

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 extension, erect 1.5 storey extension with glazed link at first floor level and pergola to north (rear) elevation.

LOCATION: Le Vier Mont Durant, Le Mont Durand, St. Martin.

APPLICANT: Mr & Mrs S Jones

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: 13/12/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Paul Langlois Architects: 2250/09 & 2250/10A

Application Ref: FULL/2022/1779

Property Ref: J015330000

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 12/12/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Notwithstanding the details submitted on drawing 2250/09, it is acknowledged that the first floor of the two storey building to the rear of Le Vier comprises a separate independent flat (residential use class 2) and therefore does not form part of the application site.

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site.

The Archaeology team can be contacted on 01481 709738 , 01481 709739 or mobiles 07781 102219 or 07781 131061.

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/2022/1779
Property Ref: J015330000
Valid date: 23/09/2022
Location: Le Vier Mont Durant Le Mont Durand St. Martin Guernsey
GY4 6DJ
Proposal: Demolish extension, erect 1.5 storey extension with glazed link at first floor level and pergola to north (rear) elevation.

Applicant: Mr & Mrs S Jones

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.

INFORMATIVES

Notwithstanding the details submitted on drawing 2250/09, it is acknowledged that the first floor of the two storey building to the rear of Le Vier comprises a separate independent flat (residential use class 2) and therefore does not form part of the application site.

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site.

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OFFICER'S REPORT

Brief Description of the site:

The application site comprises a traditional dwelling-house located to the north of Le Mont Durand. The dwelling is sited parallel to Le Mont Durand and features a two-storey gable end building which projects to the north, perpendicular to the dwelling-house. The ground floor of this building is associated with the dwelling house, Le Vier, although planning permission was granted in 2020 (FULL/2019/2331) to retrospectively convert the first floor of the building. A condition was attached to the decision to ensure that the two windows to the east of the building, facing onto the rear garden of Le Vier, are obscured glazed in perpetuity.

Surrounding the site the area comprises residential properties to the northwest, south and west with open fields to the north and east.

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

Planning permission is sought to demolish an extension to the rear of Le Vier and erect a 1.5 storey extension with a glazed link at first floor level. A pergola is also proposed and is located to the east of the proposed extension.

Relevant History:

FULL/2019/2331	Change of use of self-catering unit (use class 8) to form residential flat (use class 2) (retrospective).	Granted
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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:

GP7 Archaeological Remains
GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Consultation – Archaeology (Culture and Heritage):

"I would like to make a brief comment on this planning application,

The dwelling sits on the site of an earlier house dating from the 15th century and is part of a group of buildings on Le Mont Durant detailed on the 1787 Duke of Richmond map. I would be grateful if you could place an informative notice on any approval to the effect that the Assistant Archaeologist should be contacted if anything of interest is uncovered."

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.

Whilst the proposed ridge line of the extension is marginally above the ridgeline of the main house, the overall design of the extension is of a good standard for the purposes of Policy GP8 when taking into account its traditional form, mass, siting, materials and appearance.

Given that the extension will be sited to the rear of the dwelling, the proposal will not have a detrimental impact on the character of the area or visual amenity.

Careful consideration has been afforded to the effect of the development on the amenities of neighbouring residents, including residents associated with the first floor flat.

With regards to overshadowing, the proposal would not adversely affect the amenities of the residents of the flat given that the extension will be setback from the east face of the first floor flat, coupled with its orientation. In addition, the proposal would not result in overlooking given that the first-floor windows of the flat are obscure glazed as conditioned as part of application FULL/2019/2331.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

In light of the comments from Culture and Heritage, it is reasonable to attach an informative to the decision for the reasons set out in the consultation.

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: 08/12/22