

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: Variation to previously approved plans to demolish existing and erect replacement dwelling - Erect balcony to south elevation.

LOCATION: Sunville, Rue Du Rignet, St. Saviour.

APPLICANT: Mr & Mrs T J Brehaut

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: 07/10/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: G E Le Friec - 2010 / 1C & 2C

Application Ref: FULL/2021/1829

Property Ref: E00831A000

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 on or before 10/03/2024.

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 11/03/2021, issued under planning application reference FULL/2020/2382, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

Expiry Date: This permission will cease to have effect on 10/03/2024 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/2021/1829
Property Ref: E00831A000
Valid date: 08/09/2021
Location: Sunville Rue Du Rignet St. Saviour Guernsey GY7 9RB
Proposal: Variation to previously approved plans to demolish existing and erect replacement dwelling - Erect balcony to south elevation.
Applicant: Mr & Mrs T J Brehaut

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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4. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 11/03/2021, issued under planning application reference FULL/2020/2382, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

OFFICER'S REPORT

Site Description:

An existing dwelling is situated adjacent to the north site boundary and a number of outbuildings are situated to the rear/east of the dwelling. Vehicular access is from Rue Du Rignet however the site is visible from and set at a lower than Route de la Perelle to the west. A replacement dwelling is currently under construction to the south of the existing dwelling.

The adjoining dwelling to the north benefits from a balcony to the south elevation which is enclosed on two sides by a high, obscure glazed screen. This development is situated approximately 7m from the common boundary with the application site.

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

Relevant History:

FULL/2020/2382 - Demolish existing and erect replacement dwelling – granted

Existing Use(s):

01 Dwelling houses

Brief Description of Development:

The application relates to a variation to the approved scheme for a replacement dwelling on the site through the provision of a balcony to the south elevation of the dwelling, enclosed by a 1.1m high screen.

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

Island Development Plan policies:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

Three letters of representation have been submitted objecting to the application and raising the following points:

- The proposed development, and other developments, have and will block a considerable portion of the once open coastal aspect – a main attraction for purchasing property although it is noted that there is no right to a view
- The proposed balcony is not situated to the rear of the dwelling as described
- The applicant had indicated that no further external changes would be made to the replacement dwelling under construction and this application is upsetting
- The drawings do not specify the height of the hand rail and it is assumed that the glazing will be obscure and not clear glass.
- The proposed balcony will be intrusive and result in a loss of privacy to properties to the south of the application site – the balcony will face into the rear of the adjoining dwelling and impact on the enjoyment of the garden
- The distances stated in the application are incorrect – it states that the balcony would be 40m from the rear of adjoining properties however that does not account for the extension which has been completed on the adjoining dwelling thereby reducing the distance by 7m and a further reduction of 3m for the proposed balcony
- The inclusion of a high obscure glazed screen to the balcony (as the adjoining dwelling has done) to direct views to the coast and away from neighbouring properties would alleviate concerns regarding a loss of privacy

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the design and appearance of the balcony extension and its likely effect on the character and appearance of the locality and the potential impact on residential amenity with regard to loss of privacy.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The proposed balcony represents a good standard of design that is in keeping with the dwelling and will not appear out of keeping in the locality where a variety of properties exist, including the neighbouring dwelling to the north which benefits from a balcony, albeit with high screens to the south and east. The development considers the health and well-being of the occupiers of the dwelling by providing this additional external amenity space with associated natural light and ventilation to the

first floor accommodation through the enlarged window/door opening in the south elevation of the dwelling. The balcony may impact on light to the ground floor accommodation however the lounge/dining area is open plan with fenestration to the east and west elevations and as a result the scheme will not have an unacceptable impact on the ground floor accommodation.

Concerns have been raised regarding the potential for overlooking and loss of privacy to result from the introduction and use of the proposed balcony, without high screens to the south. Although comparisons have been drawn with Clos A L'Avoine to the north of the application site each application must be considered on its own merits and in that case the balcony is in close proximity to the site boundaries. In this case the proposed balcony would be approximately 16m from the south site boundary and the gardens of the pair of semi-detached properties to the south are in excess of 30m in length. A wall with timber fence above approximately 2m in height exists along the south boundary of the site. Given the siting of the dwelling, away from all site boundaries and a substantial distance from the rear of dwellings to the south and east of the site it would be unreasonable to require high, obscure glazed balcony screens to be installed. Although the perception of overlooking may increase as a result of the proposed development the distance separation between properties/gardens is such that this would be insufficient to warrant the refusal of planning permission.

The comments regarding the accuracy of the drawings and unspecified height of the balcony screen are noted however the application drawings have been produced to a recognised scale therefore it is possible to determine the siting of the balcony and its height from the information provided. The matter relating to the loss of a view is noted but is not a matter that can be considered or influence the outcome of a planning application.

The scheme accords with all relevant policies in the Island Development Plan and it is recommended that planning permission is granted for the variation proposed.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 07 October 2021

