

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: Install rooflights to south (rear) elevation.

LOCATION: The Malverns, Rue De La Mare, St. Sampson.

APPLICANT: Mr D Tall

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: 02/09/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plan, Sketch elevation drawing and manufacturer details (all date stamped received 18th March 2022).

Application Ref: FULL/2022/0670

Property Ref: B004590000

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 01/09/2025 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/2022/0670
Property Ref: B004590000
Valid date: 22/04/2022
Location: The Malverns Rue De La Mare St. Sampson Guernsey GY2 4PQ
Proposal: Install rooflights to south (rear) elevation.

Applicant: Mr D Tall

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.

OFFICER'S REPORT

Brief Description of the site:

The application site consists of a semi-detached dwelling located to the south of Rue De La Mare. The property is located in a Main Centre Inner Area as defined in the Island Development Plan.

Planning permission is sought to install two standard roof-lights and a velux 'cabrio' balcony roof-light to the rear of the property. The balcony roof-light will be centrally located and flanked by both roof-lights on either side. The roof-lights will be 55cm (w) x 94cm (l) and the velux cabrio will be 114cm (w) x 252cm (h).

The application was deferred as concerns were raised with regards to the inclusion of a balcony roof-light and the potential for overlooking towards neighbouring properties, particularly to the west of the application site.

In response, the applicant has provided further information in attempt to justify the inclusion of the balcony roof-light.

Relevant History:

FULL/2014/2420	Replace existing timber windows and door with pvcu.	Granted
PAPP/1994/2814	Alter dwelling	Granted

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.

It is important to note that the two smaller roof-lights on their own (excluding the cabrio rooflight) would comprise exempt development by virtue of their size and quantity on the rear facing roofslope. Although planning permission is required as the roof-lights proposed would be greater than two, coupled with the size of the cabrio roof-light.

Whilst some concerns still remain over the incorporation of a cabrio rooflight to the rear of the property, these concerns are not considered to be so substantial to rebut the general support in favour of householder development (Policy GP13) to reasonably justify refusal.

This conclusion has been reached when taking into account; the high building density of the area and the general extent of overlooking in the vicinity, the cabrio-rooflight will be centrally located on the roof plane and therefore will be setback from the west gable of the property by approx. 3m, the existing two storey flat roof extension extends out from the original part of the property by approx. 3m, the distance between the proposed roof-light and the neighbour's property and garden (approx. 8m and 11m respectively), the oblique angle of overlooking and; the difference in height between the area most likely to be overlooked and the proposed roof-light. Overall, the relationship between the cabrio-rooflight and the neighbours dwelling together with their most sensitive private amenity space (indicative by outside furniture) is unlikely to be unduly compromised to cause an unacceptable level of overlooking.

For completeness, other neighbouring properties and external amenity spaces have also been taken into account as part of this assessment. Due to the distance and relationship to respective neighbouring properties this would also not have a detrimental effect on neighbour amenity. In addition, the adjoining property to the east features a dormer window at the second floor level.

Whilst visible in public vantage points, the proposal would not have a negative effect on visual amenity or on the character of the area.

Due to the type of application, it is not considered necessary for the applicant to demonstrate that they have 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.

Other matters:

The additional information submitted by the applicant drew reference to another site in the immediate area which also features cabrio 'style' rooflights.

Although after further investigation, this would not form a precedent given the internal configuration of the property in question and the rooflights are not cabrio 'style' rooflights.

Recommendation:

Grant with Conditions



Date: 31/08/22