

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: Erect 1 1/2 storey garage/games room with external stairs to east elevation to south boundary.

LOCATION: Les Bouleaux, Rohais De Bas, St. Andrew.

APPLICANT: Mr J Guilbert

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: 09/11/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/10/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services - 5966/G/1

Application Ref: FULL/2021/2158

Property Ref: K00012A000

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 08/11/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the erection of detached garage building for uses incidental to the principal dwelling presently known as Les Bouleaux. It does not permit the creation of a separately occupied annex or an independent dwelling, nor any use in connection with a trade or business. This would require a separate grant of planning permission and involve different planning policy considerations.

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/2021/2158
Property Ref: K00012A000
Valid date: 11/10/2021
Location: Les Bouleaux Rohais De Bas St. Andrew Guernsey GY6 8YZ
Proposal: Erect 1 1/2 storey garage/games room with external stairs to east elevation to south boundary.

Applicant: Mr J Guilbert

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.

INFORMATIVES

For the avoidance of doubt, this decision permits the erection of detached garage building for uses incidental to the principal dwelling presently known as Les Bouleaux. It does not permit the creation of a separately occupied annex or an independent dwelling, nor any use in connection with a trade or business. This would require a separate grant of planning permission and involve different planning policy considerations.

OFFICER'S REPORT

Site Description:

Les Bouleaux is a detached dwelling set back from and at a lower level than Rohais De Bas and with a substantial garden to the rear/northeast. Two flat roof garages exist to the front of the bungalow and a pedestrian access exists along the west site boundary. A small stream, which it is possible to step across without the need for a bridge, crosses the site and separates the garden to the immediate northeast of Les Bouleaux from the site of the proposed garage building. A greenhouse is located in the southeast corner of the site. The garden visible from the main house has been lawned with some areas of planting and a pond has been formed on the site.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2017/0938 – erect single garage adjacent to the existing garage and relocate oil tank -granted

FULL/2019/2017 - Change of use of land to domestic garden (partially retrospective) - granted

Existing Use(s):

01 Dwelling houses

Brief Description of Development:

The application relates to the erection of a detached double garage with external staircase to the east elevation serving a proposed games room.

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

GP8 – Design

GP9 – Sustainable Development

GP13 – Householder Development

Representations:

One letter of representation from two households has been submitted objecting to the application and raising the following points:

- Express concerns that the building will be converted to staff accommodation similar to the rest of the household
- There are two garages to the front of the property and building on former agricultural land could be the thin edge of the wedge for future development
- The access is very tight and it would be necessary to cross a stream to access the proposed garage
- The development has been situated so as not to spoil the view of the application property but it will spoil the view for others
- The site is approximately 3 acres therefore there is the option to build the development further from the neighbours
- The development could impact on the recently constructed pond on the site
- The development could have an adverse impact on the value of surrounding properties

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the design and appearance of the outbuilding and its likely effect on the character and amenity of the locality and the potential impact on residential amenity with regard to sunlight and daylight and loss of privacy.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The garage building has been designed with a timber clad exterior and will appear as an ancillary outbuilding situated to the rear of the dwelling and other residential properties in Rohais De Bas. The design and appearance of the building appropriate for this location and will not result in undue harm to the character and appearance of the locality in accordance with the relevant policies in the Island Development Plan.

The building is situated away from the adjoining residential properties and will not result in overshadowing or loss of light to adjoining dwellings or gardens. Outlook from the rear of adjoining properties may alter however the siting of the building is such that outlook from adjoining properties would not be harmed to such a degree that it would warrant the refusal of planning permission. The rear elevation of the building is shown to be blank in order to maintain privacy to the gardens of neighbouring dwellings. The scheme therefore meets the aims of Policies GP8, GP9 and GP13 of the Island Development Plan in this respect.

Although the public consultation has identified concerns regarding the location of the building, loss of view and the value of surrounding dwellings the Planning Service must consider the application presented to them and there would need to be overriding justification for the Planning Service to require the building to be repositioned on the site. Furthermore, the value of properties is not a matter that can be considered as part of the assessment of the application.

The proposed building does not appear to be accessible to vehicles from Rohais de Bas and given the stream that dissects the site. This is a matter that is raised as a concern through the public consultation, however as a domestic outbuilding it may be used for any domestic use ancillary to the enjoyment of the main house such as garden storage (ride on mower storage), games room, craft room, ancillary accommodation associated with Les Bouleaux. Consequently the lack of vehicular access can have no bearing on the outcome of this application.

The building is set well away from the pond on the site and there is no evidence to suggest that the proposed development would have a detrimental effect on the pond habitat.

In view of the above it is recommended planning permission is granted for the proposed development.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality;

any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 09 November 2021

