

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: Alter ground levels and erect retaining wall to alter parking and widen vehicle access.

LOCATION: Le Verbelle, Damouettes Lane, St. Peter Port.

APPLICANT: Mrs L Bourgaize

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: 09/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: MAT Ltd - 23 - 303 - 02

Application Ref: FULL/2024/0435

Property Ref: A40933A000

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 09/04/2027 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/2024/0435
Property Ref: A40933A000
Valid date: 07/03/2024
Location: Le Verbelles Damouettes Lane St. Peter Port Guernsey
GY1 1ZT
Proposal: Alter ground levels and erect retaining wall to alter parking
and widen vehicle access.

Applicant: Mrs L Bourgaize

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.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Le Verbelle' is a semi-detached mid-20th century bungalow, which is set back from (at a higher level) and faces west onto Damouettes Lane. The other semi is attached to the south, there is a long garden to the east with a new riding school beyond, and other detached neighbours across the road to the west and to the north. 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

GP9: Sustainable Development

GP13: Householder Development

Representations:

One letter of representation has been received and the letter said;

'I am writing to support the Development of Le Verbelle reference Full/2024/0435.

Given

that the cover letter and proposed plan already provides a thorough explanation of how the proposed development aligns with the strategic objectives of the Island Development Plan. I think the timber sleeper retaining wall enhances the character of the area.

Therefore, I fully support the landowner's decision to alter ground levels and erect a retaining wall to alter parking and widen their vehicle access and wish for it to be approved without delay.'

Conclusion/Brief comment:

This application is to alter ground levels at road level and erect a retaining wall around the amended and slightly larger parking area.

Damouettes Lane at this point is extremely narrow, which is why the parking area already has an opening of 6.3m. At present the sides and back of the parking area are made up of earthbanks, apart from the brick steps which lead down from the property in the northeast corner of the parking area, which impedes the usable parking space because of the curved nature of the east and south earthbanks around the parking area.

The proposals are to straighten the sides of the parking area with a retaining wall, timber sleepers, this will also ensure there will be no earth slippage in the future, shoring up the land which rises to the east up to the dwelling.

Removing the curves and shoring up the land will increase the opening by approximately 1.3m, which in usual roadside opening would not generally be permitted, however, the lane is so narrow that in this instance the size of the opening is not considered to be an issue, and will improve vehicular manoeuvrability for the applicants.

The proposals are not considered to have any detrimental impacts on the character and appearance of the surrounding area, nor will they have any adverse effects on neighbour amenity.

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.

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: 09/04/2024

