

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 section and lower section of roadside wall to create vehicle access to south-east elevation and infill existing access to north boundary.

LOCATION: Maison De Bas, Maison De Bas Road, Vale.

APPLICANT: Mr R Anderson

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: 03/05/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/12/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A 7513-02 B1A & B2A.

Application Ref: FULL/2021/2640

Property Ref: C010840000

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 ends of the new opening forming the vehicular access shall be neatly finished in materials to match the remainder of the wall within 2 months of the new opening being created.

Reason- to ensure the completed development achieves an acceptable design and finish.

5.Within 2 months of the new access being formed, the existing vehicular access to the north boundary of the site shall be blocked up in materials to match the remainder of the wall.

Reason - To ensure the completed development achieves an acceptable design and finish.

6.Notwithstanding the information submitted and prior to works commencing on site, full details of the 'realignment' of the hedge line on either side of the hereby approved access, including the species and density of any replacement planting, shall be submitted to and agreed in writing by the Authority. The works thereafter shall be carried out in full accordance with the agreed details and any replacement planting shall be planted within six months of the existing hedge line being removed or in the first planting season following the completion of the development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any replacement plants which are 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 avoid any ambiguity with the proposal and in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 02/05/2025 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/2021/2640
Property Ref: C010840000
Valid date: 08/12/2021
Location: Maison De Bas Maison De Bas Road Vale Guernsey GY3 5HG
Proposal: Demolish section and lower section of roadside wall to create vehicle access to south-east elevation and infill existing access to north boundary.
Applicant: Mr R Anderson

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.

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Reason- To avoid any ambiguity with the proposal and in the interests of visual amenity.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a large residential property set within extensive grounds to the south-west of the property. The site is located Outside of the Centres as designated in the Island Development Plan.

Planning permission is sought to demolish and lower a section of the roadside wall to create a vehicular access to the south-east elevation.

Some concerns were raised with regards to the position of the proposed access point to the front of the dwelling (south-east boundary) and its proximity to the junction between La Maison Au Compte and Maison De Bas Road and to limit the number of access points to the property from a highway safety and traffic management

perspective. The agent has 'pushed back' the access closer to the dwelling and further away from the junction and proposes to block up the existing access to the north boundary, in attempt to overcome the concerns raised.

Following the refused applications in 2001-2003, the application site is no longer located within a Conservation Area and will be assessed below under a different development plan and planning policies.

Relevant History:

FULL/2015/1434	Demolish conservatory and erect an orangery (south-west elevation) and install windows and replace roof on infill extension (north-east elevation)	Granted
PAPP/2008/0313	Extend and alter dwelling (revised)	Granted
PAPP/2005/1841	Create vehicular access and driveway	Granted
PAPP/2003/1154	Create vehicular access and driveway (Option B).	Refused
PAPP/2003/1152	Create vehicular access and driveway (Option A).	Refused
PAPP/2002/3754	Create vehicular access and driveway (reconsideration).	Refused
PAPP/2001/3464	Create vehicular access and driveway.	Refused

Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

- GP1 Landscape Character and Open Land
- GP8 Design
- GP9 Sustainable Development
- GP13 Householder Development
- IP7 Private and communal parking
- 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.

The property in question is not a protected building nor situated within a Conservation Area. In less sensitive areas such as this, Policy GP13 indicates that less prescriptive control will be applied thereby allowing property owners greater freedom of choice with regard to private property development. This flexible and proportionate approach underpins the objectives of the Island Development Plan.

The preceding text of Policy GP8 (Design) 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.

Policy IP9 (Highway Safety, Accessibility and Capacity) is also relevant. It is noted within the preceding text (paragraph 20.10.4) that the Authority will balance any impact on the character of the locality concerned in terms of retaining roadside features whilst, affording a significant degree of flexibility especially in less sensitivity areas such as this site, so that reasonable development aspirations can be met.

The property is served by two access points to the north and east boundaries respectively. The creation of separate access is in principle supported under policy, provided that the new access would not lead to undue harm to the character appearance of the area, create significant highway safety and traffic management issues, and that an existing access is blocked up to limit the number of access points to the site in the interests of highway safety and traffic management and landscape character.

Whilst removing a section of the granite wall and associated landscaping will adversely affect the character and appearance of the area, the degree of harm is not considered to be so substantial that would reasonably justify refusal when taking into account the flexibility afforded to householder development in less sensitive areas as set out in Policies GP8 and GP13, together with the reasonable aspirations of the property owner.

The creation of a new access to the south of the site together with the infilling of the existing access to the north is supported under policy GP13. The agent has also

provided additional justification for the proposal as set out in their letter of 19th April 2022, although some of the reasoning for the proposal is unconvincing.

With regards to the design of the access point, lowering the height of the roadside wall (to the extent shown on the drawings) will enable sufficient sightlines in both directions. In addition, the inclusion of a turning point, and being setback further from the junction La Maison Au Compte and Maison De Bas Road is enough to achieve an acceptable standard of design to not cause any significant highway safety and traffic management issues. In light of the revisions secured, positioning the access further away from the junction would give a vehicle greater stopping distance when turning off onto Maison De Bas Road from La Maison Au Compte, and would also relate better to the dwelling as it would have a closer relationship.

The inclusion of permeable paving is a welcomed addition to the scheme in the interests of surface water flooding (Policy GP9).

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: 27/04/22