

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, erect extension at ground and first floor level to north (rear) elevation and erect single storey outbuilding/dower unit (revised scheme).

LOCATION: Bag End, Victoria Avenue, St. Sampson.

APPLICANT: Mr & Mrs C & M Shaw

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: 28/12/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTECH Freelance Architecture: CS-23-1123-02E & 03E

Application Ref: FULL/2023/2315

Property Ref: B013040000

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 rear access to the property shall remain in ad hoc use for the removal of green waste etc, and shall not be used as a primary access for the occupiers of the dower unit, the primary access shall be through the main dwelling at all times.

Reason - To make sure the development takes the form hereby permitted.

Expiry Date: This permission will cease to have effect on 27/12/2026 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/2023/2315
Property Ref: B013040000
Valid date: 20/11/2023
Location: Bag End Victoria Avenue St. Sampson Guernsey GY2 4BD
Proposal: Demolish extension, erect extension at ground and first floor level to north (rear) elevation and erect single storey outbuilding/dower unit (revised scheme).

Applicant: Mr & Mrs C & M Shaw

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 rear access to the property shall remain in ad hoc use for the removal of green

waste etc, and shall not be used as a primary access for the occupiers of the dower unit, the primary access shall be through the main dwelling at all times.

Reason - To make sure the development takes the form hereby permitted.

OFFICER'S REPORT

Site Description:

The property known as 'Bag End' is a pre-1900's two storey mid-terrace dwelling which is slightly set back from and faces south onto Victoria Avenue. The attached neighbours are to the east and west and there is a public footpath allowing access to the rear gardens to the north. The land beyond the path rises so the two properties to the north are at a higher level. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2023/1124 - Demolish extension, erect extension at ground and first floor levels to north (rear) elevation and erect single storey outbuilding/dower unit – Refused October 2023.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is a revised scheme to demolish the existing extension and erect a ground floor extension with a smaller flat roof first floor extension to the north rear elevation and to erect a single storey outbuilding/dower unit at the north end of the rear garden.

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:

- It is felt that the proposed dower unit is too large for the size of the site as the unit is approx. 36 sqm, which would be overbearing and incongruous with the surrounding area. The proposed dower unit is not in keeping with the area, all other residential properties only have small outbuildings in their garden curtilage.
- The dower unit is smaller; however the dower unit and the side pathway have an area of approx. 47 sqm leaving a garden for two families of approx. 53 sqm. The side pathway cannot be included in the garden size as it not a large enough area to enjoy as a garden. It is a concern that approving this dower unit will set a precedent for all the other properties to build a dower unit.
- This terrace has 8 houses, if they were all to apply to build a dower unit, that would increase the residents of the area by at least 8 if they were singly occupied. An increase in residents in the area will also increase traffic and most likely additional cars requiring parking spaces. In the vicinity there is a limited number of parking areas.
- If the planning application was to be approved, this would be a considerable invasion of privacy for the adjoining neighbours, especially with windows to be facing into other gardens albeit with a fence in between.
- It is wondered why the extra space isn't created in the main house rather than creating a building in the garden. Reducing the size of the garden for a growing family.
- The alleyway is not the primary access route to any of the properties or gardens. The alleyway is used for ad hoc garden access for the terrace properties, who all have right of way as far as the individual eastern boundaries. In addition, the alleyway is uneven, unpaved, and unlit. If this alleyway was to be used as a main pedestrian access, who's responsibility would it fall upon in the event of an unfortunate accident?

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 are other dwellings along this terrace which have had two storey flat roof extensions, therefore the proposals for the rear of the dwelling are considered to 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 rear 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.

The dower unit has been reduced in size significantly and now has a floor area of under 30sqm, which is much more in proportion with the main house, it appears to be subservient to the main dwelling in scale and the limited provision of services means it will remain ancillary to the main dwelling.

The dower has also removed the log burning stove which mitigates the concerns about fumes and odour impacting the neighbouring properties.

If it wasn't for the fact the pathway at the rear of the property is classed as a highway, in planning terms, the proposed unit would have been exempt. As the pathway is only used for occasional use to remove green waste etc, it is not deemed as important as a driveway or neighbourhood road. Therefore the proposals are not going to have the same impact because the pathway is not a publicly used. However, a condition shall be added to ensure the rear pathway is not used as the primary access route for the dower 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 within the revised scheme 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: 21/12/2023