

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: Demolish plant room, erect extension at ground floor level with covered area at lower ground floor level to west (rear) elevation, single storey extension to east (front) elevation and alteration to fenestration.

LOCATION: Damouettes Lodge, Damouettes Lane, St. Peter Port.

APPLICANT: Mr D Talbot MBE

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: 24/06/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/03/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Paul Langlois 2102/ 11A & 12B.

Application Ref: FULL/2022/0411

Property Ref: A40905B000

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. Notwithstanding the details shown on the approved plan (Ref: 2102/11A) the obscure glazed privacy screen (installed to a minimum of Pilkington Level 3 or equivalent) situated along the north facing edge of the balcony serving the new extension to the rear shall be 1.8m in height from the finished floor level of the balcony. The balcony hereby approved shall not be first used until the obscure glazed screen has been completed in accordance with the approved drawing. The obscure glazed screen shall be retained as such in perpetuity.

Reason - To protect the amenities of the adjoining residents.

5. Notwithstanding the details shown on the approved plan (Ref: 2102/11A) the full-length window situated along the north elevation of the new extension to the rear shall be obscure glazed to a minimum of Pilkington Level 3 or equivalent. The extension hereby approved shall not be first used until this window has been obscure glazed in accordance with the details of this condition. The obscure glazed window shall be retained as such in perpetuity.

Reason - To secure the satisfactory appearance of the completed development and in the interests of the amenities of the adjoining residents.

Expiry Date: This permission will cease to have effect on 23/06/2025 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/2022/0411
Property Ref: A40905B000
Valid date: 14/03/2022
Location: Damouettes Lodge Damouettes Lane St. Peter Port Guernsey GY1 1ZT
Proposal: Demolish plant room, erect extension at ground floor level with covered area at lower ground floor level to west (rear) elevation, single storey extension to east (front) elevation and alteration to fenestration.
Applicant: Mr D Talbot MBE
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).

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. Notwithstanding the details shown on the approved plan (Ref: 2102/11A) the

obscure glazed privacy screen (installed to a minimum of Pilkington Level 3 or equivalent) situated along the north facing edge of the balcony serving the new extension to the rear shall be 1.8m in height from the finished floor level of the balcony. The balcony hereby approved shall not be first used until the obscure glazed screen has been completed in accordance with the approved drawing. The obscure glazed screen shall be retained as such in perpetuity.

Reason - To protect the amenities of the adjoining residents.

5. Notwithstanding the details shown on the approved plan (Ref: 2102/11A) the full-length window situated along the north elevation of the new extension to the rear shall be obscure glazed to a minimum of Pilkington Level 3 or equivalent. The extension hereby approved shall not be first used until this window has been obscure glazed in accordance with the details of this condition. The obscure glazed window shall be retained as such in perpetuity.

Reason - To secure the satisfactory appearance of the completed development and in the interests of the amenities of the adjoining residents.

OFFICER'S REPORT

Brief Description of the site:

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

Planning permission is sought to demolish a plant room, erect extension at ground floor level with covered area at lower ground floor level to the west (rear) elevation. The proposal also seeks to erect a single storey extension to the east (front) elevation and make alterations to the fenestration.

The application was deferred over concerns raised in relation to the potential effect on the amenities of neighbouring residents to the north of the application site together with the finish and appearance of the proposed flues.

The agent has amended the drawings submitted and included a privacy screen to the north edge of the proposed balcony and altered the finish of the flues in attempt to overcome the concerns raised.

Relevant History:

FULL/2022/0020	Install external insulating render system and infill windows to south and west elevation.	Granted
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Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

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.

The proposed extension to the front and rear of the property adopt a good standard of design by virtue of their respective scale, form, massing, siting and materials. Policy GP8 allows a degree of flexibility towards householder development in less sensitive areas with regards to design matters, which in this case would include a proportionate and limited size timber clad porch. Due to the limited footprint of the porch, the proposal will not have a detrimental effect on the surrounding built form, or appearance of the surrounding area.

The incorporation of two black matt finished flues to the rear of the building is likely to be visible in distant public views, particularly to the east of the application site, although given the projection above the roof, coupled with the amendments secured in terms of their appearance, the proposal would not lead to any significant harm to the locality.

Careful consideration has been given to the potential effect of the development on the amenities of neighbouring residents, particularly to the north of the application site associated with 'Little Gem'. This consideration includes whether the balcony screen is necessary as part of the development to protect the amenities of neighbouring residents. The proposed balcony (approx. 1.4m wide x 3m long) would project off the original part of the dwelling by approximately 4m. The balcony would be approximately 6m from the neighbouring boundary to the north. The neighbour's property to the north is located approximately 20m away and features a large picture window to the south elevation of the building. It is noted that the neighbour's property is served by garden to the west and south of the building. The

proposed balcony would be on similar line as the rear elevation of the neighbour's property to the north.

The existing boundary treatment along the north boundary is relatively limited, with one evergreen bush being most noticeable between the properties, in the potential line of sight from the proposed extension/balcony. However, it is generally not good practice to rely on vegetation to limit the effect of the development on the amenities of neighbouring residents with regards to overlooking. This approach would result an over-dependent relationship on the vegetation to make a development satisfactory, without any future control should such vegetation become diseased or even die.

Based on the factors above, it is considered reasonable and necessary in this particular case to require the installation of an obscure glazed privacy screen and for it to remain in perpetuity in the interest of protecting the amenities of neighbouring properties.

Whilst the full length picture window on the north elevation of the extension is narrow, the window would be setback from the north boundary by approximately 2.5m. Due to this short distance together with its elevated position above the boundary treatment and relationship to the neighbouring property to the north, it is considered reasonable and necessary to require this window to be obscured glazed. This is reasonable given that the extension will serve as a habitable room (and could change function in time without the agreement of the Authority), and as it will be served by sufficient levels of sunlight via the proposed south and west fenestration.

The distance and relationship from the proposed extension and balcony to the south boundary and the neighbouring property beyond would be too great to have any significant adverse effects on the amenities of the neighbouring residents to the south.

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: 23/06/22