

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: Demolish extension, erect single storey extension to north-west (rear) elevation.

LOCATION: La Balise, Rue Des Monts, St. Sampson.

APPLICANT: Mr & Mrs Jelley

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: 21/01/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/12/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room: 401 C1, C2B, C3, C4 & C6

Application Ref: FULL/2024/1939

Property Ref: B005940000

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 21/01/2028 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/2024/1939
Property Ref: B005940000
Valid date: 04/12/2024
Location: La Balise Rue Des Monts St. Sampson Guernsey GY2 4HT
Proposal: Demolish extension, erect single storey extension to north-west (rear) elevation.

Applicant: Mr & Mrs Jelley

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

Site Description:

The property known as 'La Balise' is one half of a pair of semi-detached two storey dwellings which are set back from and face southeast onto Rue des Monts. The other semi is attached to the southwest and there are neighbours to the northeast and southwest. To the southeast across the road is Delancey Park and to the northwest other neighbours gardens. The property is located in the St Sampson Main Centre Outer Area and Conservation Area as defined in the Island Development Plan. The property to the northeast is a protected building.

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 demolish the existing single storey rear extension and replace it with a more useable wider and shallower single storey extension on the northwest elevation.

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

GP4: Conservation Areas
GP5: Protected Buildings (Setting)
GP8: Design
GP9: Sustainable Development
GP13: Householder Development

Representations:

There has been one letter of representation and the issues are;

- **Party wall.** *The neighbour's concerns surround safety and the mitigation of any risk of rubble etc. falling into their property during and after the demolition. More importantly, the impact to their extension roof that adjoins La Balise. When they had an extension built 4 years ago, their builder went to great lengths to ensure this was very weather-tight and to the satisfaction of the previous owners of La Balise, who insisted on much more detail within the plans for this part of the works.*

To that end, it is felt that there is insufficient detail /information around this area of the project and its potential to directly affect the neighbour's property. They would like to see much more detail in the plans on how the new extension will work with their property to gain a full understanding of any possible implications. They would also like to be assured that if any cracks etc. appear on or within their property, or damage, as a direct result of any works, they will be made good at no cost to the neighbours and to their satisfaction.

- **Shared drainage.** *The neighbour's property has drains (soil waste) that cross over at the rear into La Balise and are shared before they double back to join the main drains in the road. There is no mention of this in the plans (that can be seen) and what, if any, drainage reconfiguration will be involved as part of the demolition/rebuild. Again, the neighbours would like to see more detail on this; has that aspect been fully considered by the architect, (including sufficient access/rodding points) and what impact of any works related to this demolition and subsequent rebuild that could affect the drainage they share with the neighbours. The neighbours have, on one previous occasion, suffered soil waste backing up and exiting their drain cover due to a blockage on the La Balise side, so are acutely aware that any changes to this drainage, including additional 'loading', could have an adverse effect. For example, there is a new toilet and outdoor sink on the plans.*

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.

As the proposed extension is single storey there will be no issues regarding overlooking or overshadowing.

The proposals are considered to achieve a good standard of design, using materials which complement the existing materials. The extension will provide adequate levels of sunshine and daylight, and give the occupiers more flexible and adaptable accommodation.

The scale and massing of the new extension is not considered to have a detrimental effect on the special quality, character and amenity of the surrounding conservation area, nor will it have any impact on either of the immediate neighbours, including the setting of the nearby protected buildings.

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.

The level of detail mentioned in the letter of representation is greater than what is expected at the planning stage. It is at the Building Control stage that details about party wall and shared drains would be necessary.

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 the nearby Protected Buildings, Trees or Monuments or on SSS's.

Date: 15/01/2025

