

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: Demolish extension, extend at ground floor and 1st floor level to north-east (rear) elevation.

LOCATION: Elder Cottage, Rue Du Moulin Huet, St. Martin.

APPLICANT: Mr & Mrs McKay

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: 05/05/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/11/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Grey Bear Architect - 105-3-001, 002 & 003A.

Application Ref: FULL/2021/2379

Property Ref: J013730000

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 flat roof dormer window serving bedroom 3 hereby approved shall be obscure glazed in full accordance with the details set out on the 'proposed south-east elevation' (drawing no. 105-3-003) and shall remain in perpetuity.

Reason - To protect the amenities of neighbouring residents.

Expiry Date: This permission will cease to have effect on 04/05/2025 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/2021/2379
Property Ref: J013730000
Valid date: 02/11/2021
Location: Elder Cottage Rue Du Moulin Huet St. Martin Guernsey GY4 6EJ
Proposal: Demolish extension, extend at ground floor and 1st floor level to north-east (rear) elevation.

Applicant: Mr & Mrs McKay

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 flat roof dormer window serving bedroom 3 hereby approved shall be obscure glazed in full accordance with the details set out on the 'proposed south-east elevation' (drawing no. 105-3-003) and shall remain in perpetuity.

Reason - To protect the amenities of neighbouring residents.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a semi-detached 1.5 storey Guernsey style cottage, located to the east of Rue du Moulin Huet.

The property is located Outside of the Centres and is set in a Conservation Area as designated in the Island Development Plan.

Planning permission is sought to demolish an extension and extend the property at ground floor and 1st floor level to the north-east (rear) elevation.

Concerns were raised with regards to the dormer window on the south-east elevation serving bedroom 3 and the potential overlooking effect towards the amenities of the neighbouring property to the south-east of the site due to the close proximity.

The agent has amended the application and made alterations to the dormer window to include fixed and obscured glazing up to 1.7m in height with clear top-hung fanlights above in attempt to overcome the concerns raised.

Relevant History:

FULL/2013/3151	Demolish conservatory and erect sun lounge at rear.	Granted
PAPP/2007/2696	Extend and alter dwelling	Granted
PAPP/2007/0522	Extend and alter dwelling	Granted
PAPP/2001/1996	Erect a conservatory.	Granted

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
GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Conclusion/Brief comment:

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 rear elevation of the property is not highly visible in public views from the road and therefore the construction of a mix of pitched roofs together with inclusion of proportionally scaled dormer windows is considered to achieve a satisfactory standard design. The flat roof link raises some concerns as to reducing the quality of the design, however in this secluded location which would be set below the pitched roofs, this would not amount to reasons to defer or refuse the application. Given that the proposal will not be highly visible in public views, the impact on the character and appearance of the Conservation Area will be negligible.

Careful consideration has been given to the effect of the development on the amenities of neighbouring residents. In light of the amendments secured, the dormer window serving bedroom 3 will not have a significant adverse impact on the amenities of neighbouring residents to the south-east of the site. Whilst it is recognised that the Juliet balcony serving the master bedroom will result in overlooking, the degree of additional harm to the existing situation that is likely to be caused would not be so substantial when taking into account the distance to the south-east boundary and the outdoor amenity space of the neighbouring property known as 'Dormers' which is separated by a driveway.

Some concerns are also raised in respect of the extension to the 'existing vertically tiled dormer construction' immediately adjacent to the north boundary. The height of such feature so close to the boundary does not represent good design coupled with its orientation, although when taking into the account the immediate area that

is likely to be overshadowed to the north of the application site serves a flat roof extension the degree of overshadowing would be limited.

In addition, the projection of the extension from the original house, would be of a similar building line to that of the neighbouring property to the north and therefore would not amount to substantial harm with regards to overbearingness to rebut the general support in favour of householder development to justify refusal.

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

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: 27/04/22