

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: Remove hedge and erect fence on existing wall to south and north boundary and to front of property and remove roadside wall to create vehicle access.

LOCATION: 6 Sandy Lane, St. Sampson.

APPLICANT: Mr E Kinnersly

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: 18/11/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/07/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Evans Architecture 2208 01.01, 03.01A & 03.02A.

Application Ref: FULL/2022/1547

Property Ref: B01690E000

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.Notwithstanding the information submitted, within 2 months of the vehicular access being created, the roadside wall and new pillar shall be made good to match as closely as possible to the boundary treatment, in accordance with the approved details on drawing nos. 03.01A and 03.02A.

Reason - to respect the character and appearance of the surrounding area and in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 17/11/2025 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/2022/1547
Property Ref: B01690E000
Valid date: 26/07/2022
Location: 6 Sandy Lane St. Sampson Guernsey GY2 4RT
Proposal: Remove hedge and erect fence on existing wall to south and north boundary and to front of property and remove roadside wall to create vehicle access.

Applicant: Mr E Kinnersly

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).

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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.

4. Notwithstanding the information submitted, within 2 months of the vehicular access being created, the roadside wall and new pillar shall be made good to match as closely as possible to the boundary treatment, in accordance with the approved details on drawing nos. 03.01A and 03.02A.

Reason - to respect the character and appearance of the surrounding area and in the interests of visual amenity.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises an end of terrace, traditional 1.5 storey Guernsey style cottage. The property is located in a Local Centre as designated in the Island Development Plan.

Planning permission is sought to remove hedges, erect a retaining wall with fencing above the proposed wall, and to remove a roadside wall to create a 4.5m wide vehicle access.

Some concerns were raised with regards to the width of the access and the extent of fencing to the front of the property. The agent has amended the design of the scheme by omitting a section of fencing nearest the road and provided further justification for retaining the proposed access width.

Relevant History:

PAPP/2005/4454	Extend and alter dwelling	Granted
PAPP/2005/0721	Extend and alter dwelling	Granted

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:

- GP8 Design
- GP9 Sustainable Development
- GP13 Householder Development
- IP7 Private and communal parking
- IP9 Highway Safety, Accessibility and Capacity

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.

The property is served by a private amenity space to the rear of the property and the proposal seeks to create an enclosed private amenity space to the front. The concept proposed does not necessarily reflect the form and rhythm along Sandy Lane as front gardens are generally used as a mix of parking and soft landscaping.

The proposal has been sensitively designed as part of the front garden nearest the dwelling will be excavated in order to achieve a 1.9m high enclosed private amenity space, comprising of mix of fencing and wall. From the road, the creation of such enclosure is unlikely to be visually prominent as part of the proposal will be set below road level.

The amenities of neighbouring residents have been carefully considered. Despite being so close to the front of the adjoining property (No.5 Milestone Cottage), the overall height of the enclosed garden structure would not be harmful to justify grounds for refusal, especially as the existing hedge would be higher than that of the proposed fence.

Overall, given that the enclosed amenity space will be setback from the road and has designed appropriately by virtue of its sunken position, scale and materials used, the proposal is considered to respect the character and appearance of the area for the purposes of Policy GP8 and GP13. Despite being different to neighbouring properties, the change to the locality as a result of the proposal is not considered to cause harm.

With regard to the parking area, despite the proposal removing the majority of the roadside wall, the proposed access width 4500mm is not considered to cause significant harm to the character or appearance of the area. In addition, the proposal will not lead to any significant road safety or traffic management concerns to justify refusal when taking into account the relatively low traffic speeds and volumes along Sandy Lane (which is recognised as a 'Neighbourhood Road'), and the volume of similar access arrangements in the area.

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: 14/11/22

