

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: Variations to previously approved plans to erect two storey and single storey extensions and pergola to north-west (rear) elevation and install window to north (side) elevation - Omit pergola, increase floor area to north (side) elevation.

LOCATION: Pirbright, Old Mill Road, St. Martin.

APPLICANT: Ms P Orchard & Mr Y Madhar

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: 04/07/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Studio - 048_SK01, SK02, SK03.

Application Ref: FULL/2024/0649

Property Ref: J012500000

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 on or before 06/12/2026.

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.The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 07/12/2023, issued under planning application reference FULL/2023/1212, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation only.

5.The external face of the hereby approved ground floor extension shall be finished in smooth render, on both the north and south boundary walls, within 2 months of construction.

Reason - to ensure that the external face of the walls are completed within an acceptable timeframe in the interests of visual and neighbour amenity.

Expiry Date: This permission will cease to have effect on 04/07/2027 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/2024/0649
Property Ref: J012500000
Valid date: 23/04/2024
Location: Pirbright Old Mill Road St. Martin Guernsey GY4 6DB
Proposal: Variations to previously approved plans to erect two storey and single storey extensions and pergola to north-west (rear) elevation and install window to north (side) elevation - Omit pergola, increase floor area to north (side) elevation.

Applicant: Ms P Orchard & Mr Y Madhar

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 on or before 06/12/2026.

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. The permission hereby granted relates only to the variation specified above. In all

other respects the development shall be carried out in full accordance with the permission dated 07/12/2023, issued under planning application reference FULL/2023/1212, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation only.

5. The external face of the hereby approved ground floor extension shall be finished in smooth render, on both the north and south boundary walls, within 2 months of construction.

Reason - to ensure that the external face of the walls are completed within an acceptable timeframe in the interests of visual and neighbour amenity.

OFFICER'S REPORT

Brief Description of the site:

The application site known as 'Pirbright' comprises a traditional semi-detached Victorian building located to the west of Old Mill Road. The building is raised above the street level, accessed by a flight of steps. A narrow passageway is located to the north of the north elevation which provides pedestrian access to Pirbright and the neighbouring property known as 'Our Ouse'. To the rear, lies an elongated, doglegged garden.

The property is located in a Local Centre as designated in the Island Development Plan. The property is not a protected building, nor is it sited within a Conservation Area.

Planning permission was granted in 2023 (FULL/2023/1212) to erect a ground and first floor extension and a pergola to the rear of the property. The ground floor extension served as a dining room, kitchen, utility and shower room.

Planning permission is now sought to vary that permission (FULL/2023/1212) by omitting the pergola, and increasing the floor area of the ground floor extension up to north boundary. The proposal will still incorporate an external courtyard along part of the north boundary.

The ground floor extension is approximately 2.9m high. The application has been submitted with a shadow analysis.

Relevant History:

FULL/2023/1212	Erect two storey and single storey extensions and pergola to north-west (rear) elevation and install window to north (side) elevation.	Granted
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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

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.

Whilst it is acknowledged that the ground floor extension will undoubtedly result in shadowing to the neighbouring property to the north of the application site during certain periods of the day/year, and is likely to affect a proportion of the most sensitive part of their external amenity space which is exacerbated by the narrowness of the plot; the degree of harm is not considered to be substantial enough to justify refusal.

The Exemptions Ordinance (2023), enables a 3m high single storey extension to be built right up to the boundary with a neighbouring property (subject to other criteria being met), without the need for planning permission. On that basis, it would be unjustified to refuse planning permission (despite the narrowness of the neighbouring plot) when the height of the proposed extension would be similar to that allowed under the Exemptions.

Moreover, an external courtyard will still remain which will act as a buffer between the proposed development and the neighbouring property, therefore will somewhat reduce the amount of light lost, and reduce its domineering effect on neighbours.

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: 02/07/24

