

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: Infill door to west (rear) elevation, remove hedge and erect fence to south and west boundary and store motorhome to front of property (Retrospective).

LOCATION: Jimatomfre, 16 La Planque Estate, La Planque, St. Peter Port.

APPLICANT: Mr & Mrs O'Connor

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: 02/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/12/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Block Layout Plan; and photograph of motorhome (all dated 10/11/2022) and photographs of door (dated 19/12/2022).

Application Ref: FULL/2022/2208

Property Ref: A210250016

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 01/03/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

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/2022/2208
Property Ref: A210250016
Valid date: 19/12/2022
Location: Jimatomfre 16 La Planque Estate La Planque La Planque St.
Peter Port Guernsey GY1 1RY
Proposal: Infill door to west (rear) elevation, remove hedge and erect
fence to south and west boundary and store motorhome to
front of property (Retrospective).
Applicant: Mr & Mrs O'Connor

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.

INFORMATIVES

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

OFFICER'S REPORT

Site Description:

The property known as 'Jimatomfre' is a 1970's two storey attached property with an attached single storey garage. The property is set back from and faces east onto La Planque. The attached dwelling is to the north and the garage of the next property is attached to the south. There are similar attached dwellings across the road to the east and other residential properties to the west. The property is located in the St Peter Port Main Centre Outer Area 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.

Brief Description of Development:

This application is a retrospective application to infill a ground floor door at the rear of the property, remove a hedge and erect a fence to the south and west of the rear garden and to store a motorhome to the front of the property.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There have been two letters of representation and the issues are:

- In the submitted application, no mention has been made of the removal of a 1.5m x 1m lounge window and replacement 3m x 2.5m Bifold door (approx.). This has been achieved by removing approximately 25% of the rear wall of the house.

- The new bifold door also appears to be installed with no provision to stop the ingress of water from above or below. At this time, it has been left foamed in directly to the open blockwork which is causing some concern with regard to dampness. The bifold door is about 560mm from the neighbours kitchen door.
- The hedge that was removed, without permission, was at a height which provided privacy to us and as a result of the removal does result in a loss of privacy and enjoyment in our garden. Couple this with the removal of a window and installation on Bi-Folding Doors we are a lot more exposed as there is now sight from inside their property into our upper rooms.
- The hedge was a boundary feature and therefore the removal and non-replacement means that the boundary will no longer be in place, while not usually considered a major item for planning consideration it is felt that this should be considered. As the works were undertaken without permission or prior discussion with neighbours, the removal and non-replacement will cause neighbours issues with boundaries should they look to sell.
- The Fence already there was not erected on boundary as a result of the hedge being in place and should not now be used as the boundary marker. The objector believes that the applicants should have a condition to erect fencing along all the boundary line or replace the hedge on the boundary.

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.

Front of property

At present planning approval must be sought to store a campervan at the front of a residential property, forward of the front façade of the property. However, it is noted that the Exemptions Ordinance is currently under review. The new

Exemptions Ordinance is in draft form, and therefore has no material weight to the decision on this application, however policy proposals to amend the current exemption to allow for storage of campervans forward of the front elevation of a dwellinghouse were considered and agreed by the States in December 2021.

In light of the above, and taking into account the visual impact in the context of this site, it is considered that it would be unreasonable to refuse the application.

Rear of property

To block up any opening in a structure requires planning permission, however as this is to the rear of the property and would not affect the character of the area or harm neighbour amenity, blocking up the kitchen door complies with policy.

To replace a window with a door at the rear of a property (unless a Protected Building) is exempt development and does not require planning approval, and is not therefore controlled under this application. The installation of the bifold doors would however be controlled under a Building Licence.

Planning permission is required to remove a hedge, which is one of the reasons the application has been made, albeit retrospectively. The hedge was not visible outside of the site and was not of a species to provide high biodiversity value, therefore its removal would be acceptable. The hedging has been replaced by 6ft fencing along the south and part of the west boundaries, maintaining the privacy of the adjoining properties.

The location of boundaries and the issues that can occur between neighbours is a civil matter and not a planning matter, therefore cannot be resolved through consideration of a planning 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: 02/03/2023

