

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 outbuilding and pergola, remove hedge and erect fence to north boundary, erect pergola/screening to north (front) elevation, extend raised terrace area to south (rear) elevation.

LOCATION: Zephyrus, Keld Close, Rue Piette, St. Andrew.

APPLICANT: Mr & Mrs A & L Burne

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: 17/05/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects: 1206_5, _6, _7, _8, _9, _10 & _11.

Application Ref: FULL/2023/0287

Property Ref: K00084B000

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.For the avoidance of doubt, no permission is granted for the installation of an air source heat pump associated with the swimming pool as indicated on drawing no.1206_11, as this is likely to require a separate grant of planning permission and require additional considerations.

Reason - to clearly define the permission.

Expiry Date: This permission will cease to have effect on 16/05/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed garden room to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business or the creation of a separately occupied annex would require a separate grant of planning permission and involve different planning policy considerations.

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/2023/0287
Property Ref: K00084B000
Valid date: 13/02/2023
Location: Zephyrus Keld Close Rue Piette St. Andrew Guernsey GY5 7AB
Proposal: Erect outbuilding and pergola, remove hedge and erect fence to north boundary, erect pergola/screening to north (front) elevation, extend raised terrace area to south (rear) elevation.
Applicant: Mr & Mrs A & L Burne

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. For the avoidance of doubt, no permission is granted for the installation of an air source heat pump associated with the swimming pool as indicated on drawing no.1206_11, as this is likely to require a separate grant of planning permission and require additional considerations.

Reason - to clearly define the permission.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed garden room to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business or the creation of a separately occupied annex would require a separate grant of planning permission and involve different planning policy considerations.

OFFICER'S REPORT

Site Description:

The application site comprise a two storey detached dwelling located towards the end (south-east) of a residential clos (known as Keld Close). The clos is accessed off Rue Piette. The site itself comprises a large plot which sits at a 45 degree angle which is different to the position and relationship of other properties on the clos.

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

Relevant History:

FULL/2014/0526	Erect extension at rear of dwelling, alterations to fenestration and insulation on exterior of property.	Granted
----------------	--	---------

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to erect an outbuilding and pergola, remove a hedge and erect a fence to the north boundary. The proposal also seeks permission to erect a pergola/screening to the north (front) elevation, and to extend a raised terrace area to the south (rear) elevation.

The outbuilding will serve as a 'flexible space', shower room, store, and an outdoor bbq area and washdown space.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

The Authority has received a letter of representation from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Questions over suitability of fence instead of a hedge.
- Biodiversity loss under these proposals.

Consultations:

None.

Summary of Issues:

- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

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 proposal broadly adopts a good standard of design by virtue of its scale, form, massing, siting, materials and general cohesion and comprehensiveness. Whilst the use of vertical timber screens and slats is different from the architectural style of the original property, due to the expanse of the proposal which stretches across the façade of the property (with the majority of the focus to the west of the property), the development is acceptable under Policy GP8 and GP13 in which a degree of personal choice is allowed under Policy.

It is acknowledged that the replacement fence along the north boundary together with the timber framing and screening adjacent to the north-east boundary will cause some harm to the character and appearance of the clos. Although, when taking into account the secluded nature of the plot, its orientation compared to other properties, together with its position towards the end of the clos and change in ground level, the degree of harm caused to the character and the appearance of the clos would not be so substantial to rebut the general support in favour of householder development (Policy GP13) to justify refusal.

Due to the single storey nature of the proposed outbuilding together with its position, distance, orientation to neighbouring properties to the north-west and its 'blank' north elevation; the proposal will not significantly affect the amenities of neighbouring properties to the north to justify refusal.

While the loss of the boundary hedging is regrettable, its loss would not be harmful enough in either visual or biodiversity terms to warrant a refusal. All other alterations are acceptable under the IDP Policies.

Overall, despite the more contemporary choice in style of the outbuilding and timber screening and pergola compared to the main house, the proposal will not have a significant detrimental impact on the character of the area, visual amenity, or the amenities of neighbouring residents.

Due to the inclusion of a pump serving the proposed pool as shown on drawing 1206_11 (which is not annotated), it is reasonable and necessary to condition out the pump to ensure that full details are submitted to and agreed in writing by the Authority to determine whether it requires planning permission, and if so, the likely effect on the amenities of neighbouring residents.

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.

Date: 11/05/23

