

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 shed, erect single storey outbuilding and cladding fence to east boundary.

LOCATION: Bluebell Cottage, La Route De Sausmarez, St. Martin.

APPLICANT: Mrs G Ede-Golightley

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 11/03/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM 1185_ 6, 7, 8, 9, 10 & 11

Application Ref: FULL/2022/0614

Property Ref: J000010000

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 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/2022/0614
Property Ref: J000010000
Valid date: 11/03/2022
Location: Bluebell Cottage La Route De Sausmarez St. Martin Guernsey
GY4 6SE
Proposal: Demolish shed, erect single storey outbuilding and cladding
fence to east boundary.

Applicant: Mrs G Ede-Golightley

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.

INFORMATIVES

OFFICER'S REPORT

Site Description:

The application site comprises a terraced type cottage situated to the west of La Route de Sausmarez and to the south of Fermain Lane. The property has been extended to the rear and has a car parking area with a garden area beyond.

The site is situated Outside of the Centres and within a Conservation Area as designated in the Island Development Plan.

Relevant History:

FULL/2015/1930	Remove garden shed and erect timber summer house	Granted 03/09/2015
FULL/2013/0768	Replace previous garden wall, and extend the wall to replace hedge.	Granted 30/04/2013
FULL/2011/3003	Demolish existing extension at rear and erect replacement single storey lean to extension with 3 rooflights. Remove flat roof over first floor at rear and erect first floor pitched roof with 7 rooflights.	Granted 11/11/2011

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to demolish an existing shed, erect an outbuilding and cladding fence to the east of the existing dwelling within the garden area of the property.

The plans show a section of raised decking however this stands at only 0.38m from ground level and therefore is Exempt Development under the Land Planning and Development (Exemptions) Ordinance, 2007 for which planning permission is not required.

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 in relation to the application. The grounds for objection are summarised as follows:

- The elevated decking will enable people to stand and view above the 6ft boundary fence, defying the point of a fence being in place, resulting views into the garden area and a loss of privacy;
- The new building is taller and larger than the shed with a clear glass front which will be lit up at night. This will illuminate the garden area of the neighbouring property beyond their control;
- No objection would be raised if additional cladding were to be installed along the eastern boundary to protect privacy.

Consultations:

None

Summary of Issues:

- Whether the design of the scheme is acceptable and its impact on the surrounding Conservation area;
- Impact on residential amenity;
- Highway safety issues

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).**

Whether the design of the scheme is acceptable and its impact on the surrounding Conservation area

The Authority has a duty under Section 38 of The Land Planning and Development (Guernsey) Law, 2005 to pay *"special attention to the desirability of preserving and enhancing the character and appearance"* of Conservation Areas. This duty is encapsulated in Policy GP4: Conservation Areas of the IDP which states that *"proposals for development within a conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area."*

Policy GP8 of the Island Development Plan states a number of criteria that new development will be expected to adhere to in order to achieve a high standard of design which respects and where appropriate enhances the character of the environment.

Situated to the rear of the property, separated from the surrounding area by the residential curtilage of a neighbouring property, and due to its limited scale and form, the proposal would be largely screened from the surrounding area. The design of the scheme and the materials to be used are in-keeping with the character and visual appearance of the surrounding Conservation Area.

The proposal will allow for sufficient amenity space to remain for the property the subject of the application in accordance with the amenity guidelines set out in Annex I of the IDP.

Based on the above the proposal is acceptable in this respect and accords with Policies GP4 and GP8 of the IDP.

Impact on residential amenity.

The concerns raised by the representor are noted. However the proposed decking is situated within 30m of the main dwelling house, is 0.38m in height from ground level, is separated from the highway by a neighbouring garden area and comprises a timber material. Accordingly the timber decking is considered to be Exempt Development under the Land Planning and Development (Exemptions) Ordinance, 2007 for which planning permission is not required and is not sought as part of this application. Any impacts of the proposed decking such as overlooking are therefore outside of the remit of this application and the imposition of conditions requiring additional boundary screening as requested by the representor would be unenforceable and cannot therefore form part of the decision making process.

The impact of the demolition of the proposed shed, and the construction of the outbuilding and cladding fence for the basis for which permission is sought and can be considered as part of this application. Any impacts on neighbouring properties are considered below.

The proposed outbuilding will be situated towards the southern boundary and will replace an existing shed. The outbuilding due to its scale and form will not overshadow any neighbouring properties. Although positioned slightly higher than the existing shed, the outbuilding will not form habitable accommodation (in the form of a main bedroom, lounge or kitchen) and due to boundary screening any additional harm resulting on residential amenity resulting from the proposal above that already exists would not be so substantial to warrant the refusal of permission.

With regard to any potential disturbance due to the internal illumination of the outbuilding, given that this is to be used ancillary to the main dwelling house and not

in connection with a trade or business it is not anticipated that any substantial harm would be caused to neighbouring properties.

The timber clad screening is proposed to provide privacy for neighbours and the occupants and would not harm residential amenity.

Highway safety issues

The proposal would not cause any additional traffic movements to the site, nor would it affect the existing access point to the property or car parking provision. The proposal would therefore not harm highway safety.

Based on the above it is recommended that planning permission be granted.

Date: 11/05/2022

