

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: Variation to previously approved plans (FULL/2022/1957) to demolish existing outbuilding and erect residential dwelling with associated landscaping and parking - Reposition dwelling on the site, omit 1st floor terrace and alterations to fenestration and landscaping.

LOCATION: La Cachette, Rue Des Mares, St. Pierre Du Bois.

APPLICANT: A H Developments Ltd

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: 30/05/2024

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

Drawing Nos: JG Architecture - 2233 02.01E & 02.02D

Application Ref: FULL/2024/0674

Property Ref: F00294A000

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.The flat roof area hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Reason - Use as a balcony could result in overlooking of adjoining dwellings which would result in an unacceptable loss of privacy for local residents.

5.The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 23/5/2023, issued under planning application reference FULL/2022/1957, and subject to the terms and conditions thereof.

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

Expiry Date: This permission will cease to have effect on 30/05/2027 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/2024/0674
Property Ref: F00294A000
Valid date: 23/04/2024
Location: La Cachette Rue Des Mares St. Pierre Du Bois Guernsey GY7 9PZ
Proposal: Variation to previously approved plans (FULL/2022/1957) to demolish existing outbuilding and erect residential dwelling with associated landscaping and parking - Reposition dwelling on the site, omit 1st floor terrace and alterations to fenestration and landscaping.
Applicant: A H Developments Ltd

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.

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Reason - Use as a balcony could result in overlooking of adjoining dwellings which would result in an unacceptable loss of privacy for local residents.

5. The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 23/5/2023, issued under planning application reference FULL/2022/1957, and subject to the terms and conditions thereof.

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

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a single storey, rendered, block-built former horticultural building, positioned at the rear (north) of the site and accessed from Claire Mare Lane over an area of hardstanding.

There is an existing rockface which runs from the south and across the east of the site and rises in height up to approx. 3.5m.

The site is located Outside of the Centres and is the subject of no other designation under the Island Development Plan.

Relevant History:

FULL/2022/1957- Demolish existing outbuilding and erect residential dwelling with associated landscaping and parking. Approved
23/05/2023

Existing Use(s):

28 Agriculture

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:

OC1 – Housing Outside of the Centres

GP8 – Design

GP9 – Sustainable Development

GP15 – Creation and Extension of Curtilage

GP16(B) – Conversion of Redundant Buildings- Demolition and Redevelopment

Representations:

Representations have been received from 2 neighbours, summarised as follows:

- Impact of development on roads and infrastructure- subsidence and damage to existing access and request for requirement for this to be repaired by applicants.
- Revised plans may reintroduce a roof terrace which will have a harmful impact on neighbours privacy.

Conclusion/Brief comment:

This application proposes variations to the previously approved scheme (FULL/2022/1957) including the removal of the external terrace from the plans, repositioning of the proposed dwelling to allow better integration with the existing rockface to the east of the site and the landscaping has been altered as a result of the repositioning of the dwelling. The footprint and volume of the proposed dwelling has not changed this ensures that the variations now proposed do not conflict with Policy GP16(B).

The repositioning of the building approx. 2m closer to the north boundary and 4m closer to the western boundary is acceptable in terms of neighbour amenity. Although closer to the boundary with the neighbour to the north, the intervening distance of around 48m and presence of significant, mature boundary hedging, and trees prevent significant visual harm. The first-floor windows remain approx. 10.5-11m away from the western shared boundary, with the dwellings to the west set approx. 20m beyond this boundary which is considered sufficient to protect neighbour amenity.

The removal of the roof terrace and balustrade is acceptable, and the resultant alterations to the fenestration to the southern elevation have removed previous access doors, reducing the amount of glazing to this elevation and minimising further any impact on neighbours. Neighbours have commented on the removal of the terrace area, however although this was approved as part of the original scheme, its removal is considered a betterment for neighbours. Should the applicants wish to reintroduce this in the future, an application for the installation of balustrades would be required and would be subject to the usual consultation process.

Wear and tear of the private access road is a civil matter and a requirement for the applicant to resurface this would not be reasonable and so has not been conditioned.

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: 28/05/2024

