

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: Remove raised terrace and external steps, erect extension at first floor level with balconies and erect external steps to south (side) elevation, erect raised terrace to front.

LOCATION: 7 La Margion, La Rue Du Crocq, Richmond, St. Saviour.

APPLICANT: Mr & Mrs D Bates

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: 27/06/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/03/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Paul Langlois Architects: 2165/10D & /11A

Application Ref: FULL/2022/0450

Property Ref: E007040005

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: 2165/10D) the obscure glazed privacy screen (to a minimum of Pilkington Level 3 or equivalent) situated along the south-east facing edge of the balcony to the front of the dwelling shall be 1.8m in height from the finished floor level of the balcony. The balcony hereby approved shall not be first used until this have been positioned in accordance with the approved drawing. The obscure glazed screen shall be retained as such in perpetuity.

Reason - To protect the amenities of the neighbouring residents.

Expiry Date: This permission will cease to have effect on 26/06/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Despite the information submitted, it is concluded that the 1.8m high obscure glazed screen to the north-west facing edge of the balcony to the front of the dwelling, and the north facing edge of the balcony to the rear are useful to safeguard the amenities of neighbouring residents, although are not required by condition. It is the applicant's prerogative to omit both privacy screens from the development. It is advised that this be formally shown on the drawings through a minor amendment request.

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/2022/0450
Property Ref: E007040005
Valid date: 18/03/2022
Location: 7 La Margion La Rue Du Crocq Richmond St. Saviour Guernsey GY7 9.
Proposal: Remove raised terrace and external steps, erect extension at first floor level with balconies and erect external steps to south (side) elevation, erect raised terrace to front.
Applicant: Mr & Mrs D Bates

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: 2165/10D) the obscure glazed privacy screen (to a minimum of Pilkington Level 3 or equivalent) situated along the south-east facing edge of the balcony to the front of the dwelling shall be 1.8m in height from the finished floor level of the balcony. The balcony hereby approved shall not be first used until this have been positioned in accordance with the approved drawing. The obscure glazed screen shall be retained as such in perpetuity.

Reason - To protect the amenities of the neighbouring residents.

INFORMATIVES

Despite the information submitted, it is concluded that the 1.8m high obscure glazed screen to the north-west facing edge of the balcony to the front of the dwelling, and the north facing edge of the balcony to the rear are useful to safeguard the amenities of neighbouring residents, although are not required by condition. It is the applicant's prerogative to omit both privacy screens from the development. It is advised that this be formally shown on the drawings through a minor amendment request.

OFFICER'S REPORT

Brief Description of the site:

The application site known as "Fifield" (No. 7 La Margion) is located Outside of the Centres as defined in the Island Development Plan.

Planning permission is sought to remove a raised terrace and external steps, erect an extension at first floor level with balconies and erect external steps to south (side) elevation, erect a raised terrace to the front of the property.

Concerns were raised with regards to the design of the fenestration to the front of the first floor extension, together with the potential for overlooking towards neighbouring residents to the front and rear of the property.

Relevant History:

PAPP/2006/1563	Extend dwelling at first floor level.	Granted
FULL/2022/0456 – field to rear	Change of use of agricultural land to domestic garden (5,860 sq.m.).	Pending

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 principle for extending the property at first floor level has already been established following the grant of planning permission for application PAPP/2006/1563, despite the material change in circumstances following the introduction of the Island Development Plan in 2016.

In light of the amendments secured, the proposed first floor extension adopts a good standard of design by virtue of its scale, form, massing, siting and materials. Due to its position and design, the proposal will not have a detrimental impact on the character of the area or visual amenity and will be 'read' in context with other first floor development observed in and around La Margion estate.

Careful consideration has been given to the effect of the development on the amenities of neighbouring residents. Due to the concave design of the estate, the front gardens associated with properties on the estate are typically overlooked. It is therefore considered to be a common feature within the locality, albeit at some distance.

As shown on the revised scheme, much of the proposed first floor balcony will be recessed within the building envelope and therefore the projection of the balcony will be limited to 850mm and is a welcomed addition to the proposal.

However, despite the limited projection of the balcony, the balcony would be in close proximity to the neighbouring property to the south. Consequently, the side

garden and more importantly, the ground floor fenestration associated with No. 6 La Margion is likely to be overlooked from use of the balcony should an individual stand near the balustrading. It is therefore considered necessary and reasonable to attach a condition to the permission to ensure that a privacy screen is installed along the south-east edge of the balcony in the interest of neighbour amenity.

Despite the inclusion of a 1.8m high privacy screen on the north-west of the balcony, due to the distance to the north-east boundary (to the front of the site), together with the distance to the neighbour's property (No. 8 La Margion) and external amenity space, potential views achievable from the balcony towards the neighbouring property are likely to be limited to oblique views.

It is therefore considered that these oblique views are unlikely to cause undue harm to require a privacy screen to be erected at the north edge of the balcony. Furthermore, the existing pitched roof of the main part of the house (No.7 La Margion) may also help to limit views towards the side and rear garden of No. 8 La Margion, thereby negating the need for a condition even further. It is therefore reasonable to attach an informative noting that there is no requirement to install such screen in the position proposed.

Towards the rear, due to the orientation and relationship of the rear elevation of the dwelling when compared to No.6 La Margion, it is not considered necessary to require a privacy screen on the south edge of the proposed balcony. The agent has included a privacy along the north edge of the balcony to restrict views towards neighbouring properties to the north following deferral. However, after much consideration taking into account the distance to the north boundary of the site (approx. 15m), distance to the neighbouring property to the north, the existing mature boundary treatment and the orientation of the balcony to the boundary, is unlikely that that the balcony would cause significant harm to the amenities of neighbouring residents should the privacy screen not be installed. Whilst the privacy screen would help to safeguard the amenities of neighbouring residents to the north given that the existing boundary vegetation is subject to change in the future, taking into account the factors above, it is not considered necessary to require the installation of such screen by condition in this particular case.

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: 27/06/22