

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 flat roof extension at first floor level to create additional accommodation.

LOCATION: Kaer Morhen, Hougues Magues Clos, Hougues Magues Lane, St. Sampson.

APPLICANT: Mr I Thomson

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: 05/04/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/01/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTECH Freelance Architecture: IT-21-1038-03B

Application Ref: FULL/2022/0071

Property Ref: B01333B1A0

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 04/04/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Notwithstanding the information submitted, the applicant may wish to consider incorporating obscure glass to serve the first floor en-suite window to protect their own amenity.

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/2022/0071
Property Ref: B01333B1A0
Valid date: 25/01/2022
Location: Kaer Morhen Hougues Magues Clos Hougues Magues Lane St. Sampson Guernsey GY2 4WA
Proposal: Erect flat roof extension at first floor level to create additional accommodation.
Applicant: Mr I Thomson

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.

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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.

INFORMATIVES

Notwithstanding the information submitted, the applicant may wish to consider incorporating obscure glass to serve the first floor en-suite window to protect their own amenity.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a single storey detached dwelling-house located to the east of Hougues Magues Lane, and forms the entrance to a residential clos. The property is located Outside of the Centres as defined in the Island Development Plan.

Planning permission is sought to erect a flat roof extension at first floor level in order to create additional habitable accommodation. The proposed first floor will serve two bedrooms and an en-suite.

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:

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.

Policy GP8 of the IDP states that *'In other, less sensitive areas' (not within Conservation Areas, Sites of Special Significance and Protected buildings), 'a good standard of design will be expected, however the Island Development Plan adopts a supportive position with regard to building design in these areas to enable the property owner to exert personal choice in design matters. This adopts the flexible and proportionate approach that underpins the Plan Objectives of the Island Development Plan.'* In addition, the preceding text to this policy refers to the need to consider the material planning considerations as specified in Part IV, Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007. These include the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used, as well as its likely effect on the character and amenity of the locality in question and its likely effect on the reasonable enjoyment of neighbouring properties.

The dwelling is not within an area of higher protection as defined by the IDP, therefore the extension must be considered on its merits and an assessment be based on the impact on the character and amenity of the area.

Hougues Magues Clos is typically characterised by two storey flat roof dwellings that are visible in public views along Hougues Magues Lane. The first floor flat roof extension is considered to respect the existing building and will be 'read' in context with neighbouring properties on the Clos. The proposed design is considered to respect the character and appearance of the building, and will be in keeping with the surrounding built environment despite being highly visible in public views. Policy GP8 supports development that makes the most effective and efficient use of land whilst respecting the surrounding built environment. The creation of a two storey flat roof extension in the manner adopted clearly demonstrates an effective and efficient use of land. Consequently, the principle to erect a two storey flat roof extension is acceptable based on the characteristics of the locality.

Careful consideration has been given to the effect of the development on the amenities of neighbouring residents. The first floor windows to the front (south) of the building will face towards the clos road, with a private parking area and a pitched roof building immediately beyond. The existing overlooking and intervisibility relationship between the facades of the row of properties to the north and south of the clos road, together with the distance between the proposed first floor windows to the front of the building and the neighbouring property to the south would not cause undue harm to warrant refusal.

The first floor windows to the rear (north) elevation of the proposed extension will predominately face towards the rear garden of the application site and the neighbour's car parking area beyond. However, the first floor window serving the master bedroom will face directly towards the blank gable end of the neighbouring property to the north, known as 'Chalfont Bungalow'.

It is not considered necessary to attach a condition to the decision to ensure that the first floor en-suite window be obscure glazed given that the area immediately to the north serves a car parking area. Although, the applicant may wish to incorporate obscure glazing to protect their own privacy.

Whilst it is recognised that the remaining bedroom at first floor level will result in overlooking towards the neighbouring property to the north, the area overlooked as set out above faces towards a car parking area, with potential oblique angles towards the front facing windows of Chalfont Bungalow. Although, the degree of harm to their amenity from one of the first floor windows together with the relationship and extent of overlooking is not considered to be significant to neighbour amenity to warrant refusal. Consequently, the overall effect on neighbour amenity will be limited.

The application is compliant with Policies GP8 and GP13.

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: 25/03/22

