

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 1.5 storey extension to east (side) elevation.

LOCATION: 3 Bon Air, Route De Carteret, Castel.

APPLICANT: Mr Ozanne & Miss Stonebridge

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: 24/02/2022

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: PF+A Ltd - 7546-01 B2 & B3.

Application Ref: FULL/2021/2472

Property Ref: D01567A000

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 the root protection area shown on drawing 7546-01 B3, no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - This condition is imposed to make sure that the trees are properly protected while building works take place on the site.

Expiry Date: This permission will cease to have effect on 23/02/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

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/2021/2472
Property Ref: D01567A000
Valid date: 16/11/2021
Location: 3 Bon Air Route De Carteret Castel Guernsey GY5 7YS
Proposal: Erect 1.5 storey extension to east (side) elevation.

Applicant: Mr Ozanne & Miss Stonebridge

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 the root protection area shown on drawing 7546-01 B3, no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated

and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - This condition is imposed to make sure that the trees are properly protected while building works take place on the site.

INFORMATIVES

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

OFFICER'S REPORT

Site Description:

3 Bon Air is a one and a half-storey end terrace dwelling with a granite front elevation and pitched roof dormers facing the road.

The site is located within a Local Centre as designated in the Island Development Plan.

Relevant History:

None.

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application relates to the erection of a pitched roof one and a half-storey extension to the side/east of the dwelling to provide storage served by a flat roof dormer to the rear and rooflight to the front. The extension is shown to have a timber clad exterior, including front doors and a slate roof.

The application was deferred to seek additional information regarding the potential impact of the development on adjoining trees. Further information was provided to identify the location of trees and setting out a tree protection zone. The application, as amended, confirms that services will be relocated and the extension sits outside the tree protection zone.

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

Island Development Plan policies:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

One letter of representation has been submitted and draws attention to the narrow width of the site and the mature trees bordering the site whose roots would be severely damaged by excavations to install foundations.

Following the receipt of further information regarding the adjoining trees one letter of representation was submitted setting out that concerns regarding the fate of the trees that border the site, Evergreen Oak, which is noted for being able to grow in difficult maritime situations such as this. The application sets out that trial investigation reveals only fibrous roots which is unlikely, structural roots will exist and damage to any part of a trees root system will allow disease pathogens to enter the water conducting tissue of the tree. Also, damage to the tree roots may make them structurally unsound in times of high winds that could cause property damage. Who would be responsible?

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the design and appearance of the extension and its likely effect on the character and appearance of the locality and the potential impact on residential amenity with regard to sunlight and daylight and loss of privacy. Consideration must also be given to the effect of the development on the adjoining mature trees.

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 proposed extension has been designed to be subservient to the main dwelling, set back from the front elevation of the house and with a lower ridge line. The external materials will not replicate those found at the property but would not appear out of keeping in the locality.

The extension has a blank gable wall and limited window and door openings in the front and rear elevations. The extension will not result in overshadowing or loss of privacy to the occupiers of surrounding dwellings.

Trees exist along the east site boundary and are located in the adjoining garden area. The development could impact on these trees, undermining their longevity and therefore the application was deferred to seek further information regarding the extension in relation to the trees. Although concerns have been raised regarding the additional information submitted, the additional information and revised plans set out that the development can be accommodated without undue adverse impact on the tree roots.

Issues relating to damage caused by falling trees would ultimately be a private civil matter and cannot influence the outcome of a planning application.

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: 22 February 2022

