

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 section of wall to widen vehicle access.

LOCATION: Liefde Ohana, Rue Du Presbytere, Castel.

APPLICANT: Mr & Mrs Brogan

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: 18/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Evans Architecture: 2104 03.03 & 03.04

Application Ref: FULL/2022/1763

Property Ref: D00919A000

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.Within four weeks of the 4.5m wide access having been formed and brought into use, the end of the enlarged opening shall be finished off using materials and a method of construction which match the remainder of the wall.

Reason - In the interests of visual amenity and to preserve the character and appearance of the Conservation Area.

Expiry Date: This permission will cease to have effect on 17/10/2025 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/2022/1763
Property Ref: D00919A000
Valid date: 26/08/2022
Location: Liefde Ohana Rue Du Presbytere Castel Guernsey GY5 7NE
Proposal: Demolish section of wall to widen vehicle access.

Applicant: Mr & Mrs Brogan

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. Within four weeks of the 4.5m wide access having been formed and brought into use, the end of the enlarged opening shall be finished off using materials and a method of construction which match the remainder of the wall.

Reason - In the interests of visual amenity and to preserve the character and appearance of the Conservation Area.

OFFICER'S REPORT

Brief Description of the site:

Liefde Ohana is a detached bungalow situated to the east of Rue Du Presbytere. A detached mono-pitch roof garage/outbuilding is situated to the south of the dwelling and forward of the front/west elevation of the dwelling. Rue Du Presbytere is a hill sloping down from the church and cemetery to the south down to the crossroads with L'Aumone at the north.

Residential properties exist to the north and west of the site. To the south is the Castel Church and cemetery.

The application relates to the demolition of part of the roadside wall in order to widen the vehicular access from 2.96m to 4.5m wide with the end of the wall made good with existing granite quoins.

The alterations to hardstanding within the site and laying of granite cobbles within the access once widened constitute exempt development and do not require the specific grant of planning permission.

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

Relevant History:

FULL/2021/2001 – Erect two-storey extension to north (side) elevation and single storey flat roof extension with balcony at first floor level and raised terrace area to east (rear) elevation. Install external insulation render system and alterations to fenestration - granted

FULL/2022/0691 - Variation to previously approved plans to erect two-storey extension to north (side) elevation and single storey flat roof extension with balcony at first floor level and raised terrace area to east (rear) elevation. Install external insulation render system and alterations to fenestration - omit chimney/flue and alterations to fenestration – 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:

Island Development Plan policies:

GP1: Landscape Character and Open Land

GP4: Conservation Area

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

IP9: Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

The site is situated in a Conservation Area and although a section of the boundary wall would be lost, a large proportion will remain intact and will continue to provide an adequate boundary feature. In this case any adverse impact on the character of the area as a result of the development is not so substantial to warrant the refusal of planning permission. This conclusion is reinforced by the preceding text to Policy IP9, which notes that, *"the Authority will balance any impact on the character of the locality concerned with affording a significant degree of flexibility so that reasonable development aspirations can be met."*

The proposed alteration to the roadside wall will not have a detrimental impact on the amenities of any surrounding residential neighbours.

It is recommended that a condition is included on any permission to ensure that the ends of the opening are finished to match the remainder of the wall within a reasonable timeframe.

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

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Date: 18 October 2022