

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 garden room with terrace at 1st floor level to north boundary, demolish existing and erect retaining wall and install pool and associated landscaping.

LOCATION: Thelema, Rue De Rougeval, Torteval.

APPLICANT: Mr A & Mrs L Werkman

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: 01/11/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects drawing no's: 1199_4, 5, 6, 7, 8 & 9

Application Ref: FULL/2022/1614

Property Ref: G00373A000

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 31/10/2025 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/2022/1614
Property Ref: G00373A000
Valid date: 30/08/2022
Location: Thelema Rue De Rougeval Torteval Guernsey GY8 OPE
Proposal: Demolish shed, erect single storey garden room with terrace at 1st floor level to north boundary, demolish existing and erect retaining wall and install pool and associated landscaping.

Applicant: Mr A & Mrs L Werkman

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.

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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.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Thelema' is a two storey mid-20th century dwelling which was remodelled around 2010. It sits on the western edge of the high plateau as it drops towards the west coast. Neighbouring properties to the south are at a higher level and properties to the north are at a much lower level, including the nearest property. The property lies south of Rue de la Folie, which again is at a much lower level. The vehicular entrance is from the south off Rue de Rouge Val. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2009/2308 - Erect timber balcony and construct retaining walls to form terraces, new planters, re-surface drive and create garden store under parking area (retrospective) – Approved September 2009.

Existing Use(s):

Residential use class 1: dwelling house.

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:

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Conclusion/Brief comment:

This application is to demolish the existing shed and replace with a flat roof garden/pool room with a terrace above close to the northern boundary, demolish one of the retaining walls and erect a stronger retaining wall to house a swimming pool behind and replace windows with sliding doors on the north-west elevation of the dwelling.

The swimming pool is exempt from planning and will not be assessed in this report.

Due to the topography of the land and the terraced nature of the garden, with the closest neighbour at a much lower level, there is no significant overlooking of any private amenity spaces. If there were to be any overlooking from the terrace it would be of a car parking area and front aspect of the property at a lower level, which is considered acceptable. However, this is unlikely as there is a large amount of mature planting around the perimeter of Thelema.

The proposals achieve a good standard of design, using materials which complement the existing materials. The scale and massing of the new pool room is not considered to have a detrimental effect on the character and amenity of the surrounding area.

Although the house can be seen from long views, from the coast, the garden is much lower and cannot be seen, so the proposals will make no difference from any long views.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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.

Recommendation:

Grant with Conditions



Date: 28/10/2022