

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: Variation to previously approved plans to raise roof height and erect two storey extension with single storey flat roof extension to rear, and alter dwelling - Create balcony at 1st floor level to rear and install cladding (retrospective).

LOCATION: St. David, Route Militaire, St. Sampson.

APPLICANT: Mr I Crisell

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: 16/05/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/01/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: g2a Architecture - 2646-01 E1b, E2b & E3c.

Application Ref: FULL/2021/2381

Property Ref: B00699C000

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 on or before 20/02/2023.

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 21/02/2020, issued under planning application reference FULL/2019/2244, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation only.

5.The balcony hereby approved shall not be brought into use until such time as the side walls and rear balustrade have been constructed in accordance with the approved plans.

Reason - In the interest of neighbour amenity.

Expiry Date: This permission will cease to have effect on 20/02/2023 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, should the position of the flue or glazed balustrading be changed from those details submitted as part of this application, this would need to be submitted to and agreed in writing by the Authority, and may require a separate application to be submitted which would be assessed on its own merits.

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/2021/2381
Property Ref: B00699C000
Valid date: 04/01/2022
Location: St. David Route Militaire St. Sampson Guernsey GY2 4EE
Proposal: Variation to previously approved plans to raise roof height and erect two storey extension with single storey flat roof extension to rear, and alter dwelling - Create balcony at 1st floor level to rear and install cladding (retrospective).

Applicant: Mr I Crisell

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 on or before 20/02/2023.

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 21/02/2020, issued under planning application reference FULL/2019/2244, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation only.

5. The balcony hereby approved shall not be brought into use until such time as the side walls and rear balustrade have been constructed in accordance with the approved plans.

Reason - In the interest of neighbour amenity.

INFORMATIVES

For the avoidance of doubt, should the position of the flue or glazed balustrading be changed from those details submitted as part of this application, this would need to be submitted to and agreed in writing by the Authority, and may require a separate application to be submitted which would be assessed on its own merits.

OFFICER'S REPORT

Site Description:

"St. David" is a detached bungalow located to the west of Route Militaire, St Sampson, with the dwelling positioned towards the east of the site and a garden and detached workshop located to the rear.

The property is bounded by a mix of hedging and trees on the northern boundary and a mix of hedging and fencing to the south. The site is situated Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2021/1108 'Coromandel'	Change of use of agricultural land to domestic curtilage	Granted
FULL/2019/2244 St. David	Raise roof height and erect two storey extension with single storey flat roof extension to rear, and alter dwelling (Revised)	Granted
FULL/2017/2003 St. David	Raise roof height and erect two storey extension to front with single storey flat roof extension to rear, and alter dwelling.	Granted

Existing Use(s):

Residential

Brief Description of Development:

Planning permission was most recently granted in 2020 to raise the ridge height of the property and erect a two storey extension with single storey flat roof extension to rear, together with other alterations.

Planning permission is now sought to vary the permission approved by creating a balcony at first floor level to rear and install cladding (retrospective).

Concerns were raised with regards to the potential for overlooking towards neighbouring residents to the north and south of the dwelling due to the height of the balustrading.

The agent has amended the drawings by increasing the height of the balustrading to the north and south of the balcony and stepping in the glazed balustrading off the western edge of the balcony in attempt to overcome the concerns raised.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder development

Representations:

The Authority has received representations from one party objecting to the original and revised proposal. Grounds for objection principally relate to the following issues:-

Original proposal:

- Verbal agreement of a limited sized balcony, not a full roof terrace with low balustrading.
- Concerns in respect of overlooking towards external amenity space and ground floor windows.
- No objection to having a balcony as long as it's not overlooking.

Revised proposal:

- The size of the balcony has been reduced and the side walls of the balcony have been increased in height.
- Unclear over the position of the flue.
- Concerns that the balcony will be bigger than what is shown to accommodate the flue.

Consultations:

None.

Summary of Issues:

- The impact of the development on the character and appearance of the area.
- Whether the proposal would have any detrimental impacts on the amenities afforded to the occupiers of neighbouring properties;

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

Policy GP13 (Householder Development) states that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Area, Area of Biodiversity Importance, protected building or protected monument. In this instance Policy GP8 (Design) is also relevant.

The property in question is not a protected building nor situated within a Conservation Area. In less sensitive areas such as this, Policy GP13 indicates that less prescriptive control will be applied and thereby allowing property owner's greater freedom of choice with regards to private property development. This flexible and proportionate approach underpins the objectives of the Island Development Plan and is further substantiated by Policy GP8 which adopts a supportive position with regarding to building design in areas that are less sensitive to change.

Some concerns are raised with regards to the design of the proposed balcony, in particular the high walls on both the north and south elevations which add to the visual mass and bulk of the dwelling. The balcony is however located to the rear of the property and is likely to have a limited visual effect in the street scene due to the surrounding built development. Consequently, the design of the balcony is unlikely to cause undue harm to visual amenity, and would not rebut the general support in favour of householder development.

The use of cladding in this location is supported under policy.

In light of the amendments secured, raising the height of the side walls of the balcony will mitigate the most impactful views towards neighbouring residents to the north and south of the application site. Setting back the glazed balustrade along

the western edge of the balcony will also help to restrict views towards neighbouring properties, therefore only allowing oblique angles. These restricted views from the balcony would not be so substantial as to justify refusal.

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

The application is compliant with the relevant Island Development Plan policies.

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.

In response to the representations received, the offset position of the flue between the ground floor and first floor plans could be due to the angle of the flue within the building. However, if any change to the position of the flue is proposed an amended plan would need to be submitted to and agreed in writing by the Authority, and may require a separate application to be submitted.

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

Date: 12/05/22