

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 conservatory, sheds and oil tank, install rooflights to north (side) elevation and alterations to fenestration. Erect shed to south boundary, remove hedge, erect fence to east and north boundary and create pedestrian access to east boundary.

LOCATION: Hillcrest, Epinelle Road, St. Sampson.

APPLICANT: Mr & Mrs Nelson

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: 10/11/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Drawing Nos: 012-05B, 012-10B, 012-20C & 012-21.

Application Ref: FULL/2022/1671

Property Ref: B010410000

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 09/11/2025 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/2022/1671
Property Ref: B010410000
Valid date: 14/09/2022
Location: Hillcrest Epinelle Road St. Sampson Guernsey GY2 4YY
Proposal: Demolish conservatory, sheds and oil tank, install rooflights to north (side) elevation and alterations to fenestration. Erect shed to south boundary, remove hedge, erect fence to east and north boundary and create pedestrian access to east boundary.
Applicant: Mr & Mrs Nelson

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

Site Description:

The property known as 'Hillcrest' is a one and a half storey semi-detached pre-1900's dwelling which is set far back from and faces west onto Epinelle Road. The other semi is attached to the south and to the north is an access road, Epinelle Clos, which wraps around the east boundary as well. The property is surrounded by other residential properties. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2021/2286 – Install rooflights to north side roof slope, remove hedge and erect fence and gated pedestrian access to rear of property – Withdrawn December 2021.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to demolish the existing conservatory, shed, greenhouse and oil tank. Insert four rooflights into the north lean-to roof of the existing single storey wing. Remove the existing hedge and erect a 1.8m fence to the east and north boundary of the rear garden and create a pedestrian access to the east boundary.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There has been one letter of representation and the issues are;

- Hillcrest is bound to the north and east by a private road, Epinelle Clos, which belongs to the four properties it serves.
- Although it is appreciated that boundary and ownership issues are not material planning considerations, the comments are in relation to the planning proposal as the owners of Hillcrest do not have a right to access the land on the other side of this proposed gate to the east, neither do they contribute a fair proportion of the costs of maintenance and upkeep of that part of the clos road.

- If the gate is approved by Planning, it will be used for site access resulting in unauthorised parking outside of the neighbour's property and on a private road. This will not only be a visual intrusion, but it will result in unacceptable noise and disturbance having an adverse impact on residential amenity and affecting reasonable enjoyment of the neighbour's home.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The conservatory, shed, greenhouse and oil tank are all modern additions and their removal is acceptable. The four new rooflights on the northern roof slope are also considered to be appropriate additions.

The removal of the hedge and installation of a 1.8m fence to the rear of the property is also considered to be appropriate. The proposals are not considered to have any impacts on the character of the area, nor will they affect neighbour amenity.

Regarding the installation of a pedestrian gate to the eastern boundary, in planning terms the proposal is acceptable. It would have no adverse effect on the character of the area or impact on neighbour amenity to any significant degree. However, all decisions made by the Authority are without prejudice to third party rights, and the Authority is not able to address civil matters such as boundary, right of way disputes or other related matters of ownership. Where necessary such cases should be resolved by seeking legal advice.

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

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 09/11/2022