

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 detached outbuilding/garage to west boundary and remove section of roadside wall to create additional vehicle access.

LOCATION: Little Judde, 2 Clos De Ruettes Brayes, Ruettes Brayes, St. Martin.

APPLICANT: Mr R Martin

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: 21/04/2023

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: Paul Vaudin & Associates - 22 - 044 - 03A

Application Ref: FULL/2023/0132

Property Ref: J00435A002

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 20/04/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed garage to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

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/2023/0132
Property Ref: J00435A002
Valid date: 25/01/2023
Location: Little Judde 2 Clos De Ruettes Brayes Ruettes Brayes St. Martin
Guernsey GY1 1PJ
Proposal: Erect single storey detached outbuilding/garage to west
boundary and remove section of roadside wall to create
additional vehicle access.
Applicant: Mr R Martin

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.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed garage to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a detached 1.5 storey dwelling-house located to the south of Ruettes Brayes. The property lies within a clos that is situated below road level. The majority of the clos is screened by a granite wall which forms the southern edge of the pavement that lies to the south of Ruettes Brayes.

The property lies in a Main Centre Outer Area as designated in the Island Development Plan.

Planning permission is sought to erect a single storey pitched roof detached outbuilding/garage adjacent to the west boundary (towards the rear of the dwelling), and to remove a section of the clos wall to the north of the site to create an additional (4m wide) vehicle access and remove a section of hedging along the west boundary of the site. An area of hard surfacing will be laid between the proposed garage and the clos road.

Relevant History:

None germane to this application.

Existing Use(s):

Residential

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:

GP1 Landscape Character and Open Land
GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Conclusion/Brief comment:

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.

The proposed double garage adopts a good standard of design by virtue of its scale, form, massing, siting and materials. The garage is well related to the main-house and adopts an ancillary relationship in terms of its position and scale and mass. Consequently, the proposal will not have a detrimental impact on the character of the area, visual amenity, or the amenities of neighbouring residents. An informative regarding the use of the building should be attached to the decision.

Whilst some concerns are raised with regards to the creation of secondary access by virtue of the loss of the roadside wall and its negative effect on the character and appearance of the clos, the degree of harm to the wider area, as stipulated under Policy GP1 (Landscape Character) would be negligible given that the majority of the site is not highly visible in public vantage points along Ruettes Brayes. Consequently, the negative impact on the character and appearance of the clos road due to the loss of a 4m section of the boundary wall would not be so substantial to reasonably justify refusal, or require amendments to the scheme such as infilling the existing vehicle entrance in order to limit the visual harm to the localised area.

The new dwarf wall and hard surfacing would comprise exempt development under the Land Planning and Development (Exemptions Ordinance), 2023.

Whilst the removal of the hedge could affect the privacy of the neighbouring property, in this case, the adjoining land comprises a driveway and not private amenity space. Furthermore, the proposed garage does not include any fenestration along the west face, and the existing fenestration on the west face of the main house is setback from the boundary.

In light of the above, it would not be reasonable to require a replacement landscaping scheme, or enhancement boundary treatment. Furthermore, either property owner could erect a fence up to 2m high (subject to ground levels) under the exemptions on the inside of the boundary wall (behind the forward elevation either property) to retain privacy should the need arise.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and material considerations; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 19/04/23