

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 single storey detached double garage to south boundary and install hard surfacing.

LOCATION: Lucksall (East), Les Amarreurs Road, Vale.

APPLICANT: Mr P Boyd

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: 04/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Ltd - 14-703-P2 PD/01

Application Ref: FULL/2023/0526

Property Ref: C010480000

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.The tree to be removed and replanted within the approved planter to the north of the hereby approved garage as shown on the Part Site Plan, shall be planted in the first planting season following the garage being brought into first use. Should the tree be removed, die, or become severely damaged or diseased, within 5 years of planting it shall be replaced in the following planting season by a tree of a size and species the same as the original tree required to be planted. Reason - In the interests of visual amenity.

Reason - In the interests of visual amenity.

5.For the avoidance of any doubt, this application to erect an outbuilding adjacent to the south boundary shall not be implemented should the extant permission FULL/2021/0164 to erect a similar structure nearer the dwelling-house be implemented. Equally, should the hereby approved outbuilding be implemented, the outbuilding associated with the extant permission FULL/2021/0164 shall not be implemented.

Reason - to limit the number of outbuildings that could be constructed in light of an extant permission, and to reduce the harm to the visual amenity and character of the surrounding area.

Expiry Date: This permission will cease to have effect on 03/07/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed garage/storage, however named, to be used only for purposes incidental to the enjoyment of the

dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

The permission also does not permit the creation of a separately occupied annex or an independent dwelling. This 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/2023/0526
Property Ref: C010480000
Valid date: 23/03/2023
Location: Lucksall (East) Les Amarreurs Road Vale Guernsey GY3 5SH
Proposal: Erect single storey detached double garage to south boundary and install hard surfacing.

Applicant: Mr P Boyd

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. The tree to be removed and replanted within the approved planter to the north of the hereby approved garage as shown on the Part Site Plan, shall be planted in the

first planting season following the garage being brought into first use. Should the tree be removed, die, or become severely damaged or diseased, within 5 years of planting it shall be replaced in the following planting season by a tree of a size and species the same as the original tree required to be planted. Reason - In the interests of visual amenity.

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5. For the avoidance of any doubt, this application to erect an outbuilding adjacent to the south boundary shall not be implemented should the extant permission FULL/2021/0164 to erect a similar structure nearer the dwelling-house be implemented. Equally, should the hereby approved outbuilding be implemented, the outbuilding associated with the extant permission FULL/2021/0164 shall not be implemented.

Reason - to limit the number of outbuildings that could be constructed in light of an extant permission, and to reduce the harm to the visual amenity and character of the surrounding area.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed garage/storage, however named, to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

The permission also does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

OFFICER'S REPORT

Site Description:

The application site comprises a traditional dwelling-house located to the south of Les Amarreurs Road.

Planning permission was granted in 2021 to erect a 1.5 storey detached garage/store to the south (rear) of the dwelling. The approved location was near the main house and would be in replace of an existing outbuilding. The whole of the site is recognised as domestic curtilage.

The site is located within a Conservation Area and is Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2023/0528	Install Juliet balcony to north (rear) elevation, alter roof form, install windows and cladding at 1st floor level to south (front) elevation.	Pending
FULL/2021/0164	Erect a 1.5 storey detached garage/store to south (rear) of dwelling.	Granted

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to erect single storey detached double garage adjacent to the south boundary and install hard surfacing. The garage will be restricted to ground floor only given the inclusion of a loft trap, with no internal stair.

The storage above will be served by a number of roof lights and therefore gives the impression of a 1.5 storey garage.

The application involves removing a tree and replanting it within a new planter to the north of the garage.

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

GP4 Conservation Areas
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:-

- The description of the proposed garage is incorrect as it is greater than single storey.
- The proposal would be incongruous with the surrounding area and is outside of the domestic curtilage of the dwelling-house.

Consultations:

None

Summary of Issues:

- Whether the design, scale, mass, siting, form and materials of the proposed development is acceptable.
- 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.

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting trees, to secure so far as possible that the existing trees are protected and, where appropriate, that new trees are planted and protected. In this case, the application includes removing an existing tree and replanting it within a new planter. It is reasonable and necessary to attach a condition to ensure that this tree is replanted within a reasonable timeframe and should be replanted if it adversely affected thereafter.

The proposal adopts a good standard of design by virtue of its scale, form, massing, siting and materials. Despite being located adjacent to the south boundary, the rear of the property is not highly visible from public vantage points, and other properties have also constructed similar structures in this location. Consequently, the landscape character or built environment would not be undermined by its position. Overall, due to its position and design, the proposal will not have an unacceptable impact on the character of the area, visual amenity, or the amenities of neighbouring residents.

In light of the extant permission, it is reasonable and necessary to condition the construction of the proposed garage on the basis that the approved garage (under permission FULL/2021/0164) is not constructed or implemented, however named, before or after the proposed garage is constructed. This would ensure that only one

garage is constructed on the site in the interests of visual amenity and landscape character.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

The comments noted within the letter of representation have been carefully considered as part of this assessment and are addressed above where appropriate.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, accords with the purpose of the Law, and the requirements of the material considerations; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 30/06/23

