

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 covered pergola with braii chimney to south-west boundary (protected building).

LOCATION: 4 St Johns Terrace, St. John's Road, St. Peter Port.

APPLICANT: Mr M Finlayson

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: 25/05/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JGA: 2301 02.01

Application Ref: FULL/2023/0377

Property Ref: A109450000

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 24/05/2026 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/2023/0377
Property Ref: A109450000
Valid date: 01/03/2023
Location: 4 St Johns Terrace St. John's Road St. Peter Port Guernsey GY1 1WZ
Proposal: Erect covered pergola with braii chimney to south-west boundary (protected building).
Applicant: Mr M Finlayson

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.

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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.

OFFICER'S REPORT

Brief Description of the site:

The property known as '4 St John's Terrace' is a mid-1800's mid-terrace two and a half storey dwelling, which is set slightly back from and faces northeast onto St John's Road. The other attached dwellings are to the southeast and northwest, there is a detached dwelling to the southwest and the grounds of St John's Church across the road to the northeast. The property is located in the St Peter Port Main Centre Outer Area and a Conservation Area as defined in the Island Development Plan. The property is a Protected Building.

Relevant History:

FULL/2021/2111 - Alterations to fenestration and internal alterations, extend and construct retaining walls to rear patio, erect garden shed and replace gate (protected building) – Approved November 2021.

Existing Use(s):

Residential use class 1: dwelling house.

Assessment: (Tick as appropriate)

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Consultations:

The Office for Environmental Health and Pollution Regulation.

02/05/23

"I have reviewed the proposed plans to 'Erect covered pergola with braii chimney to southwest boundary', which were received by email on 24th April 2023. Insufficient information has been provided with regards to the braii chimney.

Please supply the department with the following information:

- The technical specifications of the braii chimney*
- The purpose and intended use of the braii chimney*

Once this information has been forthcoming, I shall be able to provide further comments."

24/05/23

"I have reviewed the proposed plans to 'Erect covered pergola with braii chimney to south-west boundary', and further information regarding the appliance intended use as well as a drawing received which were received by email on 24th April and 17th May 2023 respectively. Given this information I have no objection to the current proposal."

Conclusion/Brief comment:

This application is to erect a covered pergola with Braii chimney to southwest boundary to form an outdoor kitchen.

The proposed pergola would be set against the rear boundary wall and would cover approximately 3m of the rear garden. The rear brick wall already has two piers, and within these piers an outdoor oven would be built in with a braii chimney above.

Environmental Health were consulted to ensure the chimney wouldn't cause any issues to neighbour amenity, once they received all the information they needed to make an informed decision, no objections were made.

The proposals achieve a good standard of design, using modern materials which complement the existing materials. The outdoor kitchen area will provide covered outdoor living, and give the occupiers more flexible and adaptable accommodation.

The scale and massing of the pergola is not considered to have a detrimental effect on the character and amenity of the surrounding conservation area as it is located at the rear of the property, nor will it have any impacts on any of the immediate neighbours. The proposals are not considered to cause any detrimental impacts to the special interest of the protected building or on the setting of the protected building.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

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: 25/05/2023