

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 extension at first floor level to east (side) elevation, erect single storey detached outbuilding/dower unit to west boundary.

LOCATION: Unit 3 Birklands, Les Canus, St. Sampson.

APPLICANT: Mr P Gouveia

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: 13/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/04/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design: 20-1239/P3/PD/01A & 02A

Application Ref: FULL/2023/0729

Property Ref: B013680000

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 12/07/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the erection of a building to be used as an integral part of and incidental to the principal dwelling presently known as Unit 3 Birklands. It 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/2023/0729
Property Ref: B013680000
Valid date: 04/04/2023
Location: Unit 3 Birklands Les Canus St. Sampson Guernsey GY2 4UL
Proposal: Erect extension at first floor level to east (side) elevation, erect single storey detached outbuilding/dower unit to west boundary.

Applicant: Mr P Gouveia

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.

INFORMATIVES

For the avoidance of doubt, this decision permits the erection of a building to be used as an integral part of and incidental to the principal dwelling presently known as Unit 3 Birklands. It 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

Brief Description of the site:

Planning permission is requested to erect an extension at first floor level to the east (side) elevation and to erect a single storey detached outbuilding/dower unit within the rear garden.

The application site previously comprised a redundant vinery site, formerly known as Birklands Vinery, which is located to the south of Les Canus. Following the grant of planning permission to convert and extend the packing shed into 3 dwellings work has commenced on site and is now largely complete.

The site is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

22/09/2022 – FULL/2022/1257 – Permission granted to erect single storey extension to south (rear) elevation to Unit 2 and balconies to all elevations of Units 1 & 3.

08/12/2021 - FULL/2021/0013 – Permission granted for variations to plans previously approved to convert and extend packing shed to 3 dwellings with associated landscaping and parking - increase footprint of Units 1 and 3, alteration to fenestration of unit 2 and alter unit boundary lines.

27/04/2021 - FULL/2021/2255 – Permission granted for variations to plans previously approved to convert and extend packing shed to 3 dwellings with associated landscaping and parking - Erect garage/carport to west boundary and resurface service road.

02/10/2020 - FULL/2020/0926 – Permission granted to convert and extend packing shed to 3 dwellings with associated landscaping and parking.

Existing Use(s):

Residential use class 1: dwelling house

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:

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Conclusion/Brief comment:

During the consideration of the previously approved application (FULL/2022/1257) it was concluded that due to the progress of the works undertaken the dwellings were watertight and constituted dwellings in their own right. As a result, the previous application and this current application fall to be considered principally under Policy GP13.

The first floor extension to the side (east) elevation is set back from the front elevation of the dwelling and forms a well designed subservient element which would respect the design and appearance of the existing dwelling. By virtue of its siting within the rear garden and its single storey form, the dower unit would not form a prominent feature from public view, if visible at all, and it would have no adverse effects on the character and visual amenity of the area.

Information has been submitted which indicates that the use of the proposed dower unit will be ancillary to the existing dwelling. In addition, the siting of the dower unit within the rear garden of the existing dwelling, its close proximity to the rear elevation of the existing dwelling and the intervisibility and relationship between the dower unit and the existing dwelling is sufficient to demonstrate that the proposed dower unit is ancillary and well-related to the existing dwelling, in accordance with Policy GP13.

The dower unit extends 11 metres along the boundary with a neighbouring property, however, due to a combination of its single storey lean-to form sloping away from the neighbouring boundary, set back 1m from the boundary and its siting to the east of the neighbouring property, the dower unit is unlikely to result in a significant loss of light or to have an overbearing effect on the neighbouring property. A high wall along the boundary with the neighbouring property is likely to prevent overlooking

from the west elevation windows and the proposal is unlikely to have any significant adverse effects on the amenities of neighbouring residents.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

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 recommended that the application is approved.

Recommendation:

Grant with Conditions



Date: 12/07/2023

