

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 extension and outbuilding, erect single storey extension to north (rear) elevation, remove section of hedge and erect fence to east boundary.

LOCATION: Crab Pot Cottage, Les Canus, St. Sampson.

APPLICANT: Mr & Mrs Jenner-Arnold

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: 20/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arch+: 139-3-300, 301A & 302A

Application Ref: FULL/2023/0778

Property Ref: B01414C000

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.As soon as the relevant section of hedge to the north eastern boundary has been removed a temporary fence must be installed before any other work commences.

Reason - To ensure the neighbour's private amenity space remains enclosed during the construction works.

5.During the whole of the construction period the shared pathway between the properties must remain clear of any obstructions at all times.

Reason - To ensure safe and unobstructed passage for all users of the shared pathway at all times.

Expiry Date: This permission will cease to have effect on 19/06/2026 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/2023/0778
Property Ref: B01414C000
Valid date: 19/05/2023
Location: Crab Pot Cottage Les Canus St. Sampson Guernsey GY2 4UL
Proposal: Demolish extension and outbuilding, erect single storey extension to north (rear) elevation, remove section of hedge and erect fence to east boundary.

Applicant: Mr & Mrs Jenner-Arnold

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. As soon as the relevant section of hedge to the north eastern boundary has been

removed a temporary fence must be installed before any other work commences.

Reason - To ensure the neighbour's private amenity space remains enclosed during the construction works.

5. During the whole of the construction period the shared pathway between the properties must remain clear of any obstructions at all times.

Reason - To ensure safe and unobstructed passage for all users of the shared pathway at all times.

OFFICER'S REPORT

Site Description:

The property known as 'Crab Pot Cottage' is an early 20th century two storey semi-detached dwelling which is set back from and faces south onto Les Canus. The adjoining property is to the west and another pair of semi's are to the east with larger detached dwellings to the north and across the road to the south. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application relates to the demolition of the lean-to rear extension and outbuilding and the erection of a single storey flat roof extension to the north rear elevation and remove a section of hedge and erect a fence to the east boundary.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There has been one letter of representation and the issues are:

- *'There are concerns over the removal of the hedge, it is to be removed at the early stages of building works which would leave the neighbours garden exposed allowing a child and dog to escape (to the busy road) and it will also reduce the neighbours right to privacy during the building works until the proposed fence is erected.*
- *There are concerns over right of way on the shared path at the side of the house as the neighbour needs to maintain constant access to the back of their house as family members are in a wheelchairs and regularly visit the property.*
- *The plans submitted to Planning reflects a 6ft fence to be erected in place of the hedge, but due to privacy concerns as the existing hedge is approx. 8ft tall, the applicants have agreed to make amendments to the plans to install a taller fence (ideally 7ft).'*

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

There is a summerhouse shown on the drawings which is not mentioned in the description of this application and this is due to the fact that the summerhouse would be exempt and therefore will not be mentioned in this report.

The proposals achieve a good standard of design, using materials which complement the existing materials. The extension will provide adequate levels of sunshine and daylight, and give the occupiers more flexible and adaptable accommodation.

The scale and massing of the new extension is not considered to have a detrimental effect on the character and amenity of the surrounding area, nor will it have any impact on either of the immediate neighbours.

However, the removal of the hedge, to allow access to the rear of the property, will also leave the neighbouring property without a part of their boundary. The application has agreed to erect temporary fencing in order to protect the neighbour's property & garden. A condition will be added to ensure the temporary fence is in place before works commence.

As the pathway leading to the rear gardens is a shared pathway, another condition will be added to ensure the pathway is left clear of obstruction at all times during the construction. To ensure the right of way is left clear for all users.

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.

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 19/06/2023

