

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: Raise roof height to create accommodation at 1st floor level including balconies to east and west elevation and new fenestration to detached outbuilding to north of property.

LOCATION: Montville Manor, Montville Drive, Colborne Road, St. Peter Port.

APPLICANT: Mr G Isbister

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: 23/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD Architects - 3784 PL02, PL03, PL04, PL05, PL06 & PL07.

Application Ref: FULL/2023/0880

Property Ref: A407970000

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 22/06/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the upper floor of the garage hereby approved shall be used as an integral part of and incidental to the principal dwelling presently known as Montville Manor. 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/2023/0880
Property Ref: A407970000
Valid date: 11/05/2023
Location: Montville Manor Montville Drive Colborne Road St. Peter Port
Guernsey GY1 1EN
Proposal: Raise roof height to create accommodation at 1st floor level
including balconies to east and west elevation and new
fenestration to detached outbuilding to north of property.
Applicant: Mr G Isbister

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, the upper floor of the garage hereby approved shall be used as an integral part of and incidental to the principal dwelling presently known as Montville Manor. 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:

The application site comprises a substantial detached dwellinghouse situated to the north of Montville Drive, to the east of Colborne Road and to the south of properties situated along La Charroterie. Beyond the site to the north and west, the topography of the site drops significantly towards the properties in this direction.

The site is situated within a Main Centre Outer Area, Conservation Area and is designated as Important Open Land. Part of the southeast corner of the site is an Area of Biodiversity Importance and is the subject of a Tree Protection Order (PT78).

Relevant History:

FULL/2021/0048	Replace porch balcony with lean-to roof and alterations to fenestration at first floor level to east (front) elevation.	Granted 08/03/2021
PAPP/2008/2176	Create driveway, erect walls and install gates.	Granted 13/11/2008
PAPP/2008/2038	Install swimming pool and extend garage to provide changing facilities, and landscaping works.	Granted 05/09/2008
PAPP/2007/3612	Erect new garage	Granted 02/05/2008

Existing Use(s):

Residential – Use Class 1

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:

MC1: Important Open Land in Main Centres and Main Centre Outer Areas

GP1: Landscape Character and Open Land

GP3: Areas of Biodiversity Importance

GP4: Conservation Areas

GP8: Design

GP9: Sustainable development

GP13: Householder development

Conclusion/Brief comment:

Planning permission is sought to provide first floor habitable accommodation above an existing garage. The proposal includes the following alterations:

- Raise the eaves and the ridge height both by 2.0m;
- Install windows and a doors onto newly formed balconies with balustrades in the east and west elevations to serve the upper floor of the garage;
- Install a new window in the north and south elevations at first floor;
- Install a new canopy above an existing window in the south elevation of the property.

The site is within a Conservation Area. It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting Conservation Areas, to secure so far as possible that the special historic, architectural, traditional or other special characteristics are preserved. This is reflected in Policy GP4 which supports development that conserves, and where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.

Within Conservation Areas Policy GP8 seeks to ensure that new development achieves a particularly high standard of design whilst making effective and efficient use of land and respecting the character of the local built environment or the open landscape concerned. Development should also give consideration to the amenities of occupiers and surrounding neighbours, provide soft and hard landscaping where this reinforces local character or mitigates the development.

The application site is visible from long range views within the Conservation Area on the approach to the site from the west along Prince Albert Road. The proposed alterations are appropriately designed to respect the existing building. The pitched roof form will mirror the central pitched roof feature of the main dwelling that runs from west to east. The materials to be used will match the host building and the scheme would not negatively impact on the character of the surrounding Conservation Area.

Large trees border the site in all directions and the proposal is sufficient distance from protected trees and neighbouring properties so as not to cause any undue harm.

The proposal relates to an extension/alteration of an existing building and due to its location and limited scale would not have a significant adverse impact on the open character, visual quality or landscape character of the Important Open Land. The scheme complies with policy MC1 in this respect.

The scheme is situated sufficient distance from the designated ABI and would not cause harm to biodiversity in accordance with Policy GP3.

The supporting letter confirms that the proposals will be used to provide wheelchair accessible accommodation for a visiting family member. The scheme is limited in terms of its size and the accommodation that it will provide and will be used for a purpose ancillary to the main dwelling.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations 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.

The application is acceptable in relation to the above policies and other material planning considerations.

Recommendation:

Grant with Conditions



Date: 23/06/2023