

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: Variation to previously approved plans to demolish dwelling, erect replacement dwelling with associated landscaping - omit covered access, replace chimney and install flue, install bin store, alteration to fenestration and external materials, reduce height of single storey elevation.

LOCATION: Fairview, Fermain Road, St. Peter Port.

APPLICANT: Mr & Mrs P & A Nobes

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: 21/07/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects - 1180_15A, 16A, 17A, 18A, 19A, 20A, 21A, 22A, 23A & 25A

Application Ref: FULL/2022/1206

Property Ref: A411090000

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 on or before 06/03/2025.

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. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 07/03/2022, issued under planning application reference FULL/2022/0103, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

Expiry Date: This permission will cease to have effect on 06/03/2025 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/2022/1206
Property Ref: A411090000
Valid date: 06/06/2022
Location: Fairview Fermain Road St. Peter Port Guernsey GY1 2TB
Proposal: Variation to previously approved plans to demolish dwelling, erect replacement dwelling with associated landscaping - omit covered access, replace chimney and install flue, install bin store, alteration to fenestration and external materials, reduce height of single storey elevation.

Applicant: Mr & Mrs P & A Nobes

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 on or before 06/03/2025.

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. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 07/03/2022, issued under planning application reference FULL/2022/0103, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

OFFICER'S REPORT

Brief Description of the site:

Fairview is a detached two storey dwelling with accommodation in the roofspace. The property has a render exterior and a mix of PVCu and timber windows. A single-storey flat roof extension exists to the side of the dwelling and a conservatory/lean-to to the rear. The property is set at an angle to and to the east of the private lane off Fermain Road on which the property is situated. A shed and shelter exist adjacent to the north site boundary, a pool is situated in the rear garden with decking around and a bank exists down to the eastern end of the garden.

A fence and hedge exists to the rear of Fairview along the south site boundary with The Port House, a two and a half storey detached dwelling with subservient two-storey extension to the site and flat roof extension to the rear. Forward of Fairview, the common south boundary is marked by a rendered wall. Courtil Nicolas is a detached one and a half-storey dwelling with dormer and Juliette balcony to the rear. This neighbouring dwelling is situated away from the common boundary with Fairview, parking exists adjacent to the common boundary with a garage attached to the south elevation of this dwelling. A high wall exists between the rear garden of Fairview and Courtil Nicholas and a conservatory is situated to the rear of this neighbouring dwelling. Forward of the dwellings, the common boundary is marked by a high timber fence. The south elevation of the main dwelling at Courtil Nicolas is largely blank. A ground floor opening exists in the side elevation of the garage. In the projecting gable to the front of Courtil Nicolas is a large rooflight.

The site is visible from a public footpath to the east accessed from Fermain Road and which leads down to an area of woodland and Fort George.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2022/0103 - Demolish dwelling, erect replacement dwelling with associated landscaping. Remove hedge and erect wall, install gate and widen existing vehicle access to west boundary – granted

Existing Use(s):

01 dwellinghouse

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Conclusion/Brief comment:

Planning permission is sought to vary the previously approved scheme for a replacement dwelling on the site. The amendments relate to the omission of the covered access, replace chimney with a flue, install a bin store, alterations to fenestration and external materials and reduce the height of the single-storey extension.

The assessment will consider the proposed changes to the previously approved scheme and does not reconsider the principle of the replacement dwelling which has previously been granted permission. The amendments represent a good standard of design that respect the local built environment. The works will not have a detrimental impact on residential amenity having regard to sunlight/daylight and privacy.

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

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 variations.

Recommendation:

Grant with Conditions

Date: 19 July 2022



