

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: Replacement windows to east (front) elevation, alteration of 1st floor west (rear) window and creation of 1st floor balcony.

LOCATION: The Isles, St. George's Esplanade, St. Peter Port.

APPLICANT: Zekavica Investments

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: 16/05/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/12/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Brian Martel 4175.02. 01, 02B & 03B.

Application Ref: FULL/2021/2512

Property Ref: A108050000

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 privacy screen shown on the approved plans shall be glazed with obscure glass to a minimum of Level 3 on the Pilkington scale (or equivalent) and shall be installed prior to the balcony hereby approved being brought into first use. The screen shall thereafter be retained at all times.

Reason - To protect the amenities of neighbouring residents.

Expiry Date: This permission will cease to have effect on 15/05/2025 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/2021/2512
Property Ref: A108050000
Valid date: 07/12/2021
Location: The Isles St. George's Esplanade St. Peter Port Guernsey GY1 2BJ
Proposal: Replacement windows to east (front) elevation, alteration of 1st floor west (rear) window and creation of 1st floor balcony.
Applicant: Zekavica Investments

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 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. The privacy screen shown on the approved plans shall be glazed with obscure glass to a minimum of Level 3 on the Pilkington scale (or equivalent) and shall be installed prior to the balcony hereby approved being brought into first use. The screen shall thereafter be retained at all times.

Reason - To protect the amenities of neighbouring residents.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a 2.5 storey, mid terrace property fronting onto St. George's Esplanade. It is understood that the property is split into 3 flats. The property is located in the Main Centre Outer Area and Conservation Area as defined in the Island Development Plan.

Planning permission is sought to install replacement windows to the east (front) elevation, alter the fenestration at ground and first floor level, and install a balcony to the rear of the property.

Some concerns were raised regarding the proposed balcony and its relationship to the neighbouring property to the north of the site. The agent has provided a privacy screen in an attempt to overcome the concerns raised.

Relevant History:

None pertinent to the 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 Areas
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.

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting Conservation Areas that special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that Area.

Based on the alterations proposed, the replacement fenestration to the front of the property will have a negligible effect on the character and appearance of the Conservation Area.

Towards the rear, the property is flanked by neighbouring properties creating an enclosed space and therefore the proposals will not be overly visible in the surrounding area.

Careful consideration has been given to the effect of the balcony on the amenities of neighbouring residents. Due to the limited size of the balcony and its setback position from the north boundary together with the amendments secured, namely the introduction of a privacy screen, the amenities of neighbouring properties will be reasonably protected.

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: 16/05/22

