

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 a shed and pergola to east (rear) elevation (retrospective).

LOCATION: Flat 3, Beau Sejour, Vale Road, St. Sampsons.

APPLICANT: Mr M Stanford

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: 24/01/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block layout plan, photograph of (north elevation) of shed, pergola and fencing (all date stamped received 11th December 2023)

Application Ref: FULL/2023/2446

Property Ref: B006420003

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 23/01/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the shed and outside enclosed space to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

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/2023/2446
Property Ref: B006420003
Valid date: 11/12/2023
Location: Flat 3 Beau Sejour Vale Road St. Sampsons Guernsey
GY2 4DN
Proposal: Erect a shed and pergola to east (rear) elevation
(retrospective).
Applicant: Mr M Stanford

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 shed and outside enclosed space to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a flat (no.3) which is located within the building known as 'Beau Sejour Flats'. The property is located to the south of a terrace of residential properties and is located to the east of Vale Road.

The building and parking area form part of the entrance to a residential clos (Clos Des Petites Maisons). To the rear of the site, the area of land is divided up and is allocated to the flats respectively, each with its own private garden and parking space. The parking areas and private gardens to the rear of the flats is recognised as curtilage.

The property is located in a Main Centre Outer Area as designated in the Island Development Plan.

Retrospective permission is sought to erect a shed and pergola with corrugated roof to the rear (east) of the flat, located in the north-east corner of the site. The private garden area is accessed by a private walkway. To the rear of the shed lies a high granite wall, with a parking area to the east and a garden belonging to Flat 1.

The existing fence which encloses the garden, to the south of the shed, falls within the scope of the exemptions and therefore doesn't require planning permission.

Relevant History:

PAPP/2002/3590 B006420001 – Flat 1	Remove hedges and erect fencing. (options A & B)	Granted
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Existing Use(s):

Flat

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:

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

The building in question is not protected, nor is the property sited within a Conservation Area. A degree of flexibility is afforded to householder development in areas that are less sensitive to change.

Due to the siting of the shed and pergola, the proposal is not visible from public vantage points from the main road and is only glimpsed from vantage points along the clos road. A number of properties in the surrounding area have erected similar structures to the rear of their properties. The development is partially screened by a neighbouring fence and landscaping in the foreground associated with the flats, which restricts its prominence within the Clos.

Whilst the overall design of the enclosure does not result in a high-quality development given the combination of various materials to create an enclosed space, the shed and pergola itself adopts an acceptable standard of design for the purposes of Policy. As set out above, the fence panels fall within the scope of the exemptions and the addition of a tarpaulin to the pergola would not amount to development. The corrugated roof would not have such a substantial adverse effect as to justify refusal given its limited visibility in the street scene and the flexibility afforded to householder development in less sensitive environments.

Overall, the proposal will not cause undue harm to the character, visual amenity, or the amenities of neighbouring residents to reasonably rebut the general support in favour of householder development to warrant refusal.

Whilst the proposal would enclose the only external amenity space associated with the flat, the form of enclosure is lightweight, temporary and easily reversible and the proposal would not result in the permanent loss of external amenity space.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 19/01/24