

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 access to west boundary.

LOCATION: Calvi House, Guelles Road, St. Peter Port.

APPLICANT: Mr H & Mrs N Birch

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: 11/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Birch Renovations - 100,101, 102

Application Ref: FULL/2024/0325

Property Ref: A102720000

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. Where disturbed, the roadside pillars and hard surfacing shall be made good to match the existing materials within 2 months of the permission being implemented.

Reason - to ensure all disturbed surfaces are made good in a reasonable timeframe in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 11/06/2027 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/2024/0325
Property Ref: A102720000
Valid date: 06/03/2024
Location: Calvi House Guelles Road St. Peter Port Guernsey GY1 2DE
Proposal: Remove section of wall to widen access to west boundary.

Applicant: Mr H & Mrs N Birch

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).

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Reason - to ensure all disturbed surfaces are made good in a reasonable timeframe in the interests of visual amenity.

OFFICER'S REPORT

Site Description:

The application site comprises a two storey, semi-detached property located to the east of Guelles Road. The property is served by car parking to the front and a garden to the rear. The car parking area to the front is bounded by a low rendered wall, and features roadside pillars and returning walls which form the north and south boundaries of the car parking area.

The property is located in a Main Centre Outer Area as designated in the Island Development Plan. The site lies outside, north, of a Conservation Area.

Relevant History:

None germane to this application.

Existing Use(s):

Residential.

Brief Description of Development:

Planning permission is sought to demolish a section of the roadside boundary wall to widen the vehicular access.

The existing access width is 4000mm. It is proposed to demolish a 3390mm section of the roadside wall to the north of the existing access, and a 500mm wide section of wall to the south of the access point. Consequently, the proposed access width will be 7890mm. The roadside boundary pillars will remain in situ, as well as the returning walls forming the north and south boundary of the front garden, perpendicular to the road.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

GP8 Design
GP13 Householder Development
IP9 Highway Safety, Accessibility and Capacity

Representations:

None received.

Consultations:

None generated.

Summary of Issues:

- Whether the loss of the roadside boundary wall is acceptable and its impact of the development on the character and appearance of the area.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

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 character of Guelles Road is mixed, ranging from large housing developments, buildings containing flats, large detached dwellings, semi-detached buildings, to a row of traditional terrace properties.

The application site lies immediately adjacent to a housing development site to the north, and lies opposite to another housing development site on the western side of Guelles Road. There is no road frontage to the housing development site to the north (circa 20m of open frontage), and the housing scheme on the opposite side of the road comprises a wide bell-mouth access point, wider than the proposed access width.

To the south of the application site, the character of Guelles Road changes, and features a row of traditional terrace properties lying inside of the Conservation Area, each with its own limited size vehicular access point (circa 3.5m in width). Within this row of terrace properties lies a large building comprising of flats, again, consisting of no road front (circa 13m of open frontage) with no roadside boundary treatment. On the opposite side of the terrace properties lies Amherst School.

The character of the area to the north of the housing development sites (which lies immediately adjacent to the application site), transitions into larger semi-detached and detached properties with access points of around 3.5-4.5m wide.

Despite being located on the same road, the character, appearance and features of Guelles Road differs between smaller, yet distinctive areas. In this regards, the immediate context surrounding the application site comprises of larger vehicular access points, and despite serving larger housing developments, the group value of this middle section of Guelles Road, lends its self to larger access points, many with no boundary road frontage.

The section of wall to be removed does not positively contribute to the character or appearance of the area, and although providing some form of enclosure to the road frontage, is of limited architectural quality and historic interest that would justify its retention. The retention of the roadside pillars and the returning walls which bound the front of the site are however welcomed.

Overall, the loss of the roadside wall when viewed in context with the specifics of the characteristics of this part of Guelles Road, and the limited architectural quality and historical interest, would not result in unacceptable harm to this particular section of the road. The reasonable aspirations of the property owner in this particular case are thus sufficient to outweigh the limited harm caused by removing the roadside boundary.

The proposal will not affect highway safety or raise traffic management concerns, or neighbour amenity issues given the type of development.

Whilst the overall width of the proposed access point is wider than would normally be expected, it is considered reasonable and appropriate in this particular context for the reasons as explained above and given the characteristics of this particular section of Guelles Road. However, it is important to note that the proposed access width is unlikely to be regarded as an 'acceptable standard' for similar proposals across the island seeking to widen vehicular accesses, and therefore does not serve as a precedent for this type of development elsewhere. As always, each application is assessed on its own individual merit.

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.

Date: 05/06/24

