

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: Demolish conservatory, erect single storey extension with raised terrace area to east (rear) elevation.

LOCATION: Serenity, Ruelle De La Generotte, Castel.

APPLICANT: Mr & Mrs B Gardiner

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 02/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Steve De Vial & Co - Block Layout Plan; 2022-773-1A & -2

Application Ref: FULL/2023/0363

Property Ref: D012470000

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:-

All works should comply with BS3998:2010 Works to Trees, in the interests of good arboricultural practice.

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/2023/0363
Property Ref: D012470000
Valid date: 02/03/2023
Location: Serenity Ruelle De La Generotte Castel Guernsey GY5 7PG
Proposal: Demolish conservatory, erect single storey extension with raised terrace area to east (rear) elevation.

Applicant: Mr & Mrs B Gardiner

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.

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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

All works should comply with BS3998:2010 Works to Trees, in the interests of good arboricultural practice.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a detached dwelling-house which is located on the eastern side of Ruelle De La Generotte. The property is located Outside of the Centre as designated in the Island Development Plan.

Planning permission is sought to demolish a conservatory, erect a single storey extension with a raised terrace area to the rear (east) elevation. The raised decking area will encase a mature tree which lies in close proximity to the new extension.

The agent's e-mail of 13th April 2023 sets out further details of the tree and how the proposed scheme has taken this into account:

"The tree in the vicinity to the works is a Hornbeam Oak, and is not a protected tree. As discussed we had the tree inspected by the qualified tree surgeon, Phil Collette on 11/1/23.

He confirmed the species and the overall condition of the tree was good, and also advised on particulars to be respected.

As a result of his inspection, Dave Brouard was invited to trim the tree to accommodate the scheme currently being considered, as this had to be executed almost immediately to suit the growing data of the said tree.

You will observe that the foundations for the extension are a mini piled system with ground ring beams linking the piles. The ground beams will be set at differing levels to suit the root system and also drains have been designed with consideration for the root structure.

The builder will be made aware of general requirements whilst working adjacent to the tree. Phil Collette confirmed that this was a very fine species of tree, which my client has gone to long lengths to protect and save".

Relevant History:

FULL/2010/2753	Remodel and reroof existing conservatory at rear (east), remove existing chimney, install swimming pool and excavate basement area to provide habitable accommodation and pool plant room.	Granted
FULL/2009/1901	Erect a replacement garden room	Granted

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 Authority has a duty when exercising its functions under the Land Planning and Development (Guernsey) Law, 2005, to secure so far as possible that existing trees are protected, irrespective of whether they are subject to a Tree Protection Order or not.

The proposed extension adopts a good standard of design by virtue of its scale, form, massing, siting and materials. The extension will be subservient to the main dwelling and adopts a material palette which contrasts whilst respecting the materials used on the main dwelling.

Due to its position and design, the proposal will not have a detrimental impact on the character of the area, visual amenity, or the amenities of neighbouring residents.

The agent's e-mail of 13th April clearly sets out that the existing tree is to be made a feature of the development and the design has been carefully thought-out and influenced by the tree. Works should however be undertaken in accordance with BS3998:2010 Works to Trees.

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: 20/04/23

