

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 extension and dormer window to east (rear) elevation and detached garage to north boundary. Widen vehicular access and lower roadside wall.

LOCATION: Lobos House, Mont Arrive, St. Peter Port.

APPLICANT: Mr & Mrs O Fernandes

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: 22/11/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/10/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: App: 1021-01/B1 & /B2A.

Application Ref: FULL/2021/2196

Property Ref: A10365A000

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 enlarged, the ends of the enlarged opening shall be finished off using materials and a method of construction which match the remainder of the existing roadside boundary wall.

Reason - To secure the satisfactory appearance of the completed development.

Expiry Date: This permission will cease to have effect on 21/11/2024 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/2021/2196
Property Ref: A10365A000
Valid date: 21/10/2021
Location: Lobos House Mont Arrive St. Peter Port Guernsey GY1 2AQ
Proposal: Demolish chimney, erect single storey extension and dormer window to east (rear) elevation and detached garage to north boundary. Widen vehicular access and lower roadside wall.

Applicant: Mr & Mrs O Fernandes

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.

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Reason - To secure the satisfactory appearance of the completed development.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Lobos house' is a mid-20th century semi-detached one and a half storey dwelling which is set back from and faces west onto Mont Arrive. The other semi is attached to the south and there is a detached residential neighbour to the north. To the east is a commercial building and across the road is a warehouse. The property is located in the St Peter Port Main Centre Outer Area as defined in the Island Development Plan.

Relevant History:

FULL/2021/1738 - Remove hedge to rear of property and to front of property along south boundary and replace with fence (Retrospective) – Approved October 2021.

Existing Use(s):

Residential use class 1: dwelling house.

Assessment: *(Tick as appropriate)*

no representation

☒

accords with policy

☒

within curtilage

☒

design acceptable

☒

visual amenity acceptable

☒

no material neighbour impact

☒

traffic not affected

☒

Policies considered most relevant:

GP1 – Landscape Character and Open Land

GP8 – Design

GP9 – Sustainable Development

GP13 – Householder Development

IP9 – Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

This application is to demolish the chimney on the north gable, erect a single storey extension and dormer window to the rear east elevation and a detached garage in the northeast corner of the site. Plus widen vehicular access to 4.5m and lower roadside wall so it is 850mm high on the road side (the house is set a little lower than the road level).

The property is not within a conservation area and the chimney is not considered to have any architectural merit, therefore its removal is acceptable.

The proposals achieve a good standard of design, using materials which complement the existing materials. The extension will provide adequate levels of sunshine and daylight, and give the occupiers more flexible and adaptable accommodation. The detached garage is set back from the main dwelling and is considered to be of an appropriate size and scale.

The scale and massing of the new extension and the garage are not considered to have a detrimental effect on the character and amenity of the surrounding area, nor will they have many impacts on either of the immediate neighbours. The rear dormer will have two windows, the one closest to the attached neighbour will serve a bathroom and appears to be set at a high level. Both of the windows would face down the applicant's rear garden. Whilst some overlooking into neighbouring properties could be possible, the angle would be relatively oblique and the degree of overlooking would not be so significant as to have a material adverse effect on the amenities of neighbouring residents.

Widening the existing entrance from 2.8m to 4.5m would retain a substantial proportion of the boundary wall and is considered acceptable in the area, and along with the lowering of the wall the proposals will improve highway safety when accessing and egressing.

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.

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: 22/11/2021