

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 two-storey extension to north (side) elevation and single storey flat roof extension with balcony at first floor level and raised terrace area to east (rear) elevation. Install external insulation render system and alterations to fenestration.

LOCATION: Liefde Ohana, Rue Du Presbytere, Castel.

APPLICANT: Mr & Mrs Brogan

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: 11/11/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Evans Architecture Ltd: 2104/01.01, 2104/03.01A & /03.02B.

Application Ref: FULL/2021/2001

Property Ref: D00919A000

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 ground floor bathroom window in the north elevation shall be glazed with obscure glass to a minimum of Pilkington Level 3, or equivalent, and shall thereafter be retained in perpetuity and no additional windows be inserted in this elevation.

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

5.The 1.8m high obscure glazed balcony screen hereby approved to the north of the first floor balcony shall be a minimum height of 1.8m above the finished floor level of the balcony, 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 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 10/11/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for

archaeological recording during any earth moving on the site.

The Archaeology team can be contacted on 01481 709738 , 01481 709739 or mobiles 07781 102219 or 07781 131061.

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/2021/2001
Property Ref: D00919A000
Valid date: 27/09/2021
Location: Liefde Ohana Rue Du Presbytere Castel Guernsey GY5 7NE
Proposal: Erect two-storey extension to north (side) elevation and single storey flat roof extension with balcony at first floor level and raised terrace area to east (rear) elevation. Install external insulation render system and alterations to fenestration.

Applicant: Mr & Mrs Brogan

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. The ground floor bathroom window in the north elevation shall be glazed with obscure glass to a minimum of Pilkington Level 3, or equivalent, and shall thereafter be retained in perpetuity and no additional windows be inserted in this elevation.

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

5. The 1.8m high obscure glazed balcony screen hereby approved to the north of the first floor balcony shall be a minimum height of 1.8m above the finished floor level of the balcony, 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 retained at all times.

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

INFORMATIVES

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site.

The Archaeology team can be contacted on 01481 709738 , 01481 709739 or mobiles 07781 102219 or 07781 131061.

OFFICER'S REPORT

Site Description:

Liefde Ohana is a detached bungalow situated to the east of Rue Du Presbytere. A detached mono-pitch roof garage/outbuilding is situated to the south of the dwelling and forward of the front/west elevation of the dwelling. Rue Du Presbytere is a hill sloping down from the church and cemetery to the south down to the crossroads with L'Aumone at the north.

Properties to the west of Rue Du Presbytere are single-storey pitched and hipped roof bungalows. A pitched roof bungalow, Highfield, is situated to the north of the application site with one south facing window overlooking the immediate rear garden area of the application site which at the time of the site visit had curtains drawn. This is a secondary window to the room as a west facing window also serves this accommodation. To the north of this adjoining dwelling is a large, two-storey

detached dwelling with its principle elevation facing north. To the south of the site is the Castel Church and cemetery.

The site is located Outside of the Centres and within a Conservation Area and Archaeological Area as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application relates to the erection of a one and a half-storey extension (6.8m high) to the side/north of the dwelling and the erection of a single-storey flat roof extension to the rear/east of the property incorporating a chimney stack and a balcony serving the one and a half-storey extension. A 1.8m high obscure glazed screen is proposed to the northern edge of the proposed balcony. An area of raised decking is also proposed to the rear of the extension with steps down on the western end to the garden.

The scheme was amended to simplify the front elevation (reduced palette of materials) and the insertion of a ground floor window in the north elevation of the extension as the proposed snug was not previously served by any external windows or doors.

