

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: Infill existing vehicle access point to rear. Remove section of south (roadside) wall to create vehicle access to rear of property.

LOCATION: Westview, Rouge Huis Avenue, St. Peter Port.

APPLICANT: Mr & Mrs J Barker

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: 07/12/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Create drawing no's: 100-3-003A & 004A;

Application Ref: FULL/2021/2038

Property Ref: A205120000

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 2 months of the new vehicular access being formed, the existing access shall be infilled and finished in materials to match appearance of the existing boundary wall as closely as possible.

Reason - To secure the satisfactory appearance of the completed development and to respect the character and appearance of the Conservation Area.

5.Within 2 months of the new vehicular access being formed, the ends of the new vehicular access shall be finished in materials to match appearance of the existing boundary wall as closely as possible.

Reason - To secure the satisfactory appearance of the completed development and to respect the character and appearance of the Conservation Area.

Expiry Date: This permission will cease to have effect on 06/12/2024 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/2021/2038
Property Ref: A205120000
Valid date: 13/09/2021
Location: Westview Rouge Huis Avenue St. Peter Port Guernsey GY1 1RX
Proposal: Infill existing vehicle access point to rear. Remove section of south (roadside) wall to create vehicle access to rear of property.
Applicant: Mr & Mrs J Barker

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).

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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 2 months of the new vehicular access being formed, the existing access shall be infilled and finished in materials to match appearance of the existing boundary wall as closely as possible.

Reason - To secure the satisfactory appearance of the completed development and to respect the character and appearance of the Conservation Area.

5. Within 2 months of the new vehicular access being formed, the ends of the new vehicular access shall be finished in materials to match appearance of the existing boundary wall as closely as possible.

Reason - To secure the satisfactory appearance of the completed development and to respect the character and appearance of the Conservation Area.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a traditional end-of-terrace, 2 storey dwelling-house, located to the east of Rouge Huis Avenue. The property is enclosed by traditional railings and wall to the front, with car parking provision to the rear, accessed via a highway serving the remainder of properties to the east of Rouge Huis Avenue, and west of Brock Road.

Planning permission was originally sought to remove sections of the south boundary walls to the front and rear of the property, install a gated vehicle access and infill the existing vehicular access to the rear.

Concerns were raised with regards to the removal of a section of the roadside wall in order to create car parking provision to the front of the property and the resultant harm to the character and appearance of the Conservation Area.

The applicant subsequently submitted revised drawings omitting the alterations to the front of the house in attempt to overcome the concerns raised.

Relevant History:

FULL/2018/2077	Demolish chimney on rear extension, demolish and re-build chimney on south gable and install replacement 1st floor window, demolish conservatory, install replacement door and erect 1.8m high fence and gate at rear of dwelling (part retrospective).	Granted
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Existing Use(s):

Residential

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:

GP1 Landscape Character and Open Land
GP4 Conservation Areas
GP8 Design
GP9 Sustainable development
GP13 Householder Development
IP9 Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

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.

Policy GP4 (Conservation Areas) states that proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.

Whilst the wall in question is located within a Conservation Area and is visible along an access road serving multiple houses, the section of wall to be demolished does not overly contribute to the character and appearance of the Conservation Area and therefore is outweighed in this case by the reasonable aspirations of the property owner.

The width of the proposed access is reasonable, the use of sliding timber gates in this location is acceptable and the existing vehicular access will be infilled accordingly.

The works are sufficiently setback from Rouge Huis Avenue and therefore will not be highly visible from the main public highway.

Although to gain access to the property a vehicle will have to wait on the highway whilst the gates are operated, given that the road in question is a side road which is

not heavily trafficked and speeds are low, any impact on highway safety would not be so substantial to warrant the refusal of planning permission.

Consequently, subject to appropriate conditions, the proposal is considered to have a neutral effect on the landscape character and Conservation Area.

On this basis, the application is 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: 29/11/21

