road. The land slope down from the south to the north. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to alter the rear single storey roof form to create a first floor terrace at first floor level with a short bridge and external steps to link the terrace with the rear garden, which is set at a higher ground level to the dwelling.

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

GP8 – Design

GP9 – Sustainable Development

GP13 – Householder Development

Representations:

There have been two letters of representation, one supporting and one objecting. The issues from the latter are:

- The concerns relate to privacy issues and the adverse impact on the amenity of the neighbour's garden.
- There would be an increased and significant line of sight overlooking the neighbour's garden to the east, which would have a detrimental effect on the privacy.
- Use of the terrace would increase noise and disturbance.

The supporting points are:

- The neighbour to the west will not be able to see any part of the proposals from anywhere on the property, therefore no objections are raised.

La Societe Guernesiaise commented on this application, noting that buildings of this type can be used by roosting bats, and request that an informative be attached to any planning permission making the applicant aware of their responsibilities under the Animal Welfare (Guernsey) Ordinance, 2012.

Consultations:

None

Summary of Issues:

- 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.

Policy GP8 expects proposals to achieve a high standard of design which respects and where possible enhances the character of the environment. GP13 supports development where there are no significant adverse effects on the amenities of neighbouring properties. Both policies provide for a high degree of personal choice on design matters in less sensitive areas (outside of Conservation Areas and not affecting the setting of protected buildings).

The proposals are all to the rear of the property and cannot be seen from public vantage points, therefore there will be no impacts on the character of the area.

The rear garden is very secluded with high mature planting along all boundaries, and although mature planting is not usually relied upon for permanent screening, in this case the planting is on both sides of the boundary and therefore the chances of both sides dying, being cut or removed is unlikely.

Having carried out two site visits and being able to stand at various points and at a similar level to where the proposed terrace and bridge will be located, the assessment is that the extent of any overlooking into the eastern neighbour's garden is minimal, as the distances are over 15m. It is concluded that there will not be any detrimental impacts to the easterly neighbours' garden amenity. Use of the terrace by occupants of the application property should not give rise to any materially different noise or activity than could already take place around the pool and within the rear garden.

Policy GP9, Sustainable Development, seeks to ensure all new development takes into account the use of energy and resources and any adverse impacts on the environment. There has been sufficient information provided with the application to comply with the requirements of this policy.

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

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: 02/12/2021

