

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 single storey store/outbuilding with extension to existing raised terrace to roof level and erect external steps to east (rear) elevation.

LOCATION: Montrachet, 45 York Way, Fort George, St. Peter Port.

APPLICANT: Mr & Mrs R & C Goddard

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: 02/02/2023

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

Drawing Nos: MAT Ltd - 22-239-06 & -07

Application Ref: FULL/2023/0009

Property Ref: A41110A46A+A41110A045

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 01/02/2026 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/2023/0009
Property Ref: A41110A46A+A41110A045
Valid date: 12/12/2022
Location: Montrachet 45 York Way Fort George Fort George St. Peter
Port Guernsey GY1 1SY
Proposal: Erect single storey store/outbuilding with extension to
existing raised terrace to roof level and erect external steps to
east (rear) elevation.
Applicant: Mr & Mrs R & C Goddard

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).

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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

Brief Description of the site:

The property known as 'Montrachet' is a 1970's detached bungalow, which was extended to a one and a half storey dwelling in the late 1990's. The property is set back from and faces west onto York Way. To the north and south are neighbouring detached properties and to the east the land falls away, with Princes Close and other detached neighbours at a lower ground level to the rear.

The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

PAPP/2009/0808- Install swimming pool, erect pool plant storage cupboard and remove section of boundary hedge.

Existing Use(s):

01 Residential dwelling

Representations:

One neighbour objection was received which relates to the proposed new vehicular access and parking at the rear of the site via Princes Close. This is part of a separate application at this site which has now been withdrawn and is no longer under consideration.

The representation related solely to the additional noise, traffic and disturbance as a result of the additional access and is noted but is not relevant to the application currently under consideration.

Assessment: *(Tick as appropriate)*

design acceptable

✓
✓
✓

accords with policy

within curtilage

visual amenity acceptable

no material neighbour impact

traffic not affected

✓
✓
✓

Policies considered most relevant:

GP8 – Design

GP9 – Sustainable development

GP13- Householder development

Conclusion/Brief comment:

The outbuilding proposed is located at the end of the swimming pool, where the existing terrace will extend over, and external stairs will link to existing paths to provide access to the rear garden and are necessary due to the significant drop in land levels to the east.

The proposed steps replace existing, introducing a more formal pathway with retaining walls. The works extend the raised terrace out to the east by 2m further than the existing swimming pool edge, this means the terrace edge will be approximately level with the rear boundary of the neighbouring property to the north, which projects slightly further than the application site. The garden of the neighbouring dwelling is also set at approximately the same land level as the terrace which means that it will not be elevated above the neighbour's garden. This, in combination with the significant and mature boundary hedging between the dwellings means the application is unlikely to have a demonstrable impact on neighbouring amenity.

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: 01/02/2023

