

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 raised terrace area, install Juliet dormer windows and flue to north-east (rear) elevation, install cladding and external insulating render system and alterations to fenestration. Install culvert and granite retaining wall to south-east boundary (Protected Monument).

LOCATION: Les Merriennes, Les Merriennes, St. Martin.

APPLICANT: Mr & Mrs Baigent

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: 11/07/2023

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

Drawing Nos: Turnstone Architecture - 325-02-P0, 04-P1, 05-P2, 06-P1, 07-P2, 08-P2, 09-P2, 10-P2, 11-P2 & 12-P0, Manufacture's specification of square trellis (date stamped 6th July 2023).

Application Ref: FULL/2023/0463

Property Ref: J004150000

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.No development, including site works, shall begin on site until the Abreuvoir (protected monument) to the front of the dwelling is protected, full details of which shall be submitted to and agreed in writing by the Authority. The Abreuvoir shall be protected in the agreed manner for the duration of building operations on the application site. Within the area agreed to be protected, the granite stones that form part of the protected monument shall not be removed or damaged, and no materials shall be placed or stored thereon.

Reason - The abreuvoir is an important feature in the landscape and this condition is imposed to make sure that it is properly protected while building works take place on the site.

5.Notwithstanding the information submitted, on completion of, or prior to the first use (whichever is the sooner) of the terrace area to the rear of the property hereby approved a 1.8m high timber trellis fence shall be installed along the south edge of the terrace as shown on the approved drawing. The fence shall be retained thereafter in perpetuity.

Reason - To ensure that the timber fence is appropriately installed in a timely manner to minimise the effect of the development on the privacy and amenities of nearby residents.

Expiry Date: This permission will cease to have effect on 10/07/2026 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/2023/0463
Property Ref: J004150000
Valid date: 03/03/2023
Location: Les Merriennes Les Merriennes St. Martin Guernsey GY4 6NW
Proposal: Erect raised terrace area, install Juliet dormer windows and flue to north-east (rear) elevation, install cladding and external insulating render system and alterations to fenestration. Install culvert and granite retaining wall to south-east boundary (Protected Monument).

Applicant: Mr & Mrs Baigent

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. No development, including site works, shall begin on site until the Abreuvoir (protected monument) to the front of the dwelling is protected, full details of which shall be submitted to and agreed in writing by the Authority. The Abreuvoir shall be protected in the agreed manner for the duration of building operations on the application site. Within the area agreed to be protected, the granite stones that form part of the protected monument shall not be removed or damaged, and no materials shall be placed or stored thereon.

Reason - The abreuvoir is an important feature in the landscape and this condition is imposed to make sure that it is properly protected while building works take place on the site.

5. Notwithstanding the information submitted, on completion of, or prior to the first use (whichever is the sooner) of the terrace area to the rear of the property hereby approved a 1.8m high timber trellis fence shall be installed along the south edge of the terrace as shown on the approved drawing. The fence shall be retained thereafter in perpetuity.

Reason - To ensure that the timber fence is appropriately installed in a timely manner to minimise the effect of the development on the privacy and amenities of nearby residents.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a two storey mansard roof property located to the east of Les Merriennes. The building features an abreuvoir to the front of the building which is recognised as a protected monument.

Planning permission is sought to erect a raised terrace area, install Juliet dormer windows and a flue to north-east (rear) elevation, install cladding and external insulating render system and make alterations to the fenestration. Permission is also sought to install a culvert and a granite retaining wall to the south-east boundary.

The agent has noted that the property has historically suffered from subsidence which has arisen by virtue of its close proximity to the stream to the south of the property. The proposed culvert is considered by a structural engineer which will help improve the stability of the bank, and in turn the property.

Some concerns were raised over the effect of the development on the amenities of neighbouring residents particularly to the rear and side (south) of the property. In response, the agent has clarified the development and incorporated high fencing along the north-east corner of the property and to the side of the property in

attempt to overcome the concerns raised. In addition, the agent has provided a 1.8m high timber trellis fence to be installed along the southern edge of the proposed terrace area. Bamboo planting is proposed in front of the fence.

Relevant History:

None

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:

GP6 Protected Monuments
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 proposal achieves a good standard of design for the purposes of Policy GP8 and does not detract from the character of the area or visual amenity. Based on the amendments secured, the proposal would not significantly adversely affect the amenities of neighbouring residents when taking into account the existing relationship and the proposed alterations to the property.

It is important to note that the incorporation of a 1.8m high timber trellis fence to safeguard the amenities of neighbouring residents would not normally be sufficient. Although, in this particular case where the landscaping along the south boundary is mature, coupled with the distance to the south boundary, and the relationship between the proposed terrace and the neighbour's most sensitive part of their property, the degree of harm would not be so substantial to require a more extensive form of privacy screen.

In order to safeguard the abreuvoir and its setting, it is necessary and reasonable to attach a condition to the decision to ensure that full details of how it is to be protected during site works are submitted to and agreed in writing by the Authority in order to preserve the special interest of the protected monument.

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; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 10/07/23