

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 chimney, enclose existing porch to north (front) elevation, remove section of hedge/earthbank, excavate, erect retaining wall and external steps to create a vehicle access and parking to north (roadside) boundary (revised scheme).

LOCATION: Amethyst, Guelles Lane, St. Peter Port.

APPLICANT: Mr S Prince & Ms S Domaille

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: 18/05/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Mark Frampton & Co 0 2022 / 641 / 02A

Application Ref: FULL/2023/0481

Property Ref: A102790000

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.Within four weeks of the new access being brought into use, the new wall hereby approved to the front (northern) boundary shall be constructed in accordance with the approved plans with the end of the opening finished off using materials and a method of construction which match the remainder of the wall.

Reason - To secure the satisfactory appearance of the completed development.

5.Prior to the commencement of any work in connection therewith, a landscaping scheme for the front garden area, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of proposed hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity.

6.The landscaping scheme for the front garden shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or 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 17/05/2026 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/2023/0481
Property Ref: A102790000
Valid date: 08/03/2023
Location: Amethyst Guelles Lane St. Peter Port Guernsey GY1 2DD
Proposal: Demolish chimney, enclose existing porch to north (front) elevation, remove section of hedge/earthbank, excavate, erect retaining wall and external steps to create a vehicle access and parking to north (roadside) boundary (revised scheme).

Applicant: Mr S Prince & Ms S Domaille

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. Within four weeks of the new access being brought into use, the new wall hereby approved to the front (northern) boundary shall be constructed in accordance with the approved plans with the end of the opening finished off using materials and a method of construction which match the remainder of the wall.

Reason - To secure the satisfactory appearance of the completed development.

5. Prior to the commencement of any work in connection therewith, a landscaping scheme for the front garden area, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of proposed hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity.

6. The landscaping scheme for the front garden shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or 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.

OFFICER'S REPORT

Brief Description of Development:

The property comprises of a detached single storey dwelling located to the south of and elevated above, Guelles Lane. The site is bounded by residential properties to the east, south and west, with commercial premises opposite to the north. There is no vehicular access or parking associated with the property, and the site visit revealed that the application was partially retrospective, with works to the porch in progress.

Permission is sought for the demolition of a chimney, enclosing the existing porch to the front (north) elevation and changes to fenestration. The proposal also includes

the removal of the existing roadside boundary earthbank to create vehicle access and L shaped car parking for two vehicles, with the erection of a retaining wall and external steps to the north boundary.

The site is located within a Main Centre Outer Area as designated in the Island Development Plan (IDP).

Relevant History:

Application site

FULL/2022/2309- Demolish chimney, enclose existing porch to north (front) elevation, remove section of hedge/earthbank, excavate, erect retaining wall and external steps to create a vehicular access and parking area. Application Refused- 25/01/2023

This was refused due to the formation of a prominent, 9.5m wide open parking area across the site frontage which did not reflect the character of the locality. In addition, the proposed 3m high wall, was considered to appear oppressive due to the scale and height.

Neighbouring site – Parkway

FULL/2022/0972 – Erect garage with raised terrace at first floor level to north boundary (revised scheme). Application Refused -23/06/2022

This was refused due to the harmful impact of the open carport across the entire frontage (14m wide) on the character and appearance of the area.

FULL/2022/1670 Erect garage with raised terrace at first floor level to north boundary (revised scheme). Approved 03/10/2022

Existing Use(s):

01 Dwelling houses

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development
IP7 Private and Communal Car Parking
IP9 Highway Safety, Accessibility and Capacity

Consideration:

The principle of development is acceptable under GP13 (Householder Development) which permits works within the curtilage of a dwelling, subject to other policy considerations which will be considered below:

Design and impact on the character of the area

The proposed alterations to the dwelling, including demolition of the chimney, alterations to fenestration and introduction of a new porch, are small scale and will not have a harmful visual impact.

The existing roadside boundary at the application site consists of an approx. 1.8m high earthbank with mature boundary hedge of approx. 2.5m in height above. The boundary to the dwelling to the east, Joyspring, is composed mainly of a 1.6m high grassed earthbank and a small section of rendered wall which is approx. 1.7m in height. The dwelling to the west, Parkway, currently has an open frontage with approx. 2m high boundary wall recessed behind the parking, however there is an extant permission (2022/1670) which is currently under construction which will create an enclosed garage within this frontage with a terrace over and 1.1m high glazed balustrade above.

Opposite the site and within the vicinity, front boundaries are generally composed of a mixture of granite and rendered walls of between 1-1.5m in height.

The proposal involves the removal of approx. 8m of the earthbank and hedge, and excavation of the property frontage to form an L shaped block paved parking area, 7.3m wide and with a max depth of 5m. The new boundary is composed of a 0.95m high rendered wall, set along the boundary with the road. To the rear of the parking area, there is a 2m high wall with 1m high railing over and new hedge planting shown behind the railings. Approx 3.5m of the existing earthbank along the frontage will be retained, and the new low boundary wall is approx. 2.7m wide, leaving an access opening approx. 4.9m wide.

The previous application at this site was refused due to the formation of a wide, open parking area across the site frontage resulting in parked cars being prominent in the street scene and did not reflect the character of the locality where boundaries to the narrow road are composed of earthbanks and walls, contributing to a sense of enclosure. In addition, the proposed 3m high wall, was considered to appear oppressive due to the scale and height.

Similarly, the previously refused scheme for parking at Parkway (the neighbour directly to the west) proposed a 17m wide opening across the entire site frontage which was considered visually harmful as it offered no screening of the hardstanding and parked vehicles, contrary to the more enclosed character of the area.

The current proposal is for a narrower opening (4.9m) than the previously refused scheme, where part of the existing earth bank is retained. The parking is partially enclosed by the low boundary wall, and it is necessary for this to be low to provide the required visibility splays. Although the parked cars would still be fairly visible in the street scene, the retention of a section of the earth bank and use of boundary wall, is sufficient to prevent harm to the character of the area and provide some sense of enclosure.

The introduction of a railing above the 2m rear wall, with hedging behind has assisted in ensuring this wall is no longer oppressive in height or scale, and this aspect is visually acceptable.

Highway considerations:

There is an approximate sightline of 20m to the east which meets the standard required for a Neighbourhood Road. There is no substantial requirement for onsite manoeuvring or turning as the road is one-way and as the visibility splays are sufficient there are not anticipated to be any significant highway concerns.

Impact on neighbour amenity

The proposed alterations to the porch and changes to the fenestration are considered acceptable and unlikely to impact on neighbouring amenity due to the single storey nature of the dwelling. The demolition of the chimney is acceptable and will not have an adverse impact.

The installation of pedestrian access steps alongside the shared boundary is acceptable and is not considered to significantly alter the existing relationship in terms of the impact on amenity.

The scheme therefore accords in this respect with Policies GP8, GP9 and GP13 of the Island Development Plan.

Conclusion:

The proposal is acceptable in relation to the relevant IDP policies.

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: 18/05/2023

