

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: Erect single storey detached outbuilding/garage to north east boundary.

LOCATION: Plot at, Lucerne, Les Petites Mielles, St. Sampson.

APPLICANT: Mr C Addlesee & Miss S Bougourd

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: 07/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: MAT Ltd: 24-318-01A

Application Ref: FULL/2024/0765

Property Ref: B016580000

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.Notwithstanding the hereby approved drawing, 24-318-01A, the distance between the northeast boundary and the new outbuilding shall be a minimum of 600mm and not 200mm as stated on the drawing.

Reason - To secure the satisfactory appearance of the completed development.

Expiry Date: This permission will cease to have effect on 07/06/2027 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/2024/0765
Property Ref: B016580000
Valid date: 30/04/2024
Location: Plot at Lucerne Les Petites Mielles St. Sampson Guernsey
GY2 4RU
Proposal: Erect single storey detached outbuilding/garage to north east
boundary.
Applicant: Mr C Addlesee & Miss S Bougourd

RECOMMENDATION - Grant: Planning Permission with Conditions:

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OFFICER'S REPORT

Site Description:

The site known at the moment as 'Plot at Lucerne' is a site behind the ribbon development along the southwest side of Les Petites Mielles. There are neighbouring properties to the east, northeast, north and northwest, and a vinery to the southwest. The property is located in the L'Islet Local Centre 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.

Brief Description of Development:

This application is to erect a single storey detached outbuilding to the northeast boundary.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There have been two letters of representation and the issues are:

- The scale of the proposed garage/ workshop seems excessive, in an already built up residential area. There are concerns over noise pollution, height of the property and proximity to the neighbouring property potentially further excluding light not allowing the occupier to use their property as they wish.

- There are no other back garden properties of this magnitude or scale for joining properties. Even the current new dwelling is out of kilter with the surrounding back garden properties.
- The garage will be directly next to a turning area for all properties to use.
- There are general concerns around building control and access to these properties for fire engines and the neighbour has not agreed to any of the conditions already imposed by building control. It says that permission should have been sought by landowners which it has not. There is no agreement to any works being carried out on the shared driveway.
- During the work being carried out currently the driveway has been damaged by delivering trucks as it has been challenging for them to fit. This has caused a neighbour significant stress and they are concerned further permission to complete additional works will add to this.
- The current build has already taken a considerable amount of time and is still not complete.
- The use of the proposed garage is unknown - the applicant appears to store boats and cars for others who frequent the property so would question if this is commercial activity.
- The position of the building is very close to the shared boundary with the neighbour's garden. This in addition to the height of the proposal will throw significant shade into an already small garden, which is of great importance to the occupant.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Initially, the proposed structure was 8m x 5m and the ridge height was just under 5m high, as there was a mezzanine level at the far end. However, the plot is considered to be too small to house a one and a half storey dwelling and a 5m high outbuilding so close to the boundary, therefore the application was deferred.

The amended drawing shows an 8m x 4m single storey outbuilding within a much lower ridge height, below 3.5m, which is much more of a realistic scale for the size of the plot. To further help the perception of a smaller building the structure should be pulled away from the northeast boundary by at least 600mm, this will also ensure maintenance to the structure can be carried out without having to remove fence panels.

The outbuilding is located in the northeast corner of the plot adjacent to the neighbours parking bay and the end of their garden, a distance of over 10m to the neighbours properties. Therefore, reducing the size of the proposal and moving it away from the boundary are both solutions which are considered to mitigate all of the previous concerns.

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.

3 - General material considerations set out in the General Provisions Ordinance.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 06/06/2024

