

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: Variation to previously approved plans to erect single storey extension and fencing to east (side) elevation, reclad first floor east (side) elevation - raise height of parapet, alterations to fenestration and cladding material (retrospective).

LOCATION: The Glade, Green Lanes, St. Peter Port.

APPLICANT: Mr D De La Mare

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: 17/02/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/01/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects drawing no: 1089_I_RevB, _2_RevB, _5_RevC, _7_RevB, _8_RevB, _9_RevB, _10_RevC, _11_RevC & _12_RevB

Application Ref: FULL/2021/2639

Property Ref: A20790D000

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 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.

3.The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 09/02/2021, issued under planning application reference FULL/2020/2387, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

Expiry Date: This permission will cease to have effect on 09/02/2024 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/2021/2639
Property Ref: A20790D000
Valid date: 05/01/2022
Location: The Glade Green Lanes St. Peter Port Guernsey GY1 1TJ
Proposal: Variation to previously approved plans to erect single storey extension and fencing to east (side) elevation, reclad first floor east (side) elevation - raise height of parapet, alterations to fenestration and cladding material (retrospective).

Applicant: Mr D De La Mare

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 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.

3. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 09/02/2021, issued under planning application reference FULL/2020/2387, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

OFFICER'S REPORT

Site Description:

The property known as 'The Glade Green' is a large, detached house of contemporary design, located to the south of a communal driveway serving both the application site and adjacent Mon Plaisir group of terraced houses. The area of land around the communal driveway is in the applicant's ownership, and contains a large number of mature trees. The site is located within the St Peter Port Main Centre Outer Area and within a Conservation Area as defined in the Island Development Plan.

Relevant History:

FULL/2020/2387 - Demolish shed and erect single storey extension and fencing to east (side) elevation, reclad first floor east (side) elevation, and install gate and pillars to north boundary – Approved February 2021.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This is a retrospective application for variations to a previously approved application to construct a flat-roofed, single-storey garage/garden room extension and fencing to the east elevation of the existing dwelling, recladding the existing first floor east elevation in natural cedar, and the installation of an 1800mm tall gate across the vehicular access – the variations are that the parapet has been raised increasing the extension's overall height from 2.75m to 3m and alterations to the fenestration and cladding material.

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

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

Representations:

One letter of representation has been received and the planning issues are;

- The effect of this erection has affected the natural beauty of the surrounding area both in terms of proximity of the boarder, and the implications of access to the neighbours fence for upkeep and maintenance.
- The height of the erection is considerably taller than had been stated, in short it is an overbearing structure which shall have a debilitating effect on the existing and future growth of an established mature tree in situ on the bordering area between the properties.
- The 10ft 'barrier' is having an effect on the reasonable enjoyment of the neighbouring property.

Consultations:

None

Summary of Issues:

- The additional height of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

This report will assess whether or not the additional height of the extension as constructed, approximately 250mm, would result in substantially greater impact on neighbouring amenity sufficient to warrant a refusal.

The previous assessment stated; *'The additional height of c.0.7m above the existing boundary fence would result in a degree of overbearing impact. However, the use of a natural cladding material with a dark, visually recessive colour, and the fact that the extension and fencing would not extend for the full depth of the neighbouring rear garden, lead to the conclusion that this impact would not be so great that permission should be refused on that ground alone.'*

The planning system does not protect private views, on which basis aesthetic concerns about the proposed extension when viewed from neighbouring properties are not considered to be material to the outcome of this application.'

The height of the structure now stands c.1m above the existing boundary fence, but the additional height is not considered to alter the previous conclusion when it comes to impact on neighbouring amenity.

The additional height is not thought to alter the previous assessment when it comes to affecting the special character of the surrounding conservation area, as it is still positioned in a secluded area which is not prominent from any public vantage points.

The previous assessment was satisfied with the information provided about the method of construction around the base of the adjacent tree root, and the additional height to the structure does not change this, the branches will grow around the structure as long as the roots remain healthy.

Amendments to the cladding material and fenestration are considered to be acceptable in and of themselves.

With careful consideration, taking into consideration all of the previous information and having carried out a site visit, the recommendation for this application is an approval.

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 17/02/2022