

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 extension at 1st floor level to east (side) with balcony at 1st floor level to south (rear) elevation, install cladding and alterations to fenestration.

LOCATION: Entebeni, Le Courtillet, St. Martin.

APPLICANT: Mr & Mrs Snedden

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: 06/01/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates - 2106 03.01A.

Application Ref: FULL/2021/1883

Property Ref: J01531B000

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. Prior to the commencement of any work in connection therewith details of the design and construction of the timber slatted screens to the east and west ends of the balconies hereby approved shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details and the slatted screens shall thereafter be retained in perpetuity.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to preserve the privacy of the occupiers of the adjoining dwellings.

5. The first floor en-suite window in the west elevation shall be glazed with obscure glass to a minimum of Pilkington Level 3 (or equivalent) and shall be retained as such in perpetuity.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

Expiry Date: This permission will cease to have effect on 05/01/2025 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/2021/1883
Property Ref: J01531B000
Valid date: 15/09/2021
Location: Entebeni Le Courtillet St. Martin Guernsey GY4 6DL
Proposal: Erect extension at 1st floor level to east (side) with balcony at 1st floor level to south (rear) elevation, install cladding and alterations to fenestration.
Applicant: Mr & Mrs Snedden

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).

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. Prior to the commencement of any work in connection therewith details of the design and construction of the timber slatted screens to the east and west ends of the balconies hereby approved shall be submitted to and agreed in writing by the

Authority. The development shall be carried out only in accordance with the agreed details and the slatted screens shall thereafter be retained in perpetuity.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to preserve the privacy of the occupiers of the adjoining dwellings.

5. The first floor en-suite window in the west elevation shall be glazed with obscure glass to a minimum of Pilkington Level 3 (or equivalent) and shall be retained as such in perpetuity.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

OFFICER'S REPORT

Site Description:

Entebeni is a detached dwelling that appears as a traditional one and a half storey dwelling served by pitched roof dormers from Le Courtillet. A one and two-storey flat roof rear extension of contemporary design was constructed c.10 years ago.

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

Relevant History:

Pre-application advice was sought in this case.

PAPP/2009/0516 – Extension and alterations
Approved 03-07-2009

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application relates to the erection of a first-floor side and rear extension which will have a pitched roof to the front/north and flat roof to the rear/south, a balcony across the rear of the property and the erection of a single-storey flat roof extension to the side/west of the dwelling. New timber cladding is proposed to the existing rear extension and to the single-storey and first floor extensions now proposed. The scheme also proposes the removal of the bow windows to the front/north elevation and a new en-suite window at first floor level to the side/west of the dwelling.

The application was amended following its deferral due to concerns relating to the impact of the balcony on the privacy enjoyed by the occupiers of adjoining dwellings. The screens to the side of the balconies are shown to be extended 0.45m beyond the balcony itself to direct views away from the neighbouring properties. The screens are to be constructed of vertical timber slats.

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

Island Development Plan policies:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

Two letters of representation were submitted objecting to the application as originally submitted and raising the following points:

- The extension would result in an unacceptable loss of privacy to the rear garden and detrimental to the enjoyment of children and grandchildren using the adjoining gardens
- The extensions, due to their proximity to the common boundary, will block sunlight from reaching the garden during the afternoons/evenings detrimental to the enjoyment of the garden
- The extension is disproportionate to the size of the plot harmful to the surrounding area – the development will be overbearing to the property itself and the adjoining residents
- The value of the application property would increase and the value of the adjoining dwelling would decrease

Two letters of representation were submitted following the receipt of revised plans reiterating the previous concerns and setting out that the design of the balconies has been amended to address overlooking issues but that the revisions would have a significantly worse adverse effect on the reasonable enjoyment of the neighbouring dwelling to the east. Concerns remain regarding overlooking but also regarding overshadowing from the development and the overbearing nature of the extensions and alterations:

- Extending the timber screens beyond the line of the easternmost balcony would block more sunlight from reaching the garden to the east of the site during the afternoon.
- The proximity and height of the two-storey gable wall has not been amended therefore no attempt has been made to reduce the extent of the shadow that would be cast by it
- The scheme does not address the loss of natural light to the west side of La Tour at ground floor level

- The further extended for as proposed would aggravate not alleviate issues regarding the overbearing nature of the extension
- The revisions show less respect for the well-being of neighbours of the development
- The scheme would not accord with the aims and objectives of the Island Development Plan policies

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the design and appearance of the extensions and their likely effect on the character and appearance of the locality and the potential impact on residential amenity with regard to sunlight and daylight and 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 design and appearance of the proposed extensions are in keeping with the existing dwelling. They represent a good standard of design in an area where the style and design of properties is varied. The contemporary style of the rear extension reflects the existing rear elevation of the property whilst the side extension would have a more traditional appearance to reflect the front elevation of the property. Concerns have been raised regarding an overdevelopment of this site however the erection of a first-floor extension at the property would make an efficient and effective use of land. In this respect, the scheme therefore meets the aims of Policies GP8, GP9 and GP13 of the Island Development Plan.

The proposed side extension will be situated close to the east site boundary and the public consultation process has highlighted issues relating to the overbearing nature of the extension and overshadowing that could be caused. La Tour has a first-floor gable window which is a secondary window serving a bedroom and a first floor staircase window in the west elevation facing the application site. At ground floor level is a west facing window that serves an open plan living/dining/kitchen area. The primary source of light to this open plan living space is via the large ground floor doors in the south elevation and a secondary south facing window adjacent to the staircase serving the property.

The proposed side extension has been designed to be subservient to the main building. Although the extension would be situated close to the east site boundary, La Tour, to the east, is set at an angle in its plot which provides a degree of separation between the two properties. Furthermore, the original pitched roof of the dwelling at Entebeni, appears to overshadow the west elevation of La Tour and this situation will not significantly alter by the subservient first floor flat roof extension proposed. In this case, the flat roof design of the rear extension and the siting and orientation of the adjoining dwelling is such that the proposed extension will not result in unacceptable overshadowing or loss of light to the accommodation or garden area.

Concerns have been raised through the public consultation period regarding the potential for overlooking and loss of privacy to adjoining gardens. The extensions have been designed to ensure that overlooking and loss of privacy is minimised. New fenestration to the side elevations of the property have been limited to a west facing bathroom window only which is shown to be obscure glazed, a matter that can be controlled by planning condition. First floor windows exist in the south elevation of the dwelling, offset to the east of the first-floor elevation in order to direct views across the garden and open land and away from the adjoining property to the west.

The balcony serving the master bedroom is shown to have a limited floor area of approximately 5.4 sqm. High timber slatted screens projecting beyond the southern edge of the balconies are now proposed (east and west) to restrict overlooking of the adjoining properties. Given the screens, the existing first floor extension and likely use of the balconies given their size they would not result in unacceptable overlooking and loss of privacy to the gardens of the adjoining dwellings.

The use of timber screens as described would be acceptable subject to their detailed design to ensure the slats are arranged to direct views away from the adjoining properties. Overall, the scheme has considered the health and well-being of occupiers of the adjoining dwellings by seeking to direct views from the proposed balconies away from the adjoining gardens, and would not result in unacceptable levels of overlooking. The scheme therefore meets the aims of Policies GP8, GP9 and GP13 of the Island Development Plan.

The scheme accords with the aims of the relevant policies in the Island Development Plan and it is recommended planning permission is granted for the proposed development.

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: 04 January 2022

