

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 1½ storey extensions to west (side) and east (side) elevations and erect wall and retaining wall with gated pedestrian access.

LOCATION: Les Clercs, Petils Lane, Vale.

APPLICANT: Petit Marais Holdings Limited

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: 07/04/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/12/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd: 6016/C1a.

Application Ref: FULL/2022/0011

Property Ref: C003430000

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.Notwithstanding the information submitted, both sides of the west boundary wall hereby approved shall be finished in smooth render within 2 months of the wall being erected.

Reason - To secure the satisfactory appearance of the completed development and to avoid any ambiguity.

5.The boundary hedge shown on the approved Layout Plan shall be planted in the first planting season following the erection of the boundary wall 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 06/04/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

It is noted that erecting a 900mm high wall to the front of the house as shown on the approved block plan is exempt under the Land Planning and Development (Exemptions) Ordinance, 2007, provided it is finished in rendered blockwork or natural stone. The fence is also exempt provided it is comprised of timber as indicated on the approved drawings.

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/2022/0011
Property Ref: C003430000
Valid date: 16/12/2021
Location: Les Clercs Petils Lane Vale Guernsey
Proposal: Erect 1½ storey extensions to west (side) and east (side) elevations and erect wall and retaining wall with gated pedestrian access.

Applicant: Petit Marais Holdings Limited

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. Notwithstanding the information submitted, both sides of the west boundary wall hereby approved shall be finished in smooth render within 2 months of the wall being erected.

Reason - To secure the satisfactory appearance of the completed development and to avoid any ambiguity.

5. The boundary hedge shown on the approved Layout Plan shall be planted in the first planting season following the erection of the boundary wall 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

It is noted that erecting a 900mm high wall to the front of the house as shown on the approved block plan is exempt under the Land Planning and Development (Exemptions) Ordinance, 2007, provided it is finished in rendered blockwork or natural stone. The fence is also exempt provided it is comprised of timber as indicated on the approved drawings.

OFFICER'S REPORT

Site Description:

The site is located Outside of the Centres and is the subject of no other designation under the Island Development Plan.

The application site comprises part of a former vinery, the glass to which was cleared at some point during the period 1979 to 1990 (based on archive aerial photographs). The former packing shed was granted planning permission to be converted, and then subsequently demolished and rebuilt under applications FULL/2019/0585 and FULL/2020/0539 respectively.

As part of the most recent application (FULL/2021/1625), it was regarded that the building is recognised as a dwelling-house.

Relevant History:

FULL/2021/1625	Variations to plans previously approved to demolish packing shed and erect dwelling - raise roof ridge height and install dormer windows and rooflights to create 1st floor accommodation.	Granted
FULL/2019/0585	Conversion of packing shed to dwelling. Demolish section of outbuilding. Reduce height of chimney on south elevation. Alterations to fenestration.	Granted
FULL/2020/0539	Demolish packing shed and erect dwelling.	Granted

Existing Use(s):

Residential.

Brief Description of Development:

Erect 1.5 storey extensions to west and east (side) elevations and erect a retaining wall to the west.

It is also noted that a new 900mm high wall and gate to the front (north) boundary will be incorporated as part of the scheme, although this aspect constitutes exempt development, provided it is finished in natural stone or rendered blockwork.

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

The Authority has received a letter of representation from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Significant overlooking impact on neighbour amenity due to position of windows to the north and west elevations.
- Inappropriate scale in relation to surrounding built environment.
- Misleading information in the agent's letter.
- No representation made in relation to previous schemes.

Consultations:

None generated.

Summary of Issues:

- Whether the design, scale, mass, siting, form and materials of the development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.

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).**

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.

Both extensions to the east and west of the dwelling are proportionate to the size of the dwelling-house and adopt a good standard of design in terms of their scale, mass, form, siting and materials. Whilst the cumulative mass of the property has been increased, the resultant effect is not considered to cause undue harm to the surrounding built environment or visual amenity that would be so substantial to

rebut the general support in favour of householder development as set out in Policy GP8 and GP13.

Careful consideration has been given to the effect of the development on the amenities of neighbouring residents. Although when taking into account the size and orientation of the roof lights to the front of the property, this aspect of the proposal will not cause significant harm to the amenities of neighbouring residents. In addition, the roof lights will serve an ensuite/dressing area.

The proposal incorporates windows on the west elevation of the extension. Although, these windows are limited to ground floor level only and therefore would not lead to overlooking, especially when taking into account the distance, relationship and the change in topography with the neighbouring property to the west. Overall, the proposal would not cause significant harm to the amenities of neighbouring residents.

The proposed boundary wall and landscaping as shown along the west boundary of the site is considered to form an appropriate boundary treatment, subject to conditions.

The brick pillars to the front of the property are acceptable.

The representation received has been carefully considered as part of this application and has been addressed where appropriate above.

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.

Date: 05/04/22

