

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 outbuilding, erect single storey detached garage and single storey pool house, pergola and patio area to east of site.

LOCATION: Wellesley, La Route De Sausmarez, St. Martin.

APPLICANT: Mr & Mrs J & L Coleman

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: 14/03/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects: 1187_11, _12, _13, _14, _15, _16, _17, _18, _19 & _20.

Application Ref: FULL/2024/0236

Property Ref: J000070000

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 14/03/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the development hereby permitted shall be used for purposes ancillary and incidental to the principal dwelling presently known as Wellesley. No permission is granted for 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.

For the avoidance of any doubt, no further permission is granted for the alterations to the vehicle access onto La Route Des Sausmarez as shown on drawing re: 1187_12. Any alteration to this access must be completed in accordance with the details and conditions of permission reference FULL/2022/0323.

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/2024/0236
Property Ref: J000070000
Valid date: 05/02/2024
Location: Wellesley La Route De Sausmarez St. Martin Guernsey GY4 6SE
Proposal: Demolish outbuilding, erect single storey detached garage and single storey pool house, pergola and patio area to east of site.
Applicant: Mr & Mrs J & L Coleman

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 development hereby permitted shall be used for purposes ancillary and incidental to the principal dwelling presently known as Wellesley. No permission is granted for 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.

For the avoidance of any doubt, no further permission is granted for the alterations to the vehicle access onto La Route Des Sausmarez as shown on drawing re: 1187_12. Any alteration to this access must be completed in accordance with the details and conditions of permission reference FULL/2022/0323.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a substantial detached dwellinghouse situated to the east of La Route De Sausmarez. Surrounding the site, the area comprises residential properties of mixed building type and design in all directions.

The site has an access point onto La Route De Sausmarez to the west and has a shared access point with the neighbouring property (Les Orgeries) to the rear (east) of the site from Fermain Lane.

The site is situated Outside of the Centres and within a Conservation Area as designated in the Island Development Plan.

Relevant History:

FULL/2022/0323	Demolish section of wall and pillars, erect wall and install gates to widen and alter vehicle access and create pedestrian access.	Granted 07/04/2022
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Existing Use(s):

Residential – Use Class 1

Assessment: *(Tick as appropriate)*

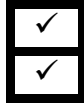
no representation
accords with policy

☒
☒

visual amenity acceptable
no material neighbour impact

☒
☒

within curtilage
design acceptable



traffic not affected



Policies considered most relevant:

GP4: Conservation Areas

GP8: Design

GP9: Sustainable development

GP13: Householder development

Conclusion/Brief comment:

Planning permission is sought to demolish the existing garage and to replace this with an upgraded garage with attached pool plant room in the same position and to erect a swimming pool with a sun terrace, a pool house with an outdoor kitchen and surrounding colonnade, a sewing and sitting room, changing room, shower and W/C.

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 and provide soft and hard landscaping where this reinforces local character or mitigates the development.

Situated to the rear of the property and at single storey level, the proposal will be screened from public vantage points within the surrounding area by existing built form and by the existing boundary screening along the boundaries of the site. The scheme is well designed and the materials to be used are also in-keeping with the dwelling house and the character of the surrounding area. Overall, the proposal would conserve the character of the Conservation Area in accordance with policies GP4 and GP8.

The neighbouring property to the east (Les Orgeries) is positioned at a slightly lower level than the application site. However, given the limited height of the proposal (circa 3m at its highest point), that it will be situated circa 27m distance from the nearest elevation and that no windows are proposed within the east facing elevation of the pool house or changing room, the scheme would not cause any undue harm on the amenities afforded to its occupiers with regard to light loss, overshadowing or loss of privacy. The single storey nature of the proposal and the existing boundary

treatments would also ensure that no harm is caused to the amenities of the properties to the north (Tara House) and south (Mountauban) of the application site.

The applicant's agent has confirmed that the pool house room and the garage will be used for a purpose ancillary to the main dwelling house. It is recommended that given the distance between the property and the proposed building and that it is served by its own independent access, that an informative is included on any permission to ensure that the buildings are used for a purpose ancillary to the main dwelling.

The drawings show an alteration/reconfiguration of the driveway to the front (east) of the property onto La Route Des Sausmarez, which has not been included or applied for as part of this application. However, permission was granted for this in 2022 (planning application reference FULL/2022/0323), and although to date this has not been implemented on site the permission remains extant until 2025. It is recommended that should permission be granted an informative is included to advise the applicant that any alterations to the access would need to be completed in accordance with that permission and no additional consent is conferred as part of the grant of permission under this application.

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.

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.

Recommendation:

Grant with Conditions



Date: 12/03/2024

