

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, extend and alter to south (side) and north (rear) elevations.

LOCATION: Casa Freitas, Les Petites Capelles Road, St. Sampson.

APPLICANT: Mr & Mrs I Freitas

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: 28/04/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/03/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTech Freelance Architecture: IF-25-2228-02.

Application Ref: FULL/2025/0499

Property Ref: B011120000

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 27/04/2028 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/2025/0499
Property Ref: B011120000
Valid date: 25/03/2025
Location: Casa Freitas Les Petites Capelles Road St. Sampson Guernsey GY2 4GS
Proposal: Demolish extension, extend and alter to south (side) and north (rear) elevations.

Applicant: Mr & Mrs I Freitas

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 'Casa Freitas' is an early 20th century bungalow which has been extended over the years. The dwelling is set behind the curtain development north of Les Petites Capelles Road. There is open land to the west, north and east and neighbours to the south. The property is located Outside of the Centres 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 demolish the existing extension and replace with a slightly larger extension to the west (side) and north (rear) elevations.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

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

1. We would like to receive confirmation of the expected time frames of construction, when it is due to start, if planning is consented, timeframe for completion, how noise and debris will be kept to a minimum, and how our privacy will be considered during the works. This corner of our garden gets the most sun for the longest period of the day and is an area we use frequently throughout the summer months and during any potential construction this would not be possible.
2. We would require a full site condition survey to be undertaken prior to any works commencing, to ensure that reparation is made in accordance with the existing situation.

3. In the letter from the architect accompanying the application dated 19 March 2025, paragraph 3, it is mentioned that "the existing extension will be knocked down in its entirety". This will obviously have an impact on our property where we have a patio, flowerbeds and existing hedging. There is mention "..... so once we have the approval of the neighbour, he would like to build the extension on the boundary to gain the most amount of space. This boundary wall will then become a party wall with the neighbour." We do not wish to have a Party Wall Agreement, or to have any responsibility for the boundary at that point for upkeep etc. We would prefer to offer and agree to beneficial access, subject to advance agreement, for any repairs/decoration that needs to be undertaken in the future and for the owners of Casa Freitas, now and in the future, to remain fully responsible for all costs.
4. At the boundary of the proposed extension, we have a patio and raised vegetable bed. We would require the patio to be taken up and fully replaced after the works had completed.
5. We have an established silver birch tree, which is in excess of 30 years old, within 1.5 metres of the northern boundary. Therefore, we would require a professional survey of the tree to be undertaken to ensure that any foundation works to the north of the extension, where the new study is to be located, do not cause any damage to the tree roots which may harm/impede future growth.
6. We would require full replacement/reinstatement of the 6ft fence to the north of the boundary as this would need to be removed to facilitate construction. Again, refer to point 3, we do not wish to have a Party Wall Agreement for the new proposed extension housing the study.
7. Partial removal of our existing hedge on the east boundary will be required to facilitate construction. We are happy with this to occur up to the southern facing wall of the extension, providing our land is left tidy and turfed.
8. Adjacent to the hedge we have a low wall at right angles to the eastern boundary wall which is to be demolished. Presumably this wall will need to be removed and discussions had over replacement/making good the area on our property
9. We would require the established shrubs on the north east boundary corner, next to the silver birch tree to be lifted, potted on and replaced once construction was completed by a professional horticultural firm. All flower beds to be returned to existing condition and all building debris removed.
10. We also would require a full professional drain survey to be undertaken before and after construction. For your reference, when the adjacent properties were built in Pepin D'Or Clos in early 1990's, on our western boundary a surface water drain was laid across our garden and there is a

drain inspection cover in the flower bed next to the silver birch tree. We believe the drain then runs across the land of Casa Freitas to a douit near the far end in their land. This drains the surface water from the Clos made up of circa 6 properties. We need to ensure that any construction and foundations laid for the study extension does not damage this drain as we cannot consider any damage to our property as a result of flooding in the future due to blockages and damage caused.

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.

The proposals are right on the boundary and the neighbours would like to be kept 'in the loop' when it comes to development on their boundary – see the points made above. However, the scale of development does not warrant a construction management plan or a formal requirement to contact neighbours.

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 character and amenity of the surrounding area, nor will it have any impacts on any of the immediate neighbours despite the proximity to the boundary as the neighbours dwelling is approx. 18m away. In addition, and more significantly, the proposed extension replaces an existing extension which abuts the boundary and so there is no significant change to the relationship between the dwellings as a result of the proposal.

The potential for damage to be caused to the neighbouring property and tree during construction is not a material planning consideration, but a private civil matter.

Concern raised within the representations in relation to the proximity of the works to the boundary and party wall rights is a private civil matter between the parties concerned and not material planning considerations which would influence a decision on this planning application. Any grant of planning permission would be without prejudice to the normal legal rights and privileges of third parties with regards to ownership disputes.

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: 28/04/2025