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

Island Development Plan policies:

GP4: Protected Buildings
GP7: Archaeological Remains
GP8: Design
GP9: Sustainable Development
GP13: Householder Development

Representations:

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

- The application will have a negative impact on the natural beauty and landscape quality of the area – the site is located in a Conservation Area and adjacent to one of the island's most historic sites, Castel Church

- The development will impact on the Neolithic Statue Menhir – the scenery around this statue should be preserved
- There are largely uninterrupted views (without development) from the church and the proposals would negatively affect this view
- The extension and balcony will impact on the peaceful enjoyment of the churchyard where people pay their respects to loved ones – the balcony will make a spectacle of people visiting the churchyard and eliminate their privacy in a disrespectful and distasteful way
- The proposed development would impact on natural light to the living room window and prevent the use of the space in peace and privacy – the balcony would directly overlook the living room of Highfield to the north
- High Hedge legislation was introduced to prevent natural light from being obscured from other properties and the extension will have a significant impact on natural light to the adjoining dwelling because the application property is elevated in comparison and situated to the south of Highfield
- The extension would block views from the adjoining dwelling, Highfield
- The proposed balcony would be an eyesore to those visiting the churchyard
- A small and reasonably sized extension would be acceptable – the proposal is unreasonable and lacks consideration

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 Conservation Area 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 site is located in a predominantly residential area with residential dwellings to the north, west and east of the site and to the south, beyond and surrounding the church and cemetery. Concerns have been expressed regarding the impact of the extension on views from the church yard and the setting of the Neolithic Statue Menhir. The Neolithic Statue Menhir would be situated more than 60m from the flat roof extension to the rear of Liefde Ohana and the extension to the east and north of

the dwelling would be viewed in the context of the residential development north of the site, where Carlton Lodge situated beyond Highfield is a substantial two-storey dwelling. The development will not interrupt the skyline or prevent views of the distant coastline.

Design

The pitched and flat roof design of the proposed extensions and the simplified palette of materials set out in the application submission reflect the design and appearance of the existing dwelling and the character of the local built environment. The design, scale and mass of the proposed development represents a high standard of design that will conserve the character and appearance of the Conservation Area.

The scheme provides ample natural light to the accommodation proposed and offers flexible and adaptable accommodation that can respond to the needs of occupiers over time. The site and development will also offer access to and within the building for people of all ages and abilities.

Impact on residential amenity

Liefde Ohana is set forward of Highfield in its plot and the existing bungalow is set some distance from the common boundary. The one and a half-storey extension 6.8m high (eaves approximately 4.3m) will be situated to the front of the adjoining dwelling and 4m from the common boundary at the closest point between the two buildings. The proposed development will be situated to the south of the adjoining bungalow and it is noted that due to the topography of the land the extension will appear higher from this adjoining site. Nonetheless, the form of the proposed extension and its position to the front of Highfield is such that any loss of sunlight will occur to the front garden area in the latter part of the day and potential during the winter months. In terms of the impact on the side/south facing window at Highlands this window will not suffer from loss of light except during the evening due to the path of the sun to the south and its height in the middle of the day.

The impact of the development on the health and well-being of occupiers of the adjoining property has been considered with regard to the position of new windows in the north elevation of the dwelling and a condition can be imposed preventing additional windows being inserted in this elevation without the express permission of the Authority. A ground floor WC window is proposed which can reasonably be conditioned to be obscure glazed. A single window serving the proposed snug is also proposed which will face the front garden/driveway area of the neighbouring property to the north and will not result in unacceptable overlooking or loss of privacy in this case.

Concerns have been raised regarding the impact of the proposed balcony on the privacy of the occupiers at Highfield and the south facing window of this property that directly overlooks the rear garden of the application site. Exempt boundary treatments could be introduced at any time to screen the window from the

application site to offer mutual privacy for both properties. Given the position of the proposed balcony, with a high screen to the northern edge, it would not be possible for users of the external space to look directly into the window in the south elevation of Highfield. Users stood at the eastern edge of the balcony may be able to gain oblique views of the window to the north however it is not considered that this would be so significant to warrant the refusal of planning permission.

Concerns were also expressed regarding the impact of the extension and particularly the balcony on the privacy of users of the public cemetery to the east and south of the site. This public space entirely overlooks the garden of Liefde Ohana and the east boundary hedge remains low affording views both in and out of the site. There is no evidence to demonstrate that introduction of a balcony would have a detrimental impact on the use of the adjoining public land or that it would be used in such a way as to have a deliberate adverse effect on the users of the cemetery.

Overall, the scheme accords with the aims of Policies GP8, GP9 and GP13 of the Island Development Plan and it is recommended planning permission is granted for this 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: 03 November 2021

