

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: Widen, alter and erect wall, pillars and gate to vehicle access to south boundary (retrospective).

LOCATION: Tangle Trees, Le Vauquiedor, St. Peter Port.

APPLICANT: Mr & Mrs O E Faborsky

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: 28/08/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/06/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arctech - OEF-24-1185-01A

Application Ref: FULL/2024/1071

Property Ref: A308530000

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 eight weeks of the date of this permission the granite walls and the gate pillars shall have been constructed in the positions shown on the approved drawing (ref: OEF-24-1185-01). The granite walls shall only be constructed in materials and methods of construction to match the remainder of the existing roadside wall.

Reason - To secure the satisfactory appearance of the completed development and given the part retrospective nature of the development to ensure that the roadside boundary wall is finished off in a timely manner in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 28/08/2027 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/2024/1071
Property Ref: A308530000
Valid date: 14/06/2024
Location: Tangle Trees Le Vauquiedor St. Peter Port Guernsey GY1 2UP
Proposal: Widen, alter and erect wall, pillars and gate to vehicle access to south boundary (retrospective).

Applicant: Mr & Mrs O E Faborsky

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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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OFFICER'S REPORT

Brief Description of the site:

The application site comprises a detached 1.5 storey property situated to the north of Le Vauquiedor. Surrounding the site the area comprises residential properties to the north, east and west with open fields across the road to the south.

The site is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2017/2473	Variation to plans previously approved to demolish existing and erect replacement dwelling - Erect conservatory to side (west) of property.	Granted 01/11/2017
FULL/2015/0861	Demolish existing and erect replacement dwelling.	Granted 31/07/2015

Existing Use(s):

Residential – Use Class 1

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:

GP1 – Landscape Character

GP8 – Design

GP9 – Sustainable Development

GP13 – Householder Development

Conclusion/Brief comment:

Planning permission is sought to widen the existing vehicular access and to erect pillars and gates to span the width of the widened access. Following a visit to the site it was evident that a section of the wall had already been removed and that the pillars to support the gates were under construction in a red brick material. Retrospective planning permission is therefore sought in part and an additional fee has been paid by the applicant. As originally proposed the drawings showed granite gate pillars to be constructed to match the remainder of the proposed wall. The plans have been revised to show brick pillars as per those under construction on site.

The width of the widened opening will total 4.9m at its widest point. A bellmouth radius has been introduced at the entrance point, which reduces the visual impact of the opening on the surrounding area. Furthermore, gates are also proposed to be set back within the site to enable a car to safely pull off the highway whilst the gates are opening.

The increase in the width of the access is modest, resulting in a reasonably sized access for a domestic property. Furthermore, a large extent of granite wall will remain intact and will continue to provide an attractive boundary feature onto Le Vauquiedor. Whilst it would be preferred if the gate posts were constructed from granite to match the remainder of the wall (as originally shown on the drawings), set back from the road frontage and largely hidden from view by the proposed granite wall, the red brick pillars as constructed on site would not harm the character of the area.

The site is not located in a Conservation Area and the boundary wall is not historic, and so the IDP affords flexibility in design for less sensitive areas. The proposal is therefore considered acceptable in this location, and will not have a harmful impact on the character, in accordance with GP1.

There would be no adverse impact resulting from the development on the amenities of adjoining properties.

The proposed wall will match the height of the existing boundary wall and the bellmouth radius will improve visibility of on coming traffic in both directions. Sufficient space exists within the site to enable vehicles to turn and leave forward facing. The proposal would therefore not harm highway safety.

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.

Recommendation:

Grant with Conditions



Date: 28/08/2024

