

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: Extension at first floor level to south (side) elevation and alterations to fenestration

LOCATION: Le Paradis, Rue De la Mer, Les Barras Lane, Les Prins, Vale.

APPLICANT: Mr J Herve

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: 09/03/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/11/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Grey Bear Chartered Architect; 116-3-001 & 002

Application Ref: FULL/2021/2400

Property Ref: C024150044

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 first floor window in the west facing elevation of the extension serving the en-suite shall be glazed with obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent) which shall thereafter be retained at all times. No changes shall be made to this window nor shall any additional windows be inserted in this elevation.

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 08/03/2025 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/2021/2400
Property Ref: C024150044
Valid date: 25/11/2021
Location: Le Paradis Rue De la Mer Les Barras Lane Les Prins Les Prins
Vale Guernsey GY6 8EY
Proposal: Extension at first floor level to south (side) elevation and
alterations to fenestration

Applicant: Mr J Herve

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.

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

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a semi-detached dwelling which is located Outside of the Centres as defined in the Island Development Plan.

Planning permission is sought to extend the dwelling at first floor level to the south (side) elevation and alter the fenestration. The first floor accommodation will serve as a bedroom and ensuite.

Relevant History:

FULL/2016/1392	Block up bottom half of front ground floor window and install cladding (front elevation).	Granted
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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:

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Conclusion/Brief comment:

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.

As the dwelling is not a Protected Building or located within a Conservation Area, the Island Development Plan adopts a supportive position with regard to building design in less sensitive areas such as this to enable the property owner to exert personal choice in design matters (Policy GP8). This flexibility also allows the provision for contemporary design where appropriate.

The mix of a pitched roof and flat roof first floor extension is considered to respect the character and appearance of the original dwelling by virtue of its subservient nature, and wider area. A number of properties in the locality have also been extended to the side and rear which are visible from within the Estate. Given that the extension is setback from the façade of the house and incorporates a pitched roof to the front of the extension it is unlikely to cause any detrimental effect on the surrounding built form or amenity. The flat roof aspect will only be visible in oblique glimpsed views when 'read' in the street scene.

Consequently, the additional mass and bulk of the property is not considered to be unduly excessive, or significant, to rebut the general support in favour of householder development (Policy GP13).

Careful consideration has been given to the impact of the development on neighbour amenity. The first floor extension has been designed to respect the amenities of neighbouring residents as it will only incorporate windows to the front and rear of the extension.

To the front, views from the bedroom will directly overlook the driveway, with only oblique views towards the neighbouring dwelling to the south. Whilst these oblique views to the south do not achieve a particularly good relationship, the existing relationship between both properties is not particularly well related due to the interrelationship and overlooking effect between both properties. Consequently, any additional overlooking is not considered to justify refusal.

It is noted that a high level window will be installed to the rear and will incorporate obscure glazing serving the ensuite bathroom.

It is likely that the majority of the flat roof extension to the rear will only directly affect the amenities of the existing dwelling by virtue of its overshadowing effect. The neighbouring property to the north is unlikely to be significantly affected to

warrant refusal in terms of overshadowing or overbearingness. Neighbouring garages, outbuildings or garden structures, however named, bound the site to the south.

All other alterations are considered acceptable.

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

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.

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: 07/03/22

