

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: Erect car port with raised terrace pool area at 1st floor level to east (rear) elevation (retrospective) (Protected Building).

LOCATION: Villa Fallaise, Havelet, St. Peter Port.

APPLICANT: Mr P Hearn

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: 15/02/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/11/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates - 2157 01.01 & 03.01A.

Application Ref: FULL/2021/2491

Property Ref: A407310000

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 south boundary planters and 1.6m plants must be installed within four months of the date of the approval and shall thereafter be retained at all times.

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 14/02/2025 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/2021/2491
Property Ref: A407310000
Valid date: 17/11/2021
Location: Villa Fallaise Havelet St. Peter Port Guernsey GY1 1BB
Proposal: Erect car port with raised terrace pool area at 1st floor level to east (rear) elevation (retrospective) (Protected Building).

Applicant: Mr P Hearn

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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4. The south boundary planters and 1.6m plants must be installed within four months of the date of the approval and shall thereafter be retained at all times.

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

INFORMATIVES

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Villa Fallaise' is a mid-terrace pre-1900, two and a half storey dwelling, which sits directly onto and faces west onto Havelet. There are attached properties to the north and south with gardens to the east. The land falls away to the east.

The property is located in the St Peter Port Main Centre and is within the Conservation Area as defined in the Island Development Plan. The property is a Protected Building.

Relevant History:

FULL/2017/0939 - Variations to plans previously approved to extend existing terrace, erect car port, demolish shed, erect plant room/store and install swimming pool at rear of dwelling - Alter position of swimming pool (Protected Building) – Approve May 2017.

FULL/2016/1795 - Extend existing terrace, erect car port, demolish shed, erect plant room/store and install swimming pool at rear of dwelling (Protected Building) – Approved September 2016.

Existing Use(s):

Residential use class 1: dwelling house.

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

X
X
X
X

visual amenity acceptable
no material neighbour impact
traffic not affected

X
X
X

Policies considered most relevant:

GP4: Conservation Areas
GP5: Protected Buildings
GP8: Design
GP9: Sustainable Development
GP13: Householder Development

Conclusion/Brief comment:

This is a retrospective application to erect a car port with raised terrace pool area at first floor level (ground floor of main house) to the rear elevation of the property. There were previous applications for the terrace and pool area, which had conditions about screening along the south boundary attached.

However, the completed works are very different to the approved plans;

- a) The pool is in a different location, closer to the house and orientated north south instead of east west.
- b) The terrace is split level, rather than single level.
- c) The staircase to the lower parking level is now closer to the south boundary, rather than in the centre of the property's garden area, and
- d) There is no screening at all to prevent overlooking into the southern neighbours garden.

The completed development has a reduced footprint to what was previously approved, which is preferable as it has less of an impact on the surrounding conservation area. The completed development does not detract from the character or openness of the surrounding conservation area and so policy GP4 is complied with.

The reduced scheme is considered to be well designed, is constructed out of materials which complement the main house and is considered to be in-keeping with the host dwelling. However, the main difference which is causing concern is the lack of screen due to the developments elevated position. The previous approval noted that *'the boundary screening and vegetation on site would largely screen the development from the surrounding area. The proposal would therefore not negatively impact on the character or appearance of the surrounding Conservation Area.'*

The previous applications approval was only permitted if the south boundary was screened to prevent overlooking, and a condition was applied. However, with the changes and the relocation of the stairs, from the lower parking level, to close to the south boundary the foot traffic in this area would have increased and without any screening the prospect of overlooking will have increased.

At present, along the south boundary, there are three panels of 1.8m opaque screening closest to the house and then a 1.1m high clear glass balustrade along the rest of the south boundary and the overlooking into the immediate two south

neighbours is vast. The application was deferred to allow the agents the opportunity to address this issue.

The amended drawings show a number of planters along the south boundary, with a row of 1.8m hedge plants, not dissimilar to the natural screening shown on the previous application drawings. A condition will be applied to ensure the mature hedge planters are installed, and once installed the completed proposals will be screened naturally and so lessen any negative impacts on the character or appearance of the surrounding conservation area or nearby protected buildings settings.

Only the front façade of the building is protected and so the previous approvals were considered to comply with GP5. The completed development is not considered to have any adverse effects on the special interest of the setting of Villa Fallaise or the setting of the adjacent dwellings which are also protected buildings in accordance with GP5.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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.

Recommendation:

Grant with Conditions



Date: 09/02/2022

