

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: Install oil tank and walled enclosure, and install replacement windows to west (front) and east (rear) of property (retrospective).

LOCATION: Baobab, 1 Roseneath Terrace, Green Lanes, St. Peter Port.

APPLICANT: Pure Homes 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: 30/04/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/01/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Plan, Floor Plans, Elevations & Sections

Application Ref: FULL/2025/0110

Property Ref: A207840000

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 external face of the hereby wall enclosure serving the oil tank shall be finished in smooth render, on all sides, within 2 months of construction.

Reason - In the interests of visual amenity and neighbour amenity. The south elevation of the wall is not finished in smooth render and therefore is over reliant on boundary hedging to screen the oil tank in view. Should the hedge die, or is removed (with planning permission), an exposed blockwork wall would face towards neighbouring properties.

Expiry Date: This permission will cease to have effect on 29/04/2028 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/2025/0110
Property Ref: A207840000
Valid date: 21/01/2025
Location: Baobab 1 Roseneath Terrace Green Lanes Green Lanes St.
Peter Port Guernsey GY1 1TP
Proposal: Install oil tank and walled enclosure, and install replacement windows to west (front) and east (rear) of property (retrospective).
Applicant: Pure Homes Ltd

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.

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OFFICER'S REPORT

Site Description:

The application site known as Boabab consists of a traditional (pre-1900), 2 storey end of terrace dwelling located to the south of the Green Lanes. The property is accessed by a private road to the west which serves a number of other properties.

The house is served by a front and rear garden with a tarmacked area of car parking provision to the north-west of the dwelling. The land to the north of the building is made up of grassed area of open land which acts as a buffer between a terrace of traditional buildings to the south, and a series of detached and semi-detached dwellings of varying scales, types and forms, to the north.

Planning permission was granted in 2020 (FULL/2019/2373) to erect a dwelling to the north (side) elevation, as well as removing a hedge along the west boundary to create vehicular access for the property, formerly known as 'St. Denis'. That permission has since lapsed. The design of the new dwelling to the north of the application site was designed in a way to mirror and reflect the overall design and characteristics of the terraced houses.

The site is located in a Main Centre Outer Area as defined in the Island Development Plan (IDP) Proposals Map. The dwelling is not situated in an area of Important Open Land as defined in the IDP Proposals Map.

It appears that the terrace was extended to the south as a new dwelling was erected sometime between 2002 and 2004 based on the grant of planning permission PAPP/2002/5826 and orthophotographs, and was also designed to mirror and reflect the overall design and characteristics of the terraced houses.

Much of the boundary treatments to the front of this group of properties has been eroded over time, presumably to make way for the car, although the façade of the properties appears to have retained much of its character.

Relevant History:

FULL/2019/2373	Erect dwelling to north (side) elevation. Remove hedge to create vehicular access for St. Denis.	Granted
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Existing Use(s):

Residential

Brief Description of Development:

Retrospective planning permission is sought to install an oil tank and enclosure (south and west of the oil tank) and install replacement windows to the front and rear of the dwelling. The windows to the front comprise the bay window and first floor windows to the front, and a ground and first floor window to the rear.

The windows to be replaced are of a tilt and turn means of opening, featuring a single pane of glass as opposed to a sliding sash window as per the original window.

The application also shows that a section of hedge has been removed to the front of the house, located on the northern side of the lawn area.

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

The Authority has received a letter of representation from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Design of oil tank and reliance on the hedge to front boundary.
- Risk of oil spill, no catch pit.
- Design of replacement windows.
- Removal of hedge and use of front garden as driveway.
- Refusals for similar development to driveways.

Consultations:

None.

Summary of Issues:

- Whether the design, scale, siting, form and materials of the proposed development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

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.

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.

Paragraph 19.9.5 of Policy GP8 states that:

"In other, less sensitive, areas a good standard of design will be expected, however the Island Development Plan adopts a supportive position with regard to building design in these areas to enable the property owner to exert personal choice in design matters. This adopts the flexible and proportionate approach that underpins the Plan Objectives of the Island Development Plan. In all cases the design of soft and hard landscaping can also help to reinforce local character and distinctiveness, mitigate the impacts of development and can contribute to more sustainable construction and should also be considered from the outset as an intrinsic part of the design process."

The application site consists of a traditional end of terrace building. Whilst it is recognised that the property is not a protected building, nor is it situated within a Conservation Area, nor is it sited on a 'main road', the traditional dwelling is one of several other properties that make up this terrace row of properties, all of which appear to retain much of their traditional characteristics and features.

Whilst it is recognised that the original timber windows which would have been a feature of this group of properties at some point in time have been replaced with more modern uPVC windows, all windows still retain the original means of opening, or at least, the appearance of vertical sliding sash windows. This in turn provides cohesion of the terrace when viewed collectively and makes a positive contribution to the surrounding area. Consequently, the façade of these properties are sensitive to change when 'read' as a whole, and therefore, to a degree, the building facades have a group value.

By replacing timber sliding sash windows with a single pane tilt and turn window would alter the character and appearance of Boabab, but would also adversely affect and undermine the cohesion of the façade of the terrace properties.

Overall, the works carried out are regrettable and will undoubtedly adversely affect the character and cohesion of the building facades of this terrace, although given that the site does not comprise a protected building, is not within a Conservation Area, and is not visible from a 'main' road, the degree of harm is not considered to be so substantial that it would be sufficient enough to rebut the general support in favour of householder development which allows property owners to exert personal choice with regards to design matters, in areas less sensitive to change (Policy GP8).

The installation of an oil tank to the front of the property, screened by a rendered finish enclosure (subject to appropriate conditions), which in turn is screened by a boundary hedge, would not cause unacceptable harm given that the position of such work is considered to be a reasonable aspiration of the property owner, particularly as a new dwelling-house was approved to the side of the property (FULL/2019/2373).

Whilst the position of the oil tank has the potential to affect sightlines of the neighbouring property to the south, an existing mature boundary hedge currently restricts sightlines, and when taking into account the traffic speeds and volumes of traffic down this private lane, the level of impact on highway safety as a result of the position of the oil tank would not be sufficient to justify refusal.

The removal of the hedge along the northern section of the front garden is acceptable, and is similar to other properties in the surrounding area, most notably Goldcroft to the north which makes provision for car parking to the front and side of the property.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

In response to other points raised in the letter of representation, the installation of a catch-pit, or not, is not a measure that is controlled by Planning and therefore is not a material planning considerations as defined in The Land Planning and Development (General Provisions) Ordinance, 2007). Any planning permission that might be granted would be conditioned accordingly to seek separate consent under the Building Regulations (2012).

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.

Date: 14/03/25

