

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 the existing retaining wall, excavate and reposition the retaining wall closer to the south boundary (retrospective).

LOCATION: Etosha, 5 Rue De La Ree, La Grande Rue, St. Saviour.

APPLICANT: Ms F Rodenwoldt

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: 29/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Plan, Drawing of Retaining Wall & Photographs of retaining wall (All dated 15/02/23).

Application Ref: FULL/2023/0043

Property Ref: E00875B005

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 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 28/03/2026 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/2023/0043
Property Ref: E00875B005
Valid date: 15/02/2023
Location: Etosha 5 Rue De La Ree La Grande Rue La Grande Rue St.
Saviour Guernsey GY7 9PW
Proposal: Remove the existing retaining wall, excavate and reposition the
retaining wall closer to the south boundary (retrospective).
Applicant: Ms F Rodenwoldt

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 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.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Etosha' is a two storey 1990's detached dwelling and is one of twelve properties in the clos called Rue de la Ree. The property is set back from and faces north onto the access road there are neighbouring clos properties to the west, east and across the road to the north. To the south at a higher level are other residential detached properties which face south onto Clos du Fillage. The property is located Outside of the Centres and within the Agriculture Priority Area as defined in the Island Development Plan.

Relevant History:

FULL/2022/1801 - Variation to previously approved plans to demolish conservatory and erect extension to south (rear) elevation - alteration to fenestration – Approved November 2022.

FULL/2022/1680 - Install replacement rooflight to north (front) elevation – Approved October 2022.

FULL/2022/0991 - Demolish conservatory and erect extension to south (rear) elevation – Approved June 2022.

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
GP9: Sustainable Development
GP13: Householder Development

Conclusion/Brief comment:

Retrospective permission is sought for the excavation of the earth/soil on the site. Works associated with this engineering operation comprise the removal of the

existing lower retaining wall and reconstruct the retaining wall between 400mm – 1m further south which, given its height represents exempt development.

Moving the lower retaining wall further south creates a larger ground floor garden area and reduces the size of the raised planting bed.

The works have been the subject of a building control application/inspection to ensure the wall has been appropriately designed and constructed to provide an appropriate retaining structure for the higher ground behind.

The works have meant that the homeowner now has more flexible and adaptable outdoor space within their garden.

The scale and massing of the newly positioned (exempt) retaining wall is not considered to have a detrimental effect on the character and appearance of the surrounding area, nor will it have any adverse impacts on any of the immediate neighbours, therefore the proposals are considered acceptable.

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: 29/03/2023

