

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: Raise roof ridge height to create 1st floor level to outbuilding/garage with external staircase to east elevation and 1st floor balcony to north elevation.

LOCATION: Le Marais, Rue Du Marais, Vale.

APPLICANT: Mr A Smith & Miss S McHenry

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: 19/08/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/05/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services - 6192/C/1

Application Ref: FULL/2022/1120

Property Ref: C015200000

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.Prior to the commencement of works, a detailed and accurate drawing showing the location of the existing protected tree adjacent (west) of the proposed garage extension hereby approved, together with details of how the tree (including its roots) will be protected during the course of construction shall be submitted to and agreed in writing by the Authority . The tree shall be protected in the approved manner for the duration of building operations on the site.

Reason - The existing protected tree adjacent to west elevation of the garage is not clearly identified on drawing no.6192/C/1 and appears to be shown for indicative purposes, and therefore is not accurate. These tree is protected and makes an important contribution to the character and apperance of the Conservation Area and visual amenity and this condition is imposed to make sure that it is properly protected while building works take place on the site.

Expiry Date: This permission will cease to have effect on 18/08/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed garage to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

The Authority does not recognise all of the land outlined on the submitted plan(s) as forming the domestic curtilage associated with the dwelling presently known as Le Marais. To confirm the extent of the domestic curtilage, it is recommended that an

Application for a Property Search is submitted to receive a plan outlining the area of domestic curtilage.

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/2022/1120
Property Ref: C015200000
Valid date: 20/05/2022
Location: Le Marais Rue Du Marais Vale Guernsey GY3 5AQ
Proposal: Raise roof ridge height to create 1st floor level to outbuilding/garage with external staircase to east elevation and 1st floor balcony to north elevation.

Applicant: Mr A Smith & Miss S McHenry

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. Prior to the commencement of works, a detailed and accurate drawing showing

the location of the existing protected tree adjacent (west) of the proposed garage extension hereby approved, together with details of how the tree (including its roots) will be protected during the course of construction shall be submitted to and agreed in writing by the Authority . The tree shall be protected in the approved manner for the duration of building operations on the site.

Reason - The existing protected tree adjacent to west elevation of the garage is not clearly identified on drawing no.6192/C/1 and appears to be shown for indicative purposes, and therefore is not accurate. These tree is protected and makes an important contribution to the character and apperance of the Conservation Area and visual amenity and this condition is imposed to make sure that it is properly protected while building works take place on the site.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed garage to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

The Authority does not recognise all of the land outlined on the submitted plan(s) as forming the domestic curtilage associated with the dwelling presently known as Le Marais. To confirm the extent of the domestic curtilage, it is recommended that an Application for a Property Search is submitted to receive a plan outlining the area of domestic curtilage.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a detached dwelling-house which is located to the east of Rue Du Marais. A public footpath runs to the south of the property.

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

The property is recognised as a protected building, although the listing of the protected building excludes the detached garage which is the focus of this application. A protected tree is also located to the front (west) of the garage, along the south boundary of the site.

Planning permission is sought to raise the roof ridge height of the garage to create 1st floor level accommodation with an external staircase to the east elevation and a 1st floor balcony to the north elevation overlooking the garden.

Relevant History:

None germane to this application.

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:

GP1 Landscape Character and Open Land
GP4 Conservation Areas
GP5 Protected Buildings
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.

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings, to secure so far as possible that the special historic, architectural, traditional or other special characteristics (including setting) are preserved. This duty is reflected in Policy GP5 of the IDP.

Policy GP4 (Conservation Areas) 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.

The additional material considerations in relation to protected trees of the Land Planning and Development (General Provisions) Ordinance, 2007 and the statutory protection afforded to protected trees by the Land Planning and Development (Guernsey) Law, 2005 are also relevant and have been taken into account.

The proposal is not considered to adversely affect the setting of the protected building due to the position and relationship of the proposed works relative to the main house (Policy GP5).

The proposed alteration to the garage adopts a high standard of design for the purposes of Policy GP8 by virtue of its scale, form, massing, siting and materials. Whilst the mass, bulk and scale of the garage will increase, the proposal is not considered to cause any undue harm to the character or appearance of the Conservation Area or visual amenity.

The proposal includes high level roof-lights to the south elevation and a balcony to the north elevation and therefore will not affect the amenities of neighbouring residents with regards to overlooking.

Whilst the information submitted appears to show indicatively a number of trees along the south boundary of the site, one of these trees is protected which is not clearly identified on the drawings submitted.

It is therefore considered reasonable to attach a condition to ensure that the protected tree adjacent (west) of the garage is safeguarded during the works, including its roots, given the important contribution it makes to the Conservation Area. By attaching an appropriate condition, these works can be carried out sensitively without causing undue harm to the tree.

An informative regarding the use of the garage should be attached to the decision.

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: 17/08/22