

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 shed, erect 1.5 storey outbuilding to east boundary, infill existing vehicle access and widen existing access to north (roadside) (revised scheme).

LOCATION: Bluebell Cottage, Rue Du Marais, Castel.

APPLICANT: Mr & Mrs G H Smit

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: 05/01/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/11/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room - 119 C1, C2, C3, C4 & C5.

Application Ref: FULL/2021/2414

Property Ref: D004390000

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 2 months of the central vehicular access being widened or works commencing on the outbuilding hereby permitted, whichever is sooner, the existing vehicular access to the east of the site shall be infilled and made good in materials to match as closely as possible to the existing roadside wall.

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

5.The boundary hedge shown on the approved Block Layout Plan and Street Elevation shall be planted in the first planting season following the existing vehicular access being infilled hereby permitted. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

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

Expiry Date: This permission will cease to have effect on 04/01/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed garage to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

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/2021/2414
Property Ref: D004390000
Valid date: 01/11/2021
Location: Bluebell Cottage Rue Du Marais Castel Guernsey GY5 7LE
Proposal: Demolish shed, erect 1.5 storey outbuilding to east boundary, infill existing vehicle access and widen existing access to north (roadside) (revised scheme).

Applicant: Mr & Mrs G H Smit

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. Within 2 months of the central vehicular access being widened or works commencing on the outbuilding hereby permitted, whichever is sooner, the existing vehicular access to the east of the site shall be infilled and made good in materials to match as closely as possible to the existing roadside wall.

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

5. The boundary hedge shown on the approved Block Layout Plan and Street Elevation shall be planted in the first planting season following the existing vehicular access being infilled hereby permitted. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

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

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed garage to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a detached dwelling and dower unit to the south of Rue Du Marais, Castel. The site is located Outside of the Centres as defined in the Island Development Plan.

Planning permission was originally sought to demolish a shed and erect an outbuilding to the north of the site. Concerns are raised with regards to the position of the structure forward of the façade of the dwelling-house, coupled with its size, and resultant adverse effect on the character and appearance of the area. The application was later withdrawn.

Permission is now sought to amend the proposal by erecting a 1.5 storey detached outbuilding to the east of the application site, widen the central vehicular access, and infill the vehicular access to the east of the site, in attempt to overcome the concerns raised. The existing unauthorised shed is to be removed from the site as part of the application.

Relevant History:

FULL/2021/1368	Demolish shed and erect outbuilding to north of site.	Withdrawn
FULL/2012/3470	Convert double garage to a dower unit, install dormer window, rooflights, remove garage doors and install and alter doors and windows. Erect a shed, remove hedge and fell trees (south-east boundary area)	Granted
PAPP/1998/0577	Erect a garage, create vehicular access and driveway and install field gate.	Granted

Existing Use(s):

Residential

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:

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.

Policy GP13 (Householder Development) states that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Area, Area of Biodiversity Importance, protected building or protected monument.

In this instance Policy GP8 (Design) is also relevant. In addition, the preceding text to this policy refers to the need to consider the material planning considerations as specified in Part IV, Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007. These include the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used, as well as its likely effect on the character and amenity of the locality in question and its likely effect on the reasonable enjoyment of neighbouring properties.

In light of the policy context above, the proposed outbuilding/home office represents a good standard of design for the purposes of Policy GP8 in terms of its scale, mass, form, siting and materials.

The outbuilding is considered to respect the building line of structures to the south of Rue Du Marais and is unlikely to have a detrimental effect on the character or appearance of the surrounding area, despite being visible in public views.

Due to the position of first floor fenestration and its relationship to neighbouring properties, the amenities of neighbouring residents will not be adversely affected.

The widening of the central access will have a negligible effect on the landscape character of the area and visual amenity.

The infilled vehicular access is to be blocked up with appropriate materials and finished to match the remainder of the wall. Appropriate hedge planting is also incorporated as part of the scheme. Reducing the number of vehicular access points from 3 to 2 is likely to have a positive effect on highway safety.

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.

Recommendation:

Grant with Conditions



Date: 30/12/21

