

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 conservatory and erect single storey extension and erect fencing to south (side) elevation, alterations to fenestration. Remove fence to create additional vehicle access/parking area to west (front) of property.

LOCATION: Sunnycroft, Mares Pellees, Vale.

APPLICANT: Mr & Mrs Vieira

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: 08/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Create Ltd - 981-3-001, 002A, 003.

Application Ref: FULL/2024/0413

Property Ref: C011770000

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.Within two months of the hereby approved extension and fence to the south of the property being erected, full details of the low level planting, noting the species, sizes, numbers and densities of plants shall be submitted to and agreed in writing by the Development & Planning Authority.

Reason - To ensure that a planting scheme is agreed in a suitable timeframe so that the south-west corner of the application site is appropriately demarcated to prevent a vehicle from overhanging the pavement when parked which is likely to restrict sightlines and cause a highway safety issue in terms of entering and egressing from the clos.

5.The landscaping scheme shall be fully completed in the first planting season following the landscaping details being agreed by the Authority. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting, shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To ensure that the south-west corner of the application site is appropriately demarcated to prevent a vehicle from overhanging the pavement when parked which is likely to restrict sightlines and cause a highway safety issue in terms of entering and egressing from the clos.

Expiry Date: This permission will cease to have effect on 08/05/2027 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/2024/0413
Property Ref: C011770000
Valid date: 01/03/2024
Location: Sunnycroft Mares Pellees Vale Guernsey GY3 5PW
Proposal: Demolish conservatory and erect single storey extension and erect fencing to south (side) elevation, alterations to fenestration. Remove fence to create additional vehicle access/parking area to west (front) of property.

Applicant: Mr & Mrs Vieira

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.

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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. Within two months of the hereby approved extension and fence to the south of the property being erected, full details of the low level planting, noting the species, sizes, numbers and densities of plants shall be submitted to and agreed in writing by the Development & Planning Authority.

Reason - To ensure that a planting scheme is agreed in a suitable timeframe so that the south-west corner of the application site is appropriately demarcated to prevent a vehicle from overhanging the pavement when parked which is likely to restrict sightlines and cause a highway safety issue in terms of entering and egressing from the clos.

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Reason - To ensure that the south-west corner of the application site is appropriately demarcated to prevent a vehicle from overhanging the pavement when parked which is likely to restrict sightlines and cause a highway safety issue in terms of entering and egressing from the clos.

OFFICER'S REPORT

Brief Description of the site:

The application site consists of a semi-detached bungalow which is located towards the entrance of a private clos, accessed from Les Mares Pellees. The application site is located in a Main Centre Outer Area as designated in the Island Development Plan.

Planning permission is sought to demolish a conservatory and erect a single storey pitched roof extension and install fencing to the south of the property, and create additional car parking provision to the front of the house.

The application was deferred over potential harm to highway safety as a result of the proposed fence and position of the extension. The agent has confirmed that the existing parking area will be used for a motorbike, has amended the siting of the fence to retain sightlines, and has agreed to plant a low level hedge/shrubs to the front of the site in an attempt to overcome the concerns raised.

The existing high level fence bordering onto Les Mares Pellees road is unauthorised however, due to the passage of time, is immune from enforcement action.

Relevant History:

PAPP/2006/3191	Erect fencing.	Granted
PAPP/2002/3714	Remove conifer hedge and erect a fence.	Granted
PAPP/1999/0913	Erect a conservatory	Granted

Existing Use(s):

Residential

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

IP7 Private and Communal Car Parking

IP9 Highway Safety, Accessibility and Capacity

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 proposed extension adopts a good standard of design by virtue of its scale, form, massing, siting and materials. The proposal represents a modest sized addition to the property, is subservient and proportionate. Whilst closer and more dominant in the street scene, the proposal will not have a detrimental impact on the character of the area or visual amenity.

Despite the size of the proposed extension compared to the existing conservatory and the partial loss of car parking provision towards the south-west of the property, a sufficient area will remain to the front of the property to park a motorbike. It is considered necessary and reasonable to impose a condition to ensure that the full details of the low-level planting/shrubbery to the front of the property are agreed. This is to ensure that the site is appropriately demarcated, and to prevent a vehicle from overhanging onto the pavement and/or close road which could cause a highway safety issue in terms of restricting visibility, and being parked in a position that could affect the flow of traffic towards the entrance of the close.

Neighbour amenity will not be affected.

The alterations to create additional parking to the front of the property would constitute development as the fence to be removed would create a new vehicular access point. Whilst the creation of a second access point is not typically encouraged, in this case the visual effect of retaining the original access point would be limited when viewed in context with the wider area. In addition, the new low level planting along the south-west corner of the site which help to offset some of the harm caused. The retention of the original access for parking a motorbike is considered acceptable and is supported under the provisions of Policy GP8 and GP13.

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: 08/05/24

