

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 extension to north-east (front) elevation.

LOCATION: Les Mielles, Clos De Colborne, Fort Road, St. Peter Port.

APPLICANT: Mr & Mrs M Nazarova

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: 22/03/2023

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

Drawing Nos: Hunt Brewin - 16856.02.01, 02, 03 & 04.

Application Ref: FULL/2023/0193

Property Ref: A41000B000

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.Precise details of the hedge to be planted along the northern boundary for the full length of the garage elevation (as shown on drawing refs: 16856.02.01 & 16856.02.02) including the type of hedgerow, and the size, spacing and density of plants shall be submitted to and agreed in writing by the Authority. The hedge shall be planted in accordance with the approved details in the first planting season following completion or occupation of the approved development, whichever is the sooner. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

Expiry Date: This permission will cease to have effect on 21/03/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed garage/study (however named) 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/2023/0193
Property Ref: A41000B000
Valid date: 02/02/2023
Location: Les Mielles Clos De Colborne Fort Road St. Peter Port
Guernsey GY1 1ZX
Proposal: Erect single storey extension to north-east (front) elevation.

Applicant: Mr & Mrs M Nazarova

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. Precise details of the hedge to be planted along the northern boundary for the full length of the garage elevation (as shown on drawing refs: 16856.02.01 & 16856.02.02)

including the type of hedgerow, and the size, spacing and density of plants shall be submitted to and agreed in writing by the Authority. The hedge shall be planted in accordance with the approved details in the first planting season following completion or occupation of the approved development, whichever is the sooner. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed garage/study (however named) 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 property situated to the south of Clos de Colbourne. Surrounding the site, the area comprises residential properties of mixed building types and design in all directions.

The site is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

PREA/2022/2346	Extend dwelling and erect garage	Pre-application advice provided 20/01/2023
FULL/2021/1179	Alterations to porch north (front) elevation - install flat roof, infill windows (east and west elevations) and alterations to door opening (north elevation).	Granted 20/07/2021
FULL/2021/0545	Demolish shed and erect garden room/gymnasium to south boundary.	Granted 06/05/2021
FULL/2021/0539	Erect balcony to south (rear) elevation.	Granted 07/05/2021

FULL/2020/2362	Extend at ground floor level and create balcony at first floor level and install replacement balustrade to south east (rear) elevation, remove garage doors and install doors and windows to north west (front) elevation and alterations to fenestration.	Granted 21/01/2021
PAPP/2006/4454	Extension & alterations , extend driveway & create new vehicular access	Granted 01/03/2007

Existing Use(s):

Residential – Use Class 1

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:

Island Development Policies:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Conclusion/Brief comment:

Planning permission is sought to erect a single storey extension to the north-east (front) elevation of the property to form a study and garage.

Policy GP13 of the Island Development Plan is generally supportive of proposals for domestic extensions, alterations and other such householder development where: there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and, they do not adversely affect the special interest of a Conservation Area or Area of Biodiversity Importance or protected building or protected monument.

Policy GP8 of the Island Development Plan states a number of criteria that new development will be expected to adhere to in order to achieve a high standard of design which respects and where appropriate enhances the character of the environment.

The proposal would be situated forward of the front elevation of the property and closer to the highway which is not usually encouraged. However, in this instance by

virtue of the staggered development to the east, the existing boundary screening along the eastern boundary and the proposed planting along the northern boundary of the site, the proposal would be seen well in context and would not impact on the openness or visual character and appearance of the surrounding area.

Furthermore, due to its modest ridge height, scale and form the proposal would not appear as an overly prominent feature from public viewpoints. However, to ensure that the proposed hedge is planted in a timely manner and to help the development assimilate into its surroundings, it is recommended that a condition is included on any permission for the hedge to be planted in the first planting season following the completion/first use of the garage.

No windows are proposed in the east facing elevation of the extension and views from the windows/doors in the south and west facing elevations will be contained within the site and would not cause harm to the privacy of neighbouring properties.

The proposal will be situated sufficient distance from any neighbouring properties and would therefore not cause any undue harm with regards to overshadowing or light loss. However, given that the property already benefits from a garage/store, to protect residential amenity it is recommended that an informative is included on any permission to ensure that the proposed garage and store are used for residential purpose and not in connection with any trade or business.

For the above reasons it is considered that the proposal accords with Policies GP8 and GP13 of the Island Development Plan.

No alterations are proposed to the existing vehicle access and the scheme would not cause harm to highway safety.

The applicant's agent has provided confirmation that the design and specification of the proposal complies with all parts of the Guernsey Technical Standards 2012 adopted by the Building Control Department, specifically in terms of: thermal efficiency (insulation); drainage; water efficiency; materials to be used; waste storage and disposal; and the conservation of fuel and power. The proposal has been designed to take into account the use of energy and resources and to reduce any impact on the environment and therefore complies with Policy GP9 of the Island Development Plan.

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: 21/03/2023

