

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 chimney, erect single storey flat roof extension to east (rear) elevation and alteration to fenestration. Remove hedge and demolish section of roadside wall to widen vehicle access (part retrospective).

LOCATION: Sous Soleil, Sous Les Courtils, Castel.

APPLICANT: Mr N & Mrs A Boldison-Smith

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: 04/01/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Hunt Brewin drawing no's: 16121.03.01, 02, 03 & 04

Application Ref: FULL/2021/2041

Property Ref: D01031A000

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.The vehicular access point shall be widened in accordance with the hereby approved drawings and shall be made good within 6 months of the date of this decision, or the completed extension, whichever is sooner.

Reason - To ensure that the disturbed area of the vehicular access point is made good in accordance with the approved drawings to secure the satisfactory appearance of the completed development.

Expiry Date: This permission will cease to have effect on 03/01/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

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/2021/2041
Property Ref: D01031A000
Valid date: 29/09/2021
Location: Sous Soleil Sous Les Courtils Castel Guernsey GY5 7HX
Proposal: Demolish chimney, erect single storey flat roof extension to east (rear) elevation and alteration to fenestration. Remove hedge and demolish section of roadside wall to widen vehicle access (part retrospective).

Applicant: Mr N & Mrs A Boldison-Smith

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. The vehicular access point shall be widened in accordance with the hereby approved drawings and shall be made good within 6 months of the date of this decision, or the completed extension, whichever is sooner.

Reason - To ensure that the disturbed area of the vehicular access point is made good in accordance with the approved drawings to secure the satisfactory appearance of the completed development.

INFORMATIVES

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

OFFICER'S REPORT

Site Description:

The application site is located Outside of the Centres as defined in the Island Development Plan. The property comprises a detached bungalow located to the east of Les Courtils, Castel. The whole of the site is recognised as domestic curtilage.

Relevant History:

None pertinent to this application.

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to demolish a chimney, erect single storey flat roof extension to the rear (east elevation) and alter the fenestration. The application also includes removing a hedge and demolishing section of roadside wall to widen vehicle access to the front of the property (retrospective).

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

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

Representations:

The Authority has received a letter of representation from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Drainage and risk of flooding if additional dwellings are added to an existing shared drain.

Consultations:

None generated.

Summary of Issues:

- Whether the design, scale, mass, siting, form and materials of the development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

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.

The site is not within a sensitive location and the scheme provides a degree of flexibility and personal choice as advocated within the IDP.

In light of the policies above, the proposed extension represents a modest sized addition to the property and achieves a good standard of design (Policy GP8 – Design) in terms of its scale, mass, form, siting and materials. The extension is considered in keeping with the rear built form of the surrounding area and due to its position the proposal will not be highly visible in public views.

Careful consideration has been given to the effect of the development on the amenities of neighbouring residents. Although, due to the design of the proposed extension together with the existing boundary treatments and its relationship to neighbouring properties, the extension is not considered to adversely affect the amenities of neighbouring residents.

All other aspects of the development including the removal of the chimney, alterations to the fenestration, widened access point and removal of hedge are compliant with the relevant planning policies, and would not lead to any undue harm to the character and appearance of the surrounding area, or neighbour amenity.

In response to the letter of representation received, all matters in respect of drainage falls to be considered under the Building Regulations and do not constitute a material planning consideration. This application relates to the extension of an existing dwelling, and any separate alterations to an existing shared drain would have to be resolved outside of the planning process.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 30/12/21