

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: Remove section of earthbank to widen vehicle access (part-retrospective).

LOCATION: La Conchee, Les Rues, St. Saviour.

APPLICANT: Mr B Cova

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: 02/11/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/10/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: 1:500 scale Block Plan, 1:200 scale plan titled 'Proposed Vehicular Access', and 1:50 scale layout plan

Application Ref: FULL/2021/2016

Property Ref: E00167A000

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 four weeks of the access being widened, the ends of the opening shall be finished off in accordance with the details shown on the 1:50 scale layout drawing hereby approved.

Reason - To secure the satisfactory appearance of the completed development to preserve the character and appearance of the locality.

Expiry Date: This permission will cease to have effect on 01/11/2024 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/2021/2016
Property Ref: E00167A000
Valid date: 05/10/2021
Location: La Conchee Les Rues St. Saviour Guernsey GY7 9FN
Proposal: Remove section of earthbank to widen vehicle access (part-retrospective).
Applicant: Mr B Cova

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. Within four weeks of the access being widened, the ends of the opening shall be finished off in accordance with the details shown on the 1:50 scale layout drawing hereby approved.

Reason - To secure the satisfactory appearance of the completed development to preserve the character and appearance of the locality.

OFFICER'S REPORT

Brief Description of the site:

La Conchee is a detached one and a half storey dwelling with timber effect clad exterior situated to the south of Les Rues. The roadside boundary is marked by an earthbank.

The application relates to the widening of the vehicular access serving the dwelling through the removal of a section of earthbank to the west of the access. The demolition of the low wall that returns into the site to the east of the access would not widen the access and due to the height of the wall constitutes exempt development. In 2018 the original access was 5.1m wide but the bank to the west of the access suffered damage during construction on the site and was never reinstated. By 2021 therefore the access had been enlarged to 6.1m but without the benefit of planning permission. The application seeks to regularise this breach of planning control and further enlarge the access to 6.6m wide providing a splayed access, with granite blocks to form the bank/driveway ends, for better manoeuvring/access arrangements. Additional information regarding the finished appearance of the entrance was sought during the consideration of the application.

The application sets out that other accesses in the lane are as wide, or wider than the access proposed. The letter dated 4th October sets out that traffic in the lane has increased since 2018 with drivers using the lane as a regular short cut. The application outlines that the narrow width of the existing access restricted movement and vision when reversing out of the driveway, with the view towards Route des Bordages being completely blind, while the other view is close to the corner. There is no pavement in Les Rues and walkers/dog walkers (with dogs on and off leads) use the lane to access the cemetery and reservoir. The proposed flared access arrangement will allow for more manoeuvrability on the drive and the opportunity to exit the site in a forward gear and provide better visibility for pedestrian safety.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

FULL/2018/0968 - Erect pitched roof extension above garage with flat roof dormer to rear, install raised decking and flue at rear and change of cladding to exterior of dwelling – granted

Existing Use(s):

01 dwellinghouse

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:

GP8: Design
GP9: Sustainable Development
GP13: Householder Development
IP9: Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

With regard to the proposed access, as a general guide an access of 3.5 to 4.0m is usually considered to be adequate for residential properties. Although the width of the access point exceeds that range it is noted that other properties in the immediate area benefit from accesses of a similar width.

The site is not situated in a Conservation Area and although a section of the boundary bank 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.”*

The proposed widening of the vehicular access and the completion of the development by installing granite stones to form the entrance represents a good standard of design that respects the local built environment. The works will not result in harm to the amenities of the occupiers of any surrounding dwellings and the scheme meets the aims of Policies GP8, GP9 and GP13 of the Island Development Plan.

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

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: 02 November 2021

