

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: Remove section of wall to widen vehicular access.

LOCATION: Ommadawn, Grande Rue, Vale.

APPLICANT: Mr & Mrs B P Le Huray

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: 22/02/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/01/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block plan (18/01/24), aerial photo and annotated photos (both dated 10/01/24).

Application Ref: FULL/2024/0080

Property Ref: C01411A000

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.Notwithstanding the hereby approved drawings, the extended opening shall be a maximum total width of 6m.

Reason - To ensure that a satisfactory form of development is achieved.

5.Within four weeks of the access being extended, a brick pillar shall be constructed at the end of the extended opening, to match the retained brick pillar at the western end of the access.

Reason - To secure the satisfactory appearance of the completed development.

Expiry Date: This permission will cease to have effect on 21/02/2027 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/2024/0080
Property Ref: C01411A000
Valid date: 18/01/2024
Location: Ommadawn Grande Rue Vale Guernsey GY3 5HP
Proposal: Remove section of wall to widen vehicular access.

Applicant: Mr & Mrs B P Le Huray

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. Notwithstanding the hereby approved drawings, the extended opening shall be a maximum total width of 6m.

Reason - To ensure that a satisfactory form of development is achieved.

5. Within four weeks of the access being extended, a brick pillar shall be constructed at the end of the extended opening, to match the retained brick pillar at the western end of the access.

Reason - To secure the satisfactory appearance of the completed development.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Ommadawn' is a one and a half storey mid-20th century dwelling which is set back from and faces south onto La Grande Rue. There are residential properties to the east, west and across the road to the south, and a business workshop to the north (which shares the driveway). 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.

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

GP13: Householder Development

IP9: Highway Safety, Accessibility and Capacity.

Conclusion/Brief comment:

This application as initially submitted proposed to remove a section of roadside wall to widen the vehicular access from 3.3m to 6.6m. Due to the workshop at the rear sharing the drive, occasionally if two vans are parked it is difficult to get the homeowners vehicles in. Widening the vehicular opening would allow vehicles from both the workshop and the dwelling to access the driveway independently.

The increased access width would exceed that normally permitted to serve domestic properties, however the constraints arising from the shared use are acknowledged and there are other vehicular openings in the area that are wider and are shared by two properties, those openings are all around 6m in width. The applicant has agreed to reduce the proposed width to 6m, which would be consistent with the other surrounding shared entrances, and retain c11m of boundary treatment along the remainder of the property frontage. On balance, any visual harm arising from the reduced proposal would not be sufficient to outweigh the presumption in favour of householder development contained with GP13.

The applicant has said that they would be erecting a low fence to delineate the dwellings parking from the workshops parking to further denote the shared access, however this would comprise exempt development and would not impact on the consideration of this application.

The dwelling will still have the ability to turn around on site and there are good sightlines in each direction, therefore the extension of the opening is considered to comply with policy IP9.

The proposals are not considered to have any detrimental impacts on neighbour amenity.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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.

Recommendation:

Grant with Conditions



Date: 20/02/2024

