

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 conservatory, erect 2 storey extension to west (side) elevation.

LOCATION: 29 Les Cherfs, Route Des Corneilles, Castel.

APPLICANT: Dr A Wiercinski

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: 24/06/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/03/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Brian R Martel - 4180.02.05, 06B, 07 & 08B.

Application Ref: FULL/2022/0571

Property Ref: D012950029

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 23/06/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the erection of an extension to be used as an integral part of and incidental to the principal dwelling presently known as 29 Les Cherfs. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

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/2022/0571
Property Ref: D012950029
Valid date: 08/03/2022
Location: 29 Les Cherfs Route Des Corneilles Castel Guernsey GY5 7HG
Proposal: Demolish conservatory, erect 2 storey extension to west (side) elevation.
Applicant: Dr A Wiercinski

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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).

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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.

INFORMATIVES

For the avoidance of doubt, this decision permits the erection of an extension to be used as an integral part of and incidental to the principal dwelling presently known as

29 Les Cherfs. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

OFFICER'S REPORT

Site Description:

The property known as 'La Roseliere' is a 1970's two storey detached dwelling within an estate with varying styles, all of which have been altered or extended in different ways over the years. The property is set back from and faces south onto Les Cherfs Estate. There are neighbouring properties to the east and west and across the road to the south. To the north is open land which has a lot of trees growing. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2018/2900 - Variations to plans previously approved to extend dwelling to create a Loggia at ground and first floor levels on north elevation, erect a cantilevered canopy on north elevation, erect a summerhouse and alterations to fenestration - Remove chimney on rear elevation (retrospective) and install 4 rooflights on north elevation – January 2019.

FULL/2017/2790 - Extend dwelling to create a Loggia at ground and first floor levels on north elevation, erect a cantilevered canopy on north elevation, erect a summerhouse and alterations to fenestration – January 2018.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to demolish the existing conservatory and replace it with a slightly larger two storey extension on the west side elevation to house a dower unit.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There has been one letter of representation and the planning issues are:

- The property has already had two significant extensions and now they want a third which is out of keeping with all other properties on the estate in terms of design, layout and size.
- The last building project is still unfinished and affects the use of the neighbouring garden in the summertime.
- It would be unreasonable to endure more noise, dirt, dust, and noisy & swearing contractors for another length of time.
- Infestation of rats.
- There are concerns about the abilities of the applicant to successfully manage another project without causing disruption to the surrounding neighbours.

Consultations:

None

Summary of Issues:

- Design 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.

Policy GP8 expects proposals to achieve a high standard of design which respects and where possible enhances the character of the environment. GP13 supports development where there are no significant adverse effects on the amenities of neighbouring properties. Both policies provide for a high degree of personal choice on design matters in less sensitive areas (outside of Conservation Areas and not affecting the setting of protected buildings).

The additional accommodation is to house a dower unit, but as the unit is attached to the main dwelling and sufficient information has been submitted in line with the guidance for dower units, the unit would remain ancillary to, and part of the main dwelling, and is considered an appropriate use.

Initially there were concerns about the first floor windows and the amount of overlooking into the neighbours private amenity space. At first the rear elevation showed a set of bi-fold doors and Juliet balcony, this was first reduced to a large window and now shows a landscape window at high level (with a cill height of 1.7m). The first floor room benefits from two further windows on the west elevation, where

overlooking is mitigated to an acceptable level due to oblique angles. Therefore the proposals are not considered to impact on neighbour amenity.

The other issues raised in the letters of representation, in respect of site management, do not fall within the remit of the Planning Service and would be covered by separate legislation.

The proposed extension, although at the side of the property, will balance the property on the site and although large it is not considered to be of inappropriate scale within the estates built environment. The proposals will use materials which complement the existing materials and the extension will provide adequate levels of sunshine and daylight, giving the occupiers more flexible and adaptable accommodation.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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: 22/06/2022

