

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: Alter fenestration to create Juliet balcony at 1st floor level to north (rear) elevation.

LOCATION: Millview Cottage, Rue De Francais, Vale.

APPLICANT: Mr & Mrs P Baudains

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: 07/03/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Torode Architects - 2869 - 05D

Application Ref: FULL/2021/1988

Property Ref: C003100000

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 proposed glass balustrade of the Juliet balcony hereby approved, shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall be installed prior to the balcony being brought into use. The balustrade shall thereafter be so maintained and retained at all times.

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 06/03/2025 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/2021/1988
Property Ref: C003100000
Valid date: 03/09/2021
Location: Millview Cottage Rue De Francais Vale Guernsey GY3 5NW
Proposal: Alter fenestration to create Juliet balcony at 1st floor level to north (rear) elevation.

Applicant: Mr & Mrs P Baudains

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. The proposed glass balustrade of the Juliet balcony hereby approved, shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall be installed prior to the balcony being brought into use. The balustrade shall thereafter be so maintained and retained at all times.

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

OFFICER'S REPORT

Site Description:

The property known as 'Millview Cottage' is a one and a half storey dwelling with attached garage and rear extension. The house is setback from and faces south onto Rue de Francais, there are neighbouring properties to the east and west and open fields to the north. 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:

Initially the application was to erect a balcony at first floor level to north rear elevation. However, overlooking into the neighbours garden was considered to be overbearing.

Amended drawings came in with the balcony replaced with a Juliet balcony, to lessen the perception of being overlooked. The application was then re-advertised.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

One letter was received during the first advertising period and there has been one letter of representation received during the second advertising, both from the same person. The issues from the second letter are:

- The drawings do not show the correct red line boundary around the applicants' site.
- The proposed balcony would have an adverse effect and would additionally be incongruous within the surrounds, to an unacceptable degree.
- The proposed balcony and proposed window opening would result in an increased degree of overlooking our property to the detriment of our amenities.
- The elevation of the balcony would enable a distressing ability to overlook the neighbours' garden thereby affecting their ability to enjoy the garden. The proposed balcony is too close to the neighbouring property and represents an encroachment on the neighbours' ability to enjoy their amenity.

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 amended drawing now shows the correct red line boundary for the property.

This application was originally for a first floor balcony on the north rear elevation. However, there were concerns about the amount of overlooking and the perceptions of overlooking into and from the neighbour to the east.

The application was deferred, to allow the agent to mitigate the issues of overlooking. Amended draws were received which omit the balcony and show a

larger window with doors and a Juliet balcony. This solution does not mitigate the overlooking entirely, the larger window and Juliet balcony will have a greater impact than the existing gable window, but will be a great improvement on the overlooking from a balcony which would have detrimental impacts.

To further reduce the impacts a condition will be added to request the balustrade of the Juliet balcony be made of opaque glazing, this wouldn't reduce the amount of light coming into the room but would reduce direct overlooking and the perception of being overlooked when the neighbour is in their garden.

The proposed window and Juliette balcony are not thought to have any detrimental effects to the character of the area, and with the condition added the proposals are not considered to have any unacceptable detrimental impacts on the neighbours' amenity.

Policy GP9: Sustainable Development seeks to ensure all new development takes into account the use of energy and resources and any adverse impacts on the environment. There has been sufficient information provided with the application to comply with the requirements of this policy.

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: 02/03/2022