

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: Variations to previously approved plans to install catslide dormer window, alter lean-to roof to flat roof and erect privacy screen on rear (west) elevation - Omit balcony and extend dormer window to west (rear) elevation and infill 1st floor gable window.

LOCATION: Dauphin Vert, Portinfer Road, Vale.

APPLICANT: Mr L Smyth

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: 18/02/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/11/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JG Architecture - 2018 02.01A.

Application Ref: FULL/2021/2421

Property Ref: C024700002

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 23/03/2024.

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 24/03/2021, issued under planning application reference FULL/2020/0798, and subject to the terms and conditions thereof.

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

Expiry Date: This permission will cease to have effect on 23/03/2024 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/2021/2421
Property Ref: C024700002
Valid date: 30/11/2021
Location: Dauphin Vert Portinfer Road Vale Guernsey GY6 8LN
Proposal: Variations to previously approved plans to install catslide dormer window, alter lean-to roof to flat roof and erect privacy screen on rear (west) elevation - Omit balcony and extend dormer window to west (rear) elevation and infill 1st floor gable window.

Applicant: Mr L Smyth

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 23/03/2024.

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 24/03/2021, issued under planning application reference FULL/2020/0798, and subject to the terms and conditions thereof.

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

OFFICER'S REPORT

Site Description:

Dauphin Vert is a pitched roof mid-terrace property located to the west of Portinfer Road, Vale.

Based on the information available, the rear garden of Ormer Cottage (attached to the north) is immediately located to the rear of that dwelling, whereas Dauphin Vert and the adjoining property to the south, known as 'Arundil', are both served by detached gardens, setback from the respective properties over a gravel driveway.

The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

Ormer Cottage - FULL/2017/2279 - Demolish single-storey rear extension and construct two-storey extension with catslide roof and single- storey flat roof extension with roof terrace over. Re-roof existing side extension and install rooflight in front roofslope – granted

FULL/2020/0798 - Install catslide dormer window, alter lean-to roof to flat roof and erect privacy screen on rear (west) elevation - granted

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application proposes variations to the previously approved scheme. The variations relate to the change from a catslide dormer to a catslide first floor extension with dormer extending over the ground floor (approved scheme included a change from a mono-pitch to a flat roof serving the ground floor). The scheme retains a 1.8m high obscure glazed screen to the northern edge of the flat roof and across part of the western edge of the ground floor flat roof in order to direct views

away from the adjoining property. The scheme also proposes alterations to the first floor fenestration, omission of a rooflight from the dormer extension, infilling a window, altering the previously approved gable window to the sitting room and enlarging a window in the rear extension.

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

Island Development Plan policies:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

One letter has been submitted commenting on the application and identifying inaccuracies in the covering letter that has been submitted in relation to the application:

- There have been few discussions with the owners of Ormer Cottage regarding the proposed development and how this may impact on the privacy or completion of Ormer Cottage
- It is incorrect that the outside amenity area of Ormer Cottage will be used solely for parking and turning. It is intended that the area will be used for both parking (at the west end of the boundary) with a patio garden closest to Ormer Cottage and the boundary with Dauphin Vert
- The visuals do not give a fair and accurate special representation of the current or proposed outside areas in the development of either property
- A site visit is recommended

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the design and appearance of the revised extension and associated alterations and their likely effect on the character and appearance of the locality and the potential impact on residential amenity with regard to sunlight and daylight and loss of privacy.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The principle of constructing a dormer extension to the west of Dauphin Vert obscure glazed screens has been established through the grant of planning permission under application reference FULL/2020/0798. The purpose of this application is not to revisit the principle of the development but to assess the impact of the changes proposed.

The rear of the site is publicly visible and overall, the design of the development does not significantly alter from the previously approved scheme and also draws from the approved scheme to extend Ormer Cottage, to the north. The proposed first floor extension and alterations to fenestration represents a good standard of design that respects the local built environment and open landscape concerned (GP8 and GP13).

The enlargement of the first-floor extension will not result in overshadowing or loss of light to the rear of Ormer Cottage, where the 2017 extension is under construction, because the proposed extension will not project beyond the rear of this neighbouring dwelling. The combined effect of the 1.8m high obscure glazed screen shown to be provided at Dauphin Vert and the approved high screen to the southern edge of the extension rear of Ormer Cottage is such that the situation will not significantly alter from the approved scheme. An element of overlooking towards the rear gardens of Ormer Cottage and Arundil may occur from the enlarged first-floor extension, but this would not significantly alter from the approved scheme nor result in an unacceptable degree of overlooking and loss of privacy that would warrant the refusal of planning permission given the distance and relationship to neighbouring gardens (GP8, GP9 and GP13).

The alteration to the window in the west and south elevation of the scheme are considered acceptable and will not significantly alter the impact of the development on the amenities of surrounding occupiers (GP8, GP9 and GP13). The infilling of an existing gable window and omission of a rooflight are acceptable.

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

In view of the above it is recommended planning permission is granted for the amendments proposed.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 17 February 2022

