

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 pillars and gates to roadside boundary (retrospective).

LOCATION: Quintila Cottage, 7 Clos Du Moulin, St. Martin.

APPLICANT: Mr & Mrs R & A Slot

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: 25/05/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block plan & hand drawn elevation (both dated 26/10/2022).

Application Ref: FULL/2022/2122

Property Ref: J004250005

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 24/05/2026 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/2022/2122
Property Ref: J004250005
Valid date: 26/10/2022
Location: Quintila Cottage 7 Clos Du Moulin St. Martin Guernsey GY4 6XE
Proposal: Erect pillars and gates to roadside boundary (retrospective).
Applicant: Mr & Mrs R & A Slot

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 'Quintila Cottage' is a 1970's one and a half storey dwelling which is one of nine properties either side of Clos du Moulin. The property is set back from and faces north onto the access road. It has an attached garage to the west which is attached on the other side to the neighbours garage. There is a private access road to the south with open land beyond. The property is located in the St Peter Port Main Centre Outer Area as defined in the Island Development Plan.

Relevant History:

FULL/2022/1691 – Erect single storey extension to the north front elevation – Closed December 2022.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This is a retrospective application to install two rendered blockwork pillars with brick tops either side of the drive and a pair of wrought iron gates between.

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

GP8: Design

GP13: Householder Development

Representations:

There have been three letters of representation written by two parties and the issues are:

- The pillars, gates and boundary fence look completely out of place and unnecessary.
- The workmanship of the pillars that have built without permission is extremely poor and have moved 3 inches out of level from top to bottom since they've been built which suggests there isn't a foundation.
- If the pillars lean any more they could possibly fall over which would be dangerous as there are young children who play in the road.
- The state of the fence (which was not applied for in the retrospective application, but was erected at the same time as the gates last year) are now

unsecure at the ground level, with many bolts still missing (note, not all bolt holes were used when erected) and the fence is now unstable, most likely not helped by the recent bad weather.

- Given the state of the fence, our concerns still remain as to the quality of the workmanship of the pillars and their stability and the potential damage that they could cause as a result of one of the pillars falling over. Please note that the shrubs that were planted at the time are now dead.
- It is respected that the owners of Quintilla Cottage are entitled to do as they wish on their land, and it is not for the neighbours to reject what they have done; it just would have been courteous to have been informed of their plans and to have carried out the works going through the right channels (yourselves) and to a professional standard. The neighbour remains of the view that the works carried out are not in keeping with the rest of the Clos, and would appreciate it if a member of the Development & Planning Authority would visit the site to undertake a review of works carried out.

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.

Policy GP8 expects proposals to achieve a high standard of design which respects and where possible enhances the character of the environment. GP13 supports development where there are no significant adverse effects on the amenities of neighbouring properties. Both policies provide for a high degree of personal choice on design matters in less sensitive areas (outside of Conservation Areas and not affecting the setting of protected buildings).

Although the pillars and gates are not a common feature of the clos, due to personal choice within the relevant policies, they are not considered to be so out of place that they warrant a refusal. The proposals are not considered to be detrimental to the

character of the area, nor do they effect neighbour amenity, therefore they are considered to comply with policy.

Had this application been submitted before the works were carried out, the application would most likely have been approved. However, because the works do not require a Building Licence, the Authority would not have controlled how the pillars and gates were built. The quality of the work is not a planning consideration, but is a private matter.

The timber fence which has been erected between the two properties is less than 0.9m high and therefore does not require planning permission, and that is why it is not part of this application.

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: 24/05/2023