

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 two-storey extension with raised terrace and external steps and lay hardstanding to east (rear) elevation.

LOCATION: Le Grand Port, Route Du Grand Port, St. Pierre Du Bois.

APPLICANT: Mr & Mrs J Privett

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: 20/02/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/12/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Limited: 7852-01/B1, /B2 & /B3A.

Application Ref: FULL/2024/2083

Property Ref: F01156A000 +F01156B000

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.No materials to be used during the construction phase of the hereby approved structure, or excavated ground, shall be stored within 5m of the east or south boundary of the site.

Reason - The fields to the east and south of the application site are designated as a Site of Special Significance and an exclusion zone is required to prevent any potential harm to the Site of Special Significance (Policy GP2).

Expiry Date: This permission will cease to have effect on 20/02/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, it is noted that, although the land to the rear of the dwelling is recognised as garden, part of that land falls within a Site of Special Significance as defined in the Island Development Plan. A Site of Special Significance means an area which is identified as having special significance (whether because of archaeological, botanical, geological, scientific, cultural, zoological or any other interest) and which it is desirable to preserve, enhance or manage by the application of special provisions in Chapter 4 of Part IV of the Law.

Please note that in addition to the general meaning of development (set out within the Land Planning and Development (Guernsey) Law, 2005), Section 4 of the Land Planning and Development (General Provisions) Ordinance, 2007 sets out further operations that constitute development in a SSS: a) Any works that disturb the ground in a way that materially affects the special interest by reason of which the site is designated, b) Any significant clearance of vegetation from the whole site or a significant part of it, c) The removal of, or any significant damage to, any vegetation

which contributes to the special interest by reason of which the site is designated, d) The topping, lopping or felling of any tree, which contributes to the special interest by reason of which the site is designated, e) Any works that significantly affect: i. Any reservoir, stream, watercourse, borehole or other body of water on the site; or, ii. The drainage of a significant part of the land on the site, or, f) Any other action likely to affect materially the special interest by reason of which the site is designated.

Planning permission FULL/2018/1811 further restricts development that can be carried out on the land to the rear of the dwelling without planning permission.

For the avoidance of doubt, this decision permits the erection of an extension to be used as an integral part of and incidental to the principal dwelling presently known as Le Grand Port. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

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/2024/2083
Property Ref: F01156A000 +F01156B000
Valid date: 24/12/2024
Location: Le Grand Port Route Du Grand Port St. Pierre Du Bois
Guernsey GY7 9HN
Proposal: Erect two-storey extension with raised terrace and external
steps and lay hardstanding to east (rear) elevation.

Applicant: Mr & Mrs J Privett

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.

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4. No materials to be used during the construction phase of the hereby approved structure, or excavated ground, shall be stored within 5m of the east or south boundary of the site.

Reason - The fields to the east and south of the application site are designated as a Site of Special Significance and an exclusion zone is required to prevent any potential harm to the Site of Special Significance (Policy GP2).

INFORMATIVES

For the avoidance of doubt, it is noted that, although the land to the rear of the dwelling is recognised as garden, part of that land falls within a Site of Special Significance as defined in the Island Development Plan. A Site of Special Significance means an area which is identified as having special significance (whether because of archaeological, botanical, geological, scientific, cultural, zoological or any other interest) and which it is desirable to preserve, enhance or manage by the application of special provisions in Chapter 4 of Part IV of the Law.

Please note that in addition to the general meaning of development (set out within the Land Planning and Development (Guernsey) Law, 2005), Section 4 of the Land Planning and Development (General Provisions) Ordinance, 2007 sets out further operations that constitute development in a SSS: a) Any works that disturb the ground in a way that materially affects the special interest by reason of which the site is designated, b) Any significant clearance of vegetation from the whole site or a significant part of it, c) The removal of, or any significant damage to, any vegetation which contributes to the special interest by reason of which the site is designated, d) The topping, lopping or felling of any tree, which contributes to the special interest by reason of which the site is designated, e) Any works that significantly affect: i. Any reservoir, stream, watercourse, borehole or other body of water on the site; or, ii. The drainage of a significant part of the land on the site, or, f) Any other action likely to affect materially the special interest by reason of which the site is designated.

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OFFICER'S REPORT

Brief Description of the site:

The site comprises a corner plot and features a detached dwelling that fronts onto the coast road (Route Du Grand Port) to the west, and Rue Des Salines to the north. The dwelling is surrounded by hard surfaced amenity space and parking with access off Rue Des Salines.

The property also includes a grassed amenity area to the east of the dwelling set a few metres below the ground level of the dwelling. The land was approved as garden in 2018 under application reference FULL/2018/1811. La Societe Guernesiaise's comments as part of that application (FULL/2018/1811) was accepting of development to the west of the douit that forms the boundary in ownership between La Societe Guernesiaise, provided that the line of the douit was not crossed. It was also noted that the area, the subject of this current application, *"has always been a 'yard' associated with the shed"*, implying that the ecological value of the land was not high.

