

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: Raise roof ridge height to create accommodation at 2nd Floor level, erect 2.5 storey extension to north (side) elevation, single storey extension with first floor balcony to east (rear) elevation, install external insulating render system, remove bay windows and alterations to fenestration. Erect garden room to east boundary.

LOCATION: Chelvaton, Kings Road, St. Peter Port.

APPLICANT: Mr & Mrs Carnachan

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: 03/11/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP Architecture: 2263-WD-01A, 02A, 03A, 04A & 07A

Application Ref: FULL/2021/1857

Property Ref: A307550000

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 development, including site works, shall begin on site until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and agreed in writing by the Authority, and no development shall take place except in accordance with the agreed details.

Reason - The application site is located close to an area of known archaeological importance and appropriate and satisfactory provision for mitigation measures to avoid damage to the archaeological remains, and/or for archaeological investigation and recording are essential. This condition is imposed to make sure that any features of archaeological interest are protected or recorded.

5.The 1.8m high obscure glazed balcony screens to the northern and southern edges of the balcony shall be installed before the accommodation hereby permitted is first brought into use and thereafter be so maintained.

Reason - To prevent overlooking in the interests of neighbouring residential amenity.

Expiry Date: This permission will cease to have effect on 02/11/2024 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/2021/1857
Property Ref: A307550000
Valid date: 21/09/2021
Location: Chelvaton Kings Road St. Peter Port Guernsey GY1 1QA
Proposal: Raise roof ridge height to create accommodation at 2nd Floor level, erect 2.5 storey extension to north (side) elevation, single storey extension with first floor balcony to east (rear) elevation, install external insulating render system, remove bay windows and alterations to fenestration. Erect garden room to east boundary.
Applicant: Mr & Mrs Carnachan

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.

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).

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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.

4. No development, including site works, shall begin on site until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and agreed in writing by the Authority, and no development shall take place except in accordance with the agreed details.

Reason - The application site is located close to an area of known archaeological importance and appropriate and satisfactory provision for mitigation measures to avoid damage to the archaeological remains, and/or for archaeological investigation and recording are essential. This condition is imposed to make sure that any features of archaeological interest are protected or recorded.

5. The 1.8m high obscure glazed balcony screens to the northern and southern edges of the balcony shall be installed before the accommodation hereby permitted is first brought into use and thereafter be so maintained.

Reason - To prevent overlooking in the interests of neighbouring residential amenity.

OFFICER'S REPORT

Brief Description of the site:

The application property comprises a mid-C20th detached house, set back on the east side of Kings Road behind a low wall and driveway/parking area and with a c.25m deep garden to the rear, located in the Main Centre Outer Area and Conservation Area under the Island Development Plan.

The street scene is characterised by traditional terraced and semi-detached houses positioned on the same alignment as the application property. A chalet bungalow adjoins the application site to the south, whilst 2-storey houses on Courtil de la Fontaine stand to the east.

Planning permission was granted in 2017 to demolish an existing garage and erect two-storey extensions to side/north and rear elevations and raise ridge height, install dormer windows, balconies and balustrading (rear elevation), rooflights (front elevation), and alter the fenestration. The permission also included erecting a single storey garden room (rear boundary) to the rear of the site.

Planning permission is now sought for a similar proposal to that approved in 2017, omitting the approved bay windows and incorporating dormer windows to the front, and omitting the second floor extension and increasing the width of the first floor balcony to the rear.

Relevant History:

FULL/2017/0929	Demolish existing garage and erect two-storey extensions to side/north and rear elevations and raise ridge height, install dormer windows, balconies and balustrading (rear elevation), rooflights (front elevation), and alter fenestration. Erect single storey garden room (rear boundary). Lay patio, erect walls and relocate oil tank to rear of site.	Granted
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Existing Use(s):

Residential

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:

GP4 – Conservation Areas
GP7 – Archaeological Remains
GP8 – Design
GP9 – Sustainable Development
GP13 – Householder Development

Conclusion/Brief comment:

Under Section 38 of The Land Planning and Development (Guernsey) Law, 2005 the Authority has a duty to pay *“special attention to the desirability of preserving and enhancing the character and appearance”* of Conservation Areas. This duty is encapsulated in Policy GP4 (Conservation Areas) which states that *“proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.”*

The inclusion of the dormer windows to the front of the property are considered to conserve the character and appearance of the Conservation Area, and would not lead to any undue harm to the amenities of neighbouring residents on the opposite side of Kings Road.

To the rear, the proposed changes to the first floor balcony do raise some concerns in terms of creating a larger amenity space at first floor level. Although, the degree of harm in respect of overlooking would not be so substantial to justify refusal when

taking into account the size and design of the approved balcony. In particular, the extension of the balcony, incorporating 1.8m high screen to the northern edge, would be further away from the garden area to the north of the application site thereby reducing its overlooking effect. Due to the relationship and position of the balcony including 1.8m high obscured screen along the southern edge, the amenities of neighbouring residents immediately to the south of the application site would sufficiently be safeguarded.

All other alterations are considered acceptable.

It is reasonable to attach a condition to reflect the comments made by the States' Archaeologist in relation to application reference FULL/2017/0929 as the potential impact on buried archaeology remains.

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

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.

The application remains broadly the same to that approved in 2017. There has been no change in planning policy, or any other material planning consideration to warrant a different decision in respect of the works to the main dwelling and includes the detached outbuilding (garden room) to the rear.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 01/11/21