

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 glasshouse and erect outbuilding to north-east boundary.

LOCATION: Die Insel, Les Petites Mielles, St. Sampson.

APPLICANT: Mr S Shrigley

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: 10/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/10/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arch+ Ltd: 103-4-401, -402A, -403A & -404A (sections only).

Application Ref: FULL/2023/1761

Property Ref: B01677A000 + B01678A000

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 09/11/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the erection of a domestic outbuilding to be used as an integral part of and incidental to the principal dwelling presently known as Die Insel. 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/2023/1761
Property Ref: B01677A000 + B01678A000
Valid date: 10/10/2023
Location: Die Insel Les Petites Mielles St. Sampson Guernsey
Proposal: Demolish glasshouse and erect outbuilding to north-east boundary.

Applicant: Mr S Shrigley

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 domestic outbuilding to be used as an integral part of and incidental to the principal dwelling presently known as Die Insel. 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:

Die Insel, Les Petites Mielles is a mid-terrace one and a half-storey dwelling attached to Laurel Cottage to the west which falls within the same family ownership. Sheds and a greenhouse are situated in the garden area which is associated with Die Insel but wraps around the rear of Laurel Cottage.

The application relates to the removal of the existing greenhouse and a shed and the construction of a single-storey near-flat roof outbuilding in the northwest corner of the site. The building is designed with a vertical composite board exterior and PVCu windows and doors.

The site is located in a Local Centre as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

01 dwellinghouse

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:

Island Development Plan policies:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Conclusion/Brief comment:

Planning permission is not required to remove the glasshouse but in any event its removal is considered acceptable.

Although the application notes that the building will be used as an ancillary dower it may however, be used for any other purpose which is incidental to the enjoyment of the dwelling. This may include but is not limited to use as a games room, craft room, storage etc.

The proposed outbuilding has been designed with a flat roof in order to minimise its height and bulk. The building will not result in undue overshadowing or loss of light to the occupiers of any surrounding dwelling.

Its design and appearance represents a good standard of design that respects the local built environment. The building is not however, publicly visible given its location to the rear of frontage terrace properties in Les Petites Mielles.

The submission confirms that the accommodation will be used as ancillary living accommodation by a family member and notes that access is through the main house only, that there will be no separate garden or parking with only limited, kitchenette facilities within the building and main meals to be taken in the main house.

The layout of the building is largely open plan, for example with no room divide/door to the proposed bedroom area, and with internal wall structures being non-loadbearing and the outbuilding will provide the occupiers of the property with more flexible accommodation to meet their needs. It is noted that the area of the proposed bedroom does not incorporate a window, which would face onto the site boundaries, however as dower units are not considered as separate dwellings, the normal requirements regarding the level of residential amenity for new dwellings is not applied. Overall, the accommodation is considered to be served by satisfactory levels of sunlight/daylight and to meet the general aims of Policy GP8.

The relationship between the outbuilding and main house and position of windows will afford the user of the outbuilding with a degree of privacy but there will be an element of mutual overlooking between the outbuilding and main house, considered to be reasonable given the ancillary nature of the outbuilding. The ground floor arrangement of windows and doors will not result in a loss of privacy to the occupiers of any surrounding dwellings.

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.

In view of the above it is recommended permission is granted for the outbuilding proposed. An informative note may be placed on the permission regarding its use/occupation which is to be ancillary to the main dwelling.

Recommendation:

Grant with Conditions



Date: 08/11/2023