

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: Remove section of wall and gated pedestrian access to create vehicle access to south boundary for temporary period.

LOCATION: Les Hubits House, Les Hubits De Haut, St. Martin.

APPLICANT: Mr & Mrs F Galliot

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: 22/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Studio Ltd - 005-SS-14

Application Ref: FULL/2023/0030

Property Ref: J003460000

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.Prior to the commencement of any work to demolish the south boundary wall and gateway in accordance with this permission a measured photographic survey shall be undertaken and submitted to the Planning Service. The replacement wall and pedestrian gateway shall be constructed in accordance with the approved plans and to match as closely as possible the existing, including the colour, texture, method of bonding and pointing of the existing wall.

Reason - To ensure the reinstatement of the boundary to preserve the character and appearance of the Conservation Area.

5.The wall and gateway shall be fully reinstated in accordance with the approved plans and the terms of condition 4 above within 9 months of the temporary vehicular access hereby approved having been created.

Reason - This application is a temporary approval after which the boundary must be reinstated in order to preserve the character and appearance of the Conservation Area.

Expiry Date: This permission will cease to have effect on 21/02/2026 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/2023/0030
Property Ref: J003460000
Valid date: 25/01/2023
Location: Les Hubits House Les Hubits De Haut St. Martin Guernsey
GY4 6LT
Proposal: Remove section of wall and gated pedestrian access to create
vehicle access to south boundary for temporary period.

Applicant: Mr & Mrs F Galliot

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. Prior to the commencement of any work to demolish the south boundary wall and

gateway in accordance with this permission a measured photographic survey shall be undertaken and submitted to the Planning Service. The replacement wall and pedestrian gateway shall be constructed in accordance with the approved plans and to match as closely as possible the existing, including the colour, texture, method of bonding and pointing of the existing wall.

Reason - To ensure the reinstatement of the boundary to preserve the character and appearance of the Conservation Area.

5. The wall and gateway shall be fully reinstated in accordance with the approved plans and the terms of condition 4 above within 9 months of the temporary vehicular access hereby approved having been created.

Reason - This application is a temporary approval after which the boundary must be reinstated in order to preserve the character and appearance of the Conservation Area.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Les Hubits House' is a two and a half storey main house with a two storey extension to the north. The side gable is directly onto Les Hubits, which runs along the south boundary. The house faces east with a large walled garden in front. To the west of the rear elevation is the vehicular entrance and parking area. There is a neighbouring property to the north and across the road to the south and east, and to the west is an open agricultural field. The property is located Outside of the Centres and is within a Conservation Area as defined in the Island Development Plan.

Relevant History:

FULL/2022/0311 – Erect pool house to north boundary – Approved March 2022.

FULL/2022/0310 – Removal of section of wall and hedge to create gated vehicle access to south boundary – Refused August 2022.

FULL/2020/1307 - Demolish extensions and erect 2.5 storey extension and raise roof height to create 1st floor linked accommodation to west (rear) elevation, install rooflights to east roof slope and alterations to fenestration. Erect detached garage/workshop/office to north of dwelling – Approved November 2020.

Existing Use(s):

Residential use class 1: dwelling house.

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:

GP4: Conservation Areas

GP8: Design

GP13: Householder Development

IP9: Highway Safety, Accessibility and Capacity.

Conclusion/Brief comment:

This application is for the removal of a section of wall and a gated pedestrian access to create a temporary vehicle access to the south boundary to allow the approved pool room to be built. Following the completion of the pool room the wall and gateway would be reinstated.

The temporary opening is over 30m from the road junction, which negates the previous highway concerns.

The south boundary consists of a low granite wall with earthbank and a mature hedge on top. All of these are key features in the area which contribute to the character of the Conservation Area. Policy GP4 states that proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.

In this instance the vehicular access would be temporary and the granite boundary wall and pedestrian gateway would be re-instated after a 9 month period, thus restoring the contribution to the character and appearance of the Conservation Area. This can be controlled by conditions.

With no highway safety implications and the fact that the part of the proposal is to reinstate the boundary as it is, means that the proposals are considered appropriate in this instance.

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: 22/02/2023

