

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: Dwelling 39a Seabreeze to be used as ancillary domestic accommodation associated with 40 Gategny Esplanade and no longer as a self-contained dwelling.

LOCATION: 39a Seabreeze, Gategny Esplanade, St. Peter Port.

APPLICANT: Mr & Mrs Conlon

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: 22/06/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/03/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP Architecture - 3138 SK-01A.

Application Ref: FULL/2022/0752

Property Ref: A108890000

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 21/06/2025 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/2022/0752
Property Ref: A108890000
Valid date: 28/03/2022
Location: 39a Seabreeze Gategny Esplanade St. Peter Port Guernsey
GY1 2BP
Proposal: Dwelling 39a Seabreeze to be used as ancillary domestic
accommodation associated with 40 Gategny Esplanade and
no longer as a self-contained dwelling.
Applicant: Mr & Mrs Conlon

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:

39a Gategny Esplanade (Seabreeze) is a detached, two-storey dwelling with render exterior situated to the rear of 39 Gategny Esplanade. Land to the west of the building is formed by a quarry face with a residential development beyond at Salter Street. 39 Gategny Esplanade is a mid-terrace property.

The application seeks for 39a to be used as ancillary residential accommodation, associated with 40 Gategny Esplanade, and not as a self-contained unit of residential accommodation. The application sets out that the dwelling can only be accessed through 39 Gategny Esplanade itself, where there is unsatisfactory headroom moving through the building and then via a flight of 17 steps up to the garden. There is no way to access the dwelling from Salter Street due to the quarry face. The application drawings were revised to clarify the internal layout of no. 39 and 39a along with the provision of external amenity space serving each unit of accommodation.

The site is located in the Main Centre, Conservation Area and Archaeological Area as designated in the Island Development Plan. The properties fronting this part of Gategny Esplanade are protected buildings. 39a is not a protected building.

Relevant History: None relevant

Existing Use(s):

01 dwellinghouse

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:

Island Development Plan policies:

GP4: Conservation Area

GP8: Design

GP12: Protection of Housing Stock

Conclusion/Brief comment:

The access arrangements to 39a are substandard by virtue of the means of access, through 39 Gategny Esplanade and with no way to alter the existing terrace house at the front of the site in order to facilitate direct access to 39a. Given the terrace nature of the properties fronting the Esplanade and the quarry face to the rear of no. 39a there is no reasonable way of upgrading the access arrangements to provide satisfactory living conditions. The scheme therefore addresses the requirements of Policy GP12 of the Island Development Plan.

The application does not propose any alterations to the existing building but would see it used as a domestic outbuilding. The scheme will not have a detrimental impact on the Conservation Area. Although it is situated to the rear of no. 39 it is indicated to be used in connection with no. 40 with new hedge planting introduced to divide the amenity space between the ancillary accommodation associated with no.40 and no. 39. The relationship between no. 39 and no.39a will not substantially alter whether used as ancillary living accommodation or a self-contained dwelling (with the exception of the internal access route to no. 39a.) and the proposal will not have a detrimental impact on residential amenity.

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.

In view of the above, it is recommended planning permission is granted for the proposed development.

Recommendation:

Grant with Conditions



Date: 13 June 2022

