

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 at ground and 1st floor level, install rooflight to north (rear) elevation and alterations to fenestration.

LOCATION: 2 Leyton Place, Robergerie Road, St. Sampson.

APPLICANT: Mr & Mrs D Le Cornu

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 19/11/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arctech - DLC-21-1051-02C

Application Ref: FULL/2021/2416

Property Ref: B007770000

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.

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/2021/2416
Property Ref: B007770000
Valid date: 19/11/2021
Location: 2 Leyton Place Robergerie Road St. Sampson Guernsey GY2 4NG
Proposal: Extend at ground and 1st floor level, install rooflight to north (rear) elevation and alterations to fenestration.
Applicant: Mr & Mrs D Le Cornu

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.

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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.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a semi-detached, art-deco inspired two storey flat roof dwelling-house located to the north of Robergerie. The property is surrounded by residential properties to the north, east and to the west. The property is located within a Conservation Area and Main Centre Outer Area as defined in the Island Development Plan.

Planning permission is sought to erect an extension at ground and first floor level, install a roof light to the north (rear) elevation, and alter the fenestration.

Concerns were raised with regards to the potential overlooking effect from the proposed Juliet balcony towards neighbouring residents. The agent has subsequently amended the application and incorporated a casement window to serve the proposed bedroom.

Relevant History:

None pertinent to this application.

Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

✓
✓
✓
✓

visual amenity acceptable
no material neighbour impact
traffic not affected

✓
✓
✓

Policies considered most relevant:

GP4 Conservation Area
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.

Policy GP4 (Conservation Areas) states that proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.

Policy GP13 (Householder Development) stipulates 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.

The proposal represents a modest sized addition to the property at ground and first floor level. The proposal achieves a high enough standard of design for the purposes of Policy GP8 in terms of its scale, mass, form, siting and materials which respects the art-deco inspired building. In addition, the proposal is not considered to have a negative effect on the rear built form of the surrounding area that would rebut the general support in favour of householder development (Policy GP13).

Despite being visible in the Conservation Area to the west of the property, the proposal is also considered to conserve the character and appearance of the Conservation Area for the purposes of Policy GP4 when taking into account the amendments secured by virtue of replicating the art-deco inspired detailing.

Careful consideration has been given to the effect of the development on the amenities of neighbouring residents. Due to the proximity between the first floor extension and the neighbouring properties to the east and west of the application site, the development is likely to result in overshadowing and have an overbearing effect. However, the degree of harm to neighbour amenity is not considered to be significant to justify refusal when taking into account the flat roof design, limited mass and projection of the extension together with its relationship and orientation to neighbouring properties.

It is also recognised that the first floor casement window will result in overlooking towards the neighbouring properties to the north in particular, with oblique views to neighbouring properties to the north-east, east and west of the application site.

Although, when taking into account the distance to neighbouring properties, the existing overlooking relationship, together with the limited size of the window (1.1 wide) and the provisions under the Land Planning and Development (Exemptions) Ordinance 2007 which for comparative purposes allows for a dormer window of a similar width to be installed at no less than 10m from neighbouring properties, the resultant effect of the development is considered to result in limited harm.

By comparison purposes only, the proposed window is setback from the north boundary (backing onto Es Vedrá) by 10m and 6m to the rear boundary of the neighbouring property to the north-east of the site (Valinor). By virtue of the acute

angle of view towards Valinor from the proposed casement window, together with the position of a mature tree in the south-west corner of their property (Valinor), these factors are considered to limit the extent of overlooking to an acceptable level.

Overall, any additional overlooking effect is not considered to be so substantial to give rise to significant concerns to warrant refusal when taking into account the amendments secured.

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: 05/05/22