

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 east (side) elevation, create first floor balcony to south (rear) elevation, install flue. Remove hedge and erect wall to east (side) and south (rear) boundary.

LOCATION: La Tour, Le Courtillet, St. Martin.

APPLICANT: Mr & Mrs B Le Huray

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: 16/12/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/10/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects: 1164_8, _9, _10, _11, _12, _13 & _18.

Application Ref: FULL/2021/2241

Property Ref: J01531A000

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 timber screens to the first floor windows and terrace shall be installed before the first use of the extension hereby permitted, and shall thereafter be retained and so maintained.

Reason - In the interests of neighbouring residential amenity.

5.The first floor windows in the east elevation of the extension hereby permitted shall be obscure glazed to a minimum of Level 3 on the Pilkington scale (or equivalent) and shall thereafter be so maintained.

Reason - In the interests of neighbouring residential amenity.

Expiry Date: This permission will cease to have effect on 15/12/2024 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/2021/2241
Property Ref: J01531A000
Valid date: 22/10/2021
Location: La Tour Le Courtillet St. Martin Guernsey GY4 6DL
Proposal: Erect two-storey extension to east (side) elevation, create first floor balcony to south (rear) elevation, install flue. Remove hedge and erect wall to east (side) and south (rear) boundary.

Applicant: Mr & Mrs B Le Huray

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 proposed timber screens to the first floor windows and terrace shall be installed before the first use of the extension hereby permitted, and shall thereafter be retained and so maintained.

Reason - In the interests of neighbouring residential amenity.

5. The first floor windows in the east elevation of the extension hereby permitted shall be obscure glazed to a minimum of Level 3 on the Pilkington scale (or equivalent) and shall thereafter be so maintained.

Reason - In the interests of neighbouring residential amenity.

OFFICER'S REPORT

Site Description:

The property known as 'La Tour' is a one and a half storey dwelling with a two storey modern flat roof extension to the rear. The dwelling is set back from and faces north onto Le Courtillet, there are neighbours to the east and west and across the road to the north. To the south are open agricultural fields. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2014/0819 - Raise ridge height and install two dormer windows and rooflight on north elevation and erect two storey extension on south elevation and 1.5 storey extension to east elevation with rooflight to front and dormer window to the rear – Approved May 2014.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to erect a two-storey extension to the east (side) elevation, create a first floor balcony to south (rear) elevation, install flue. Remove hedge and erect wall to east (side) and south (rear) boundary.

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

GP8 – Design

GP9 – Sustainable Development

GP13 – Householder Development

Representations:

There has been two letters of representation received and the issues are:

- The design of the extension is 'block-like'.
- The west extent of the easterly neighbour's garden will be substantially cast in shadow by the bulk of the extension in view of its height.
- There will be an over-looking aspect into the east neighbours garden which will have a deleterious visual impact on their easterly aspect, which will have significant adverse effects on their amenities.
- There will be overlooking – direct views into bedrooms – to the north from the first floor bedroom window.
- The extension will create a disproportionately large dwelling when compared to the size of the plot.
- The road facing 'wooden-box' style structure would not be in-keeping with the surrounding properties.
- The proposed extension will remove almost 100% of the view available to the northerly neighbours.

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.

Policy GP8 expects proposals to achieve a high standard of design which respects and where possible enhances the character of the environment. GP13 supports development where there are no significant adverse effects on the amenities of neighbouring properties. Both policies provide for a high degree of personal choice on design matters in less sensitive areas (outside of Conservation Areas and not affecting the setting of protected buildings).

Initially there were concerns about the visual appearance of the proposed extension from public view points and whether the modern extension would relate to and be in keeping with the surrounding area. The application was deferred to request further information.

Additional information was submitted, which provided further justification for the design and modern appearance of the proposed extension and the reasons why the design differs from the previously approved application FULL/2018/0819.

Policy GP13 does allow homeowners a greater degree of personal choice outside of the centres, which is this location, and although the extension has a slightly 'boxy' design, the scale and mass is similar to the previously approved extension.

The property is located on the outer curve of a bend in the road, and the road is a narrow neighbourhood road, which gives very limited views of the front of the property from either direction. The full extent of the existing dwelling and the proposed extension will only be fully seen when standing directly in front of the property. Therefore, concerns about detrimental visual impact on the character and appearance of the surrounding area are not considered to be applicable.

Due to the distances between Le Tour and the neighbouring properties, existing and proposed boundary hedges and walls, and given the extent of existing first floor glazing and provision of timber screens, overlooking in any direction from the proposed extension is not considered to cause any detrimental impacts on neighbour amenity. Front window of the proposed extension to the property across the road is over 20m; From the first floor rear balcony looking towards the southwest neighbour is over 15m and from the balcony looking towards the southeast neighbour's garden is over 18m.

The size and bulk of the proposed extension will result in some shadowing to the east in the winter when the sun is a lot lower in the sky, but not to an extent that is considered to warrant refusal. Therefore, the proposals are not thought to impact on neighbourhood amenity.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

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.

For the reasons set out within this report, it is recommended that planning permission be granted, subject to conditions.

Date: 15/12/2021