

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 single storey extension to south-west (side) and south-east (rear) elevation and porch to north-west (front) elevation, alterations to fenestration and erect fence to north-east and south-east boundaries.

LOCATION: 2 St Martins Chalets, La Grande Rue, St. Martin.

APPLICANT: Ms A Rabey

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: 26/07/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/12/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services - 6231/A/1A and annotated photograph (date stamped received 14th June 2022).

Application Ref: FULL/2022/0058

Property Ref: J00519B000

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.

Expiry Date: This permission will cease to have effect on 25/07/2025 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/2022/0058
Property Ref: J00519B000
Valid date: 24/12/2021
Location: 2 St Martins Chalets La Grande Rue St. Martin Guernsey GY4 6LQ
Proposal: Erect single storey extension to south-west (side) and south-east (rear) elevation and porch to north-west (front) elevation, alterations to fenestration and erect fence to north-east and south-east boundaries.

Applicant: Ms A Rabey

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.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a semi-detached property located to the south-west of La Grande Rue, St. Martin. The property is located in a Local Centre as defined in the Island Development Plan.

Permission has previously been granted to convert the former self-catering units to two dwellings.

Planning permission is now sought to erect a single storey extension to the south-west and south-east elevations, erect a porch to the north-west elevation and make alterations to the fenestration. The application also includes erecting replacement boundary fencing, particularly along the south boundary of the site where there is a change in ground level between No.2 St Martins Chalets and Zingera.

At the time of the site visit, the former boundary fence had been removed with the steel posts still visible. It is understood that the replacement fence panels have now been complete. The application has been re-advertised accordingly.

Relevant History:

Convert self-catering units into two dwellings.

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:

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

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.

The proposed extensions adopt a good standard of design by virtue of their scale, form, massing, siting and materials respectively. Due to the secluded position of the property, the proposals will not have a detrimental effect on the character of the area or visual amenity.

By virtue of its modest scale, its distance to the south-east boundary and the height of the boundary fence, the extension to the dining area and lounge will not have a significant adverse impact on the neighbouring property to the south (Zingera), and the incorporation of a high level window to the south-east elevation will prevent any additional overlooking.

The extension and porch would be located in close proximity to the boundary with the neighbouring property to the west (Per Ardua). However, due to a combination of the height of the boundary fence and the orientation and positioning of fenestration on the respective properties, the proposal is unlikely to have a significant adverse effect on the amenities of the neighbouring property to the west.

The relationship between the proposed porch to the front of the property and the neighbour's window immediately adjacent to the porch of the adjoining semi does not relate particularly well. Although when taking into account the existing inter-visibility relationship between the two properties and the nature of use of the porch, the harm caused would not be so substantial to justify the inclusion of a planning condition to require the porch door and side window being obscure glazed to respect the amenities of the adjoining residents.

Whilst it was observed on site that the former boundary fence had been removed and therefore the north elevation of the neighbouring property to the south (known as Zingera) was visible from the rear garden of the application site, the replacement fence was in the process of being installed at the time of the site visit. Based on the additional information submitted which shows the replacement fence in situ, it is considered that the fence is of an acceptable height and will not unduly impact on the amenities of neighbouring residents (despite its close proximity).

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: 26/07/2022