The low level area of garden is served by a separate access off Rue Des Salines and features a tarmac driveway leading across the land, to a single storey outbuilding located along the south boundary. The site in question is highly visible in public views.

The site is situated Outside of the Centres as defined in the Island Development Plan. The site is bounded to the east and south by a series of fields recognised as a Site of Special Significance (SSS) as defined in the Island Development Plan Proposals Map. The Site of Special Significance is designated due to its orchid fields, swamp, salt marsh, semi improved marshy grassland and coastal grassland and its role as a "safe" area for wildlife. Contrary to the description and characteristics set out above, a thin strip of SSS land lies to the north of the approved garden area. This thin strip of land includes the roadside hedge.

Planning permission is sought to excavate and erect a two-storey, pitched roof extension with raised terrace and external steps to east (rear) elevation of the dwelling. The extension will serve as a garage at ground level, set into the earth bank, with a proposed garden room at first floor level. The proposed garage/extension will also be served by a new area of hard surfacing, acting as a driveway. The boundary hedge will not be affected.

Relevant History:

F01156A000		
PREA/2024/1554	Erect single storey and garage extension.	Pre-application enquiry

FULL/2012/3616	Remove existing garage door and install window, erect sunroom to rear of property and porch to the side.	Granted
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F01156B000		
FULL/2021/0223	Erect greenhouse to rear of property.	Granted
FULL/2020/1406	Convert outbuilding to a dwelling.	Refused
FULL/2018/1811	Change of use of agricultural land to domestic garden.	Granted

Existing Use(s):

Residential – dwelling-house and land to the rear under cadastre ref: F01156B000

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

GP2 Sites of Special Significance
 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.

Site of Special Significance:

As stated within the preceding text of Policy GP2, paragraph 19.3.5, *“the principal aim of this policy is to, wherever possible, ensure development will not damage the special interest of a Site of Special Significance”*.

The Site of Special Significance (SSS) is designated due to its orchid fields, swamp, salt marsh, semi improved marshy grassland and coastal grassland and its role as a “safe” area for wildlife.

A thin strip of land located immediately adjacent to the north boundary to the rear of the dwelling, including a grass mound and hedge, is recognised as falling within the SSS as defined in the Island Development Plan Proposals Map.

The agent has confirmed on the drawings submitted that the hedge along the north boundary of the site would not be removed as part of the development.

The application relates to an area of land immediately to the rear of the dwelling, far away from the fields to east and south of the application site. Whilst it is recognised that a very small section of the grass mound along the north boundary of the site (outlined in the IDP proposals map) would intersect with the footprint of the proposed structure, its removal would not cause unacceptable harm to the SSS and would not warrant refusal of the application.

In light of the assurance that the north boundary hedge will not be removed, and together with the very limited excavation works of the grass mound within part of the area of SSS, the development is not considered to have a detrimental effect on the special interest of the SSS when viewed in context with the wider area of the SSS.

The proposal accords with the aims and objectives of Policy GP2. For information, an informative should be attached to the permission to draw the attention to the Land Planning and Development (General Provisions) Ordinance, 2007, Part 1, Section 4 which extends the definition of “development” within Sites of Special Significance.

However, due to the relationship to more sensitive parts of the SSS (i.e. Orchid fields etc) to the east and south of the site, it is reasonable and necessary to attach a condition to ensure that no materials, including ground, or other materials to be used as part of the construction of the structure, is to be placed within 5m of the boundary with the adjoining fields, in the interests of protecting the SSS.

Extension:

The principal aim of the Island Development Plan is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey’s built and natural environment and the need to use land wisely.

Policy GP13 is generally supportive of proposals for domestic extensions, alterations and other such householder development, unless material considerations indicate otherwise or conflicts with other Plan policies or the States strategic objectives are identified.

In respect of the policies above, the proposal relates to a limited area of land immediately to the rear of the house, which is to be excavated. This is supported under the provisions of Policy GP8 and GP13.

The proposal represents a modest sized addition to the property, is subservient and proportionate, and achieves a good standard of design (Policy GP8 – Design) by virtue of its scale, form, massing, siting and materials.

Due to its size, position and design, the proposal will not have a detrimental impact on the character of the area, visual amenity, or the amenities of neighbouring residents. The extension will be located to the rear of the dwelling, connected by a glazed link, and has been carefully designed to limit its visual impact by setting the garage into the raised earthbank, and thus into the landscape. The hardstanding serving the proposed garage will also be limited, thus reducing its visual impact, most of which will be screened by a hedge which forms the roadside boundary.

The accommodation as proposed would be ancillary to the use of the host dwelling however, for the avoidance of doubt, it is recommended that an informative be attached to the decision to notify of the incidental use of the structure.

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: 19/02/25