

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: Erect 1.5 storey extension to south-east (side) elevation, erect porch to north-east elevation and alterations to fenestration. Remove section of hedge and earth bank to create gated pedestrian access to south-west boundary.

LOCATION: Highlands, 6 Les Grands Jardins, Rue Cauchez, St. Martin.

APPLICANT: Mr & Mrs Cameron

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: 25/01/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners - AA74-10625-S1-02, -05B & -06.

Application Ref: FULL/2022/1994

Property Ref: J00698A006

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 new pedestrian access being brought into use, the new boundary wall shall be erected in accordance with the approved plans using materials and a method of construction which match the remainder of the wall.

Reason - In the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 24/01/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the erection of an extension to be used as an integral part of and incidental to the principal dwelling presently known as Highlands. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

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/2022/1994
Property Ref: J00698A006
Valid date: 27/10/2022
Location: Highlands 6 Les Grands Jardins Rue Cauchez Rue Cauchez St.
Martin Guernsey GY4 6PF
Proposal: Erect 1.5 storey extension to south-east (side) elevation, erect porch to north-east elevation and alterations to fenestration. Remove section of hedge and earth bank to create gated pedestrian access to south-west boundary.
Applicant: Mr & Mrs Cameron

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 new pedestrian access being brought into use, the new boundary wall shall be erected in accordance with the approved plans using materials and a method of construction which match the remainder of the wall.

Reason - In the interests of visual amenity.

INFORMATIVES

For the avoidance of doubt, this decision permits the erection of an extension to be used as an integral part of and incidental to the principal dwelling presently known as Highlands. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

OFFICER'S REPORT

Brief Description of the site:

Highlands, 6 Les Grands Jardins is a detached dwelling situated to the southwest of the clos road and with a rear garden substantially enclosed by mature landscaping and which backs onto Les Vaurioufs. The property benefits from a subservient extension to the northwest and to the rear (southwest) and off-road parking exists to the front of the property, adjacent to the northwest site boundary. The property has a rendered exterior, the main house has a tiled roof whilst the northwest extension has a slate roof.

The application relates to the erection of a single-storey flat roof link extension to the southeast of the dwelling with doors to the northeast elevation and windows to the southwest elevation. This extension will lead into a one and a half storey pitched roof extension with render exterior and slate or pantile roof including solar panels to the southwest roofslope. The northeast and southeast elevations are shown to be blank with fenestration concentrated to the southwest elevation onto the garden. A porch is also proposed to the front/northeast elevation of the property along with a replacement garage door.

To the southwest site boundary a section of earthbank and hedge are proposed to be removed in order to create a pedestrian access onto Les Vaurioufs (1m wide splayed to 2.5m).

The works to demolish a wall and gate and erect a new timber gate and fence to the northwest of the dwelling to enlarge the off-road parking and to install an electric vehicle charging point do not require the specific grant of planning permission.

The application was deferred to ensure that all proposed elevations were provided for consideration as part of the assessment of the application.

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

Relevant History:

None recent and relevant.

Existing Use(s):

01 Dwelling houses

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:

GP8: Design
GP9: Sustainable Development
GP13: Householder Development
IP9: Highway Safety, Accessibility and Capacity

Representation

One letter of representation has been submitted raising the following points:

- The application has been discussed with Mr Cameron and a mutually acceptable solution has been agreed to the impact on the boundary between 5 and 6 Les Grandes Jardins, at the front of the properties. This solution must be formalised at the applicant's expense
- The application indicates that the boundary hedge may need to be split in half to create the vehicular access to the EV charging point
- The earth mound and hedge defines the boundary and provides both properties with privacy
- The potential removal and reinstatement of part of this hedge must be assessed as part of the application and appropriate conditions imposed as necessary

- Demolition to create a 3m access to the garden/charging point impacts on the adjoining boundary wall and its structural integrity must be maintained, together with full reinstatement
- This area may appear to be referred to in the application as “establish boundary ownership” but the applicant’s agent has not contacted the adjoining owner regarding this matter
- The site notice has been displayed at the junction of Les Grands Jardins and La Rue Cauchee not at the subject property

Conclusion/Brief comment:

The design and appearance of the proposed extension and porch draws from the existing dwelling, the structures are subservient to that dwelling and both the extensions respect the local built environment. The porch and alterations to the garage door will not have a detrimental impact on residential amenity nor on the character and appearance of the area. The extension is situated to the southwest of the neighbouring dwelling in the clos but is situated adjacent to the garage and off-road parking serving this adjoining property. The extension will not result in unacceptable overshadowing or loss of light to this property. The northeast elevation is blank and the extension will not result in overlooking or loss of privacy to the occupiers of this adjoining property. The extension is set away from the neighbouring properties in Les Vauriours and will not result in harm to the amenities enjoyed by the occupiers of these neighbouring properties.

The site is not situated in a Conservation Area and although a section of the boundary wall and hedge would be lost through the creation of a pedestrian access, a large proportion will remain intact and will continue to provide an adequate boundary feature. The scheme will not have a detrimental impact on the character of the area. 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 gateway is shown to be set back from the highway thereby providing users with a safe refuge point when having regard to good design and safety.

In this case additional site notices were provided to enable the application to be advertised in accordance with the Ordinance (at the property and in the adjoining road to the rear). The determination of a planning application relates only to land within the applicant’s ownership and control and does not infer permission outside the application site nor on land that belongs to a third party. The development will need to comply to current Building Regulations which should address the concerns raised regarding the boundary wall integrity.

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.

In view of the above it is recommended planning permission is granted.

Recommendation:

Grant with Conditions



Date: 19 January 2023

