

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 raised decking area, fencing and steps to west elevation, remove section of hedge and erect external staircase.

LOCATION: The Berries, Les Amballes, St. Peter Port.

APPLICANT: Mr & Mrs Owen

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: 29/04/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/10/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Martel Design Ltd: 21-1033 03C, 04Da, 04Db, 04Dc & 04Dd

Application Ref: FULL/2021/2198

Property Ref: A109840000

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.Notwithstanding the notes on the drawings, the northeast and southeast facing fences shall not exceed a height of 1.5m.

Reason - To ensure the character of the conservation area is preserved.

5.Notwithstanding the details submitted, a 1.8m high privacy screen shall be added to the first landing of the external staircase hereby approved, which shall be attached to the southeast boundary, and if glazed it shall be with obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent) and shall be installed prior to the staircase being brought into use. The screen shall thereafter be retained at all times.

Reason: To minimise the effect of the development on the privacy and amenities of nearby residents.

Expiry Date: This permission will cease to have effect on 28/04/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the 2020 Strategy for Nature, and the need to comply with their provisions. The hedge may be used by nesting birds or other wildlife. You are therefore requested to remove the hedge outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the

works. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

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/2021/2198
Property Ref: A109840000
Valid date: 20/10/2021
Location: The Berries Les Amballes St. Peter Port Guernsey GY1 1WT
Proposal: Erect raised decking area, fencing and steps to west elevation, remove section of hedge and erect external staircase.

Applicant: Mr & Mrs Owen

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. Notwithstanding the notes on the drawings, the northeast and southeast facing fences shall not exceed a height of 1.5m.

Reason - To ensure the character of the conservation area is preserved.

5. Notwithstanding the details submitted, a 1.8m high privacy screen shall be added to the first landing of the external staircase hereby approved, which shall be attached to the southeast boundary, and if glazed it shall be with obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent) and shall be installed prior to the staircase being brought into use. The screen shall thereafter be retained at all times.

Reason: To minimise the effect of the development on the privacy and amenities of nearby residents.

INFORMATIVES

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the 2020 Strategy for Nature, and the need to comply with their provisions. The hedge may be used by nesting birds or other wildlife. You are therefore requested to remove the hedge outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'The Berries' is a two and a half storey dwelling which is set slightly back, higher than street level and faces northeast onto Les Amballes. The dwelling sits in the northeast corner of the site with road level parking to the southeast, there is a mid-level which is the same level as the house and then a much higher level along the western side of the site. The property is located in a Main Centre Outer Area and is within a Conservation Area as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Assessment: *(Tick as appropriate)*

no representation

☒

visual amenity acceptable

☒

accords with policy
within curtilage
design acceptable

X
X
X

no material neighbour impact
traffic not affected

X
X

Policies considered most relevant:

GP4 – Conservation Areas
GP8 – Design
GP9 – Sustainable Development
GP13 – Householder Development

Conclusion/Brief comment:

This application is to erect a raised decking area with 1.5m fencing around it and steps to the southeast elevation of the dwelling at the mid-level, remove a section of hedge from the east side of the top level and erect an external timber staircase from the mid-level to the top level.

Initially there were concerns about the height of the fence in relation to the roadside, and how it would affect the character of the Conservation Area. The applicant agreed to lower the height of the fence by 300mm to 1.5m, which will have less of an impact on the special quality of the surrounding Conservation Area.

The proposed raised deck would not be seen from any public vantage points, and the 1.5m fencing and timber staircase are not considered to detrimentally impact on the character and appearance of the special quality of the surrounding Conservation Area. The applicant has agreed to install a privacy screen to the south-east elevation of the external staircase and provided that this screen is installed the proposals are unlikely to have a significant adverse impact on neighbour amenity.

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: 29/04/2022

X
