

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: Relocate shed, remove hedge and erect fence, extend boundary wall and erect summerhouse to north-east boundary.

LOCATION: Montana, 1 Hartlebury Close, Steam Mill Lane, St. Martin.

APPLICANT: Mr P Lee

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: 18/05/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/11/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block plan & fence brochure page (29/11/22) and hand drawn sketch and summerhouse brochure page (10/11/22).

Application Ref: FULL/2022/2207

Property Ref: J00466C001

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.The boundary wall and new fence must be in place before the summerhouse is installed.

Reason - To ensure that a satisfactory form of development is achieved in the interests of amenity.

Expiry Date: This permission will cease to have effect on 17/05/2026 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/2022/2207
Property Ref: J00466C001
Valid date: 29/11/2022
Location: Montana 1 Hartlebury Close Steam Mill Lane St. Martin
Guernsey GY4 6NF
Proposal: Relocate shed, remove hedge and erect fence, extend
boundary wall and erect summerhouse to north-east
boundary.
Applicant: Mr P Lee

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. The boundary wall and new fence must be in place before the summerhouse is installed.

Reason - To ensure that a satisfactory form of development is achieved in the interests of amenity.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Montana' is a 1970's two storey detached dwelling which is one of four dwellings around Hartlebury Close. The property is set back from and faces northwest on to the Clos road and Steam Mill Lane/Rue de Varivary runs along the northeast boundary at a lower level, to the south west is another clos dwelling and another residential neighbour is to the southeast. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

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:

GP8: Design

GP13: Householder Development

Conclusion/Brief comment:

This application is to remove the remaining section of a hedge which is in the east corner of the site, erect a 1.5m fence along the north end of the southeast boundary and extend the 1.15m high roadside boundary wall on the east end of the northeast boundary. Plus erect a summerhouse on the hardstanding area left when the shed

was removed, which is in the east corner of the garden. The shed has been re-located adjacent to the northeast elevation of the property.

Initially the application was deferred because the relocation of the shed was not part of the original application. The application then had to be re-advertised for an additional three weeks.

Extending the boundary wall along the northeast boundary with the road is considered acceptable in this context, as is the removal of the old hedge and addition of a 1.5m high fence along the southeast boundary, which will extend the boundary to the roadside. The fence will be next to an existing 1.8m boundary wall.

The proposed summerhouse has a rear height of 2.14m, which is 0.7m higher than the fence and only 0.3m higher than the existing wall, which runs along the southeast boundary screening the majority of the rear of the summerhouse.

The shed was originally in the same position for approximately 19 years, and so the replacement with a summerhouse is not thought to cause any detrimental impact to the character and appearance of the surrounding area, nor is it thought to impact on neighbour amenity.

Although the shed is forward of the building line, the fact the property is positioned at a higher level means the shed is not easily seen from the roadside due to the mature boundary hedge. The relocated shed is not considered to have any adverse effects on the character of the area or on neighbour amenity.

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

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



Date: 18/05/2023

