

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 and rebuild chimneys.

LOCATION: Le Petit Feugre, La Route Militaire, Vale.

APPLICANT: Mr & Mrs DM & R Curtis

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: 23/12/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/11/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Plan date stamped 16th November 2021
Hand drawn elevation plan date stamped 20th October 2021
Condition report from Hunt Brewin dated 10th June 2021
Series of photos showing condition of chimney

Application Ref: FULL/2021/2345

Property Ref: C012600000

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 chimneys to the north and south elevations hereby approved for demolition shall be rebuilt within 4 months of the demolition to match in their materials and details the chimneys being demolished.

Reason - To ensure that the detailed design matches that it is replacing to ensure that there is no impact on the character and appearance of the Conservation Area in accordance with IDP Policy GP4: Conservation Areas.

Expiry Date: This permission will cease to have effect on 22/12/2024 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/2021/2345
Property Ref: C012600000
Valid date: 16/11/2021
Location: Le Petit Feugre La Route Militaire Vale Guernsey GY3 5RU
Proposal: Demolish and rebuild chimneys.
Applicant: Mr & Mrs DM & R Curtis

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 chimneys to the north and south elevations hereby approved for demolition shall be rebuilt within 4 months of the demolition to match in their materials and details the chimneys being demolished.

Reason - To ensure that the detailed design matches that it is replacing to ensure that there is no impact on the character and appearance of the Conservation Area in accordance with IDP Policy GP4: Conservation Areas.

OFFICER'S REPORT

Site Description:

Pre-1900 mid-terrace dwelling sited within a Conservation Area as defined within the Island Development Plan.

Relevant History:

None relevant.

Existing Use(s):

Residential use class 1

Brief Description of Development:

Application for the demolition of and rebuilding of two brick chimneys to the north and south. The chimneys are shared chimneys with the adjacent neighbours.

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

GP4 Conservation Areas
GP8 Design
GP13 Householder Development

Representations:

One letter of representation has been received from one of the neighbouring properties stating that the applicant does not have written permission to make the application to apply for works to the chimney for which they are also jointly responsible. The letter states that they have received written correspondence of the works from the applicant and continues to discuss how the works would be funded but that they have not given written consent for the application to be submitted.

Consultations:

None

Summary of Issues:

Visual amenity and the impact on the character and appearance of the area

Neighbour disputes

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).**

Photographs and a condition report of the chimney within the left-hand (north) party wall to the adjoining property have been submitted in respect to the need to carry out the proposed works. The condition report notes that the chimney contains four flues, 2 serving each property (the application site and its adjoining neighbour) and that the chimney is in very poor condition and structurally unsafe particularly in the upper brick courses where there are open gaps and sections of missing or loose brickwork. Internally damp is evident in the rooms that the chimney breast runs through and it is concluded that the chimney be demolished and rebuilt to match the existing. Although the chimney to the right-hand party wall (south) has not undergone such inspection, given the age and similarity of both chimneys, it could be considered likely that works to this chimney would also be necessary. It is therefore proposed that both chimneys are demolished with new flues and leadwork installed and rebuilt to match the existing in brickwork.

Although the property is within a conservation area the condition of the chimneys, particularly that to the left-hand party wall are in a bad state of repair. Works are necessary and providing that both chimneys are rebuilt on a like for like basis, which can be achieved through the imposition of an appropriately worded planning condition, then the demolition and rebuild of the chimneys will not have any significant effect on the visual amenity or character and appearance of the area.

In respect to the letter received from the adjoining neighbour to the left-hand party wall of the application site (north), noting that the applicant does not have the written consent of themselves to make the application, the neighbour is clearly aware of the application and there is evidently a dispute concerning the proposed works. Such a dispute is not in and of itself a material planning consideration which could influence the determination of the application.

Whilst it is normally a requirement for an applicant to have gained written consent from all affected owners, in this instance the applicant has contacted the property owner to the north (left hand side) and this has been confirmed through the submission of a letter by the neighbours to the north stating the method of contact.

It is not within the remit of the Authority to resolve neighbour disputes, however the works as proposed do require planning permission. Whilst planning permission can be granted in this instance, any such permission granted is without prejudice to the normal legal rights and privileges of affected property owners and the applicant

would still require the consent of all relevant owners to be able to carry out the works. This however is a civil matter which would need to be resolved between the parties concerned prior to the commencement of work.

For the purposes of obtaining planning permission, the works as proposed are considered to accord with all relevant policies and purposes of the Law. Subject to planning conditions the application is recommended favourably.

Date: 22 December 2021

