

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: Extend and alter at lower ground floor, ground floor and create accommodation at first floor level, erect roadside boundary wall and alter vehicle access and erect gates.

LOCATION: Chamonix, 82 York Way, Fort George, St. Peter Port.

APPLICANT: Mr & Mrs R Martin

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: 23/03/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/10/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room: 294 C1, C2A, C3, C4, C5, C6, C7, C8, C9, C10, C11A & C12.

Application Ref: FULL/2021/2390

Property Ref: A41110A082

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.Prior to the erection of the wall along the south-west boundary (Number 14 of drawing 294 C2A), a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting along the south-west boundary;
- ii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

5.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 4, in the first planting season following the first occupation of the extended dwelling or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

Expiry Date: This permission will cease to have effect on 22/03/2025 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/2021/2390
Property Ref: A41110A082
Valid date: 26/10/2021
Location: Chamonix 82 York Way Fort George Fort George St. Peter Port
Guernsey GY1 2SY
Proposal: Extend and alter at lower ground floor, ground floor and
create accommodation at first floor level, erect roadside
boundary wall and alter vehicle access and erect gates.
Applicant: Mr & Mrs R Martin

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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. Prior to the erection of the wall along the south-west boundary (Number 14 of drawing 294 C2A), a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

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Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

OFFICER'S REPORT

Site Description:

The site contains a detached dwelling situated on the Fort George residential estate. The site is bounded on 3 sides by neighbouring residential properties and is bounded by the estate road Hautes Falaises to the south-west. The site and surrounding area slopes downwards towards the east. The existing dwelling comprises a hipped roof built into the rising land, appearing as a single storey structure from the north-west and a two storey structure from the south and south-east. The site is located Outside of the Centres in the Island Development Plan.

Relevant History:

None

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested for extensive extensions and alterations to the dwelling including remove hipped roof and erect an additional storey and to replace roof forms with flat roofs, extend at lower ground and ground floor levels, install new and extend existing balconies, erect roadside boundary wall and alter vehicle access and erect gates.

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

GP1 Landscape Character and Open Land
GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

None

Consultations:

None

Summary of Issues:

Design and impact on the character of the area.
Impact on neighbour amenity.

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 indicates that proposals for the extension and alteration of existing dwellings will be supported subject to certain criteria being met including with regards to the impact on the amenities of neighbouring properties, taking into account the surrounding character and where they accord with all the relevant policies of the Island Development Plan. In this instance Policies GP1, GP8 and GP9, are also relevant. In addition, the preceding text of Policy GP13 refers to the need to consider the material planning considerations as specified in Part IV, Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007. These include the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used, as well as its

likely effect on the character and amenity of the locality in question and its likely effect on the reasonable enjoyment of neighbouring properties.

Policy GP1 sets out that development will be supported where it respects the relevant landscape character type within which it is set, where development does not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area, and takes advantage where practicable of opportunities to improve visual and physical access to open and undeveloped land.

Policy GP8 seeks to ensure that new development achieves a good standard of design making effective use of land whilst respecting the character of the open landscape character concerned. Development should also give consideration to the amenities of occupiers and surrounding neighbours and provide accessibility for all. Policy GP8 requires development to make the most effective and efficient use of land. In this respect, it highlights that multi-storey buildings are a more efficient use of land than single storey buildings and it states that development proposals should consider a multi-storey design from the outset, unless there are overriding reasons why this design approach would be unacceptable within a particular locality. In addition, in less sensitive areas, such as the application site which is not within a Conservation Area and where the development does not affect a protected building or protected monument or their settings, Policy GP8 adopts a supportive position with regard to building design to enable the property owner to exert personal choice in design matters.

In this case, the surrounding area is not defined by a uniform character but is characterised by a range of building ages, forms, sizes and styles. The existing dwelling is not of any architectural or historic value and does not make a significant positive contribution to the character of the area. The proposal would result in a substantial increase to the scale and mass of the dwelling, with the ridge height increasing by 2.4 metres. The site is prominent in views along the highway Hautes Falaises and would be visible in medium range views from Princes Close and Rue Vautier to the south and south-east where it would be seen in context with neighbouring dwellings stepping up the hillside.

The dwelling would be situated on a good sized plot and despite the increase to the scale and mass of the dwelling, the size of the dwelling would be proportionate to the size of the plot as a whole and its height would continue the stepped nature of dwellings on the hillside, being higher than dwellings to the east but lower than dwellings to the west. As a result, the dwelling would be viewed in context with neighbouring properties on higher ground to the west, which would limit its impact on the character and appearance of the area. Whilst the proposal will introduce a contemporary three storey design when viewed from the south and south-east, the property is not located within a Conservation Area or other sensitive area, as set out in the preceding explanation to Policy GP8, and Policy GP8 provides support for personal choice in design matters in such circumstances, as well as encouraging multi-storey designs as a more efficient use of land. The visual impact of the dwelling

could be further softened by landscaping along the road frontage to the south-west, including tree planting, this could be dealt with by condition. There is a mix of style of properties within the wider area and the contemporary two to three storey design and materials proposed would not detract from the openness of the area and would not have a significant adverse effect on the character of the local built environment, in accordance with Policies GP1, GP8 and GP13.

A 1.8m high rendered wall is proposed along the road frontage to the south-west but it would be set back 1.2m from the property boundary to enable a hedge to be planted in front of the wall. Details of the hedge would be required but it is likely that the proposal would not cause significant harm to the character and visual amenity of the area. The alterations to the access including the erection of high walls and gates is similar to other properties within the area and would have no adverse effects.

The proposal would involve a substantial increase to the scale and mass of the dwelling, with the ridge height increasing by 2.4 metres. However, the extended dwelling is situated centrally within the site and is set back a minimum of 7 metres from neighbouring boundaries. As a result, any impact on neighbouring properties in terms of overshadowing, overbearing effect or loss of outlook would not be significant.

An existing balcony to the south-east of the dwelling is proposed to be extended and additional boundaries are proposed to the south and east elevations. The additional first floor balcony to the east elevation includes a high timber screen along its north elevation which would direct views away from the neighbouring property to the north, and together with the combination of the distance to neighbouring properties, existing well established boundary hedges, the layout of neighbouring properties and the relative levels of the application site and neighbouring properties, the proposal is unlikely to result in a significant increase in overlooking of neighbouring properties. The proposal is therefore unlikely to have a material adverse effect on the amenities of neighbouring residents.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

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.

It is recommended that the application is approved.

Date: 21/03/2022

