

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 conservatory and porch, replace garage door and install window, install rooflights to north (front), west (side) and east (side) roofslopes and alterations to fenestration.

LOCATION: Eden Rock, Damouettes Lane, St. Peter Port.

APPLICANT: Mr & Mrs G Morgan

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: 19/07/2022

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: The Drawing Room 309 C1A, C2A, C3A, C4A & C5A.

Application Ref: FULL/2022/0682

Property Ref: A41017B000

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 cill heights of the new roof lights hereby approved to the west elevation of the property shall be installed at no less than 1700mm above finished floor level.

Reason - in the interests of neighbour amenity.

5.The 400mm high section of trellis fencing shall be installed above the existing west boundary fence prior to the installation of the door hereby approved to the west elevation. Once installed, the trellis fencing shall be retained at all times.

Reason - in the interests of neighbour amenity.

6.The door hereby approved to the west elevation shall be of solid construction, and shall not include any glazing, unless otherwise agreed in writing by the Authority.

Reason - In the interests of neighbour amenity.

7.Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no additional windows or doors shall be installed within the west elevation of the dwelling to which this permission relates without the express written permission of the Authority.

Reason - The carrying out of development of this type may cause harm in terms of the impact on the amenity of neighbouring dwellings.

Expiry Date: This permission will cease to have effect on 18/07/2025 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/2022/0682
Property Ref: A41017B000
Valid date: 18/03/2022
Location: Eden Rock Damouettes Lane St. Peter Port Guernsey GY1 1ZN
Proposal: Demolish conservatory and porch, replace garage door and install window, install rooflights to north (front), west (side) and east (side) roofslopes and alterations to fenestration.

Applicant: Mr & Mrs G Morgan

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. The cill heights of the new roof lights hereby approved to the west elevation of the property shall be installed at no less than 1700mm above finished floor level.

Reason - in the interests of neighbour amenity.

5. The 400mm high section of trellis fencing shall be installed above the existing west boundary fence prior to the installation of the door hereby approved to the west elevation. Once installed, the trellis fencing shall be retained at all times.

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6. The door hereby approved to the west elevation shall be of solid construction, and shall not include any glazing, unless otherwise agreed in writing by the Authority.

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7. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no additional windows or doors shall be installed within the west elevation of the dwelling to which this permission relates without the express written permission of the Authority.

Reason - The carrying out of development of this type may cause harm in terms of the impact on the amenity of neighbouring dwellings.

OFFICER'S REPORT

Site Description:

The application site comprises a detached 1.5 storey dwelling-house, accessed to the north via Damouettes Lane. The property is flanked by neighbouring properties on all boundaries.

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

Relevant History:

PAPP/2006/4145	Erect a conservatory	Granted
PAPP/2002/5350	Construction of a conservatory.	Granted
PAPP/1993/0501	Construct porch	Granted
PAPP/1992/1823	Amend plans to reconstruct roof	Granted

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to demolish a conservatory and porch, replace a garage door and install a window, install rooflights to north, east and west roofslopes and make alterations to the fenestration.

The application was deferred over concerns regarding overlooking and clarification over the drawings submitted.

In response, the agent has increased the height of the roof-lights to 1.7m high above the finished floor level to the east and west elevations and has increased the height of the west boundary fence in attempt to overcome the concerns raised. The agent has also provided a statement to justify the proposed works and to explain the discrepancy with the drawings submitted.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

The Authority has received four letters and one e-mail of representation from two parties objecting to the original and revised proposal. Grounds for objection principally relate to the following issues:-

- Overlooking.
- Discrepancy with drawings submitted in respect of cill height of proposed roof lights.
- Description of development.
- Visual impact.
- Ownership.

Consultations:

None generated.

Summary of Issues:

- The impact of the development on neighbour amenity.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

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 development adopts a good standard of design for the purposes of Policy GP8 and would not adversely affect the character or appearance of the area due to the secluded position of the property.

Careful consideration has been given to the effect of the development on the amenities of neighbouring residents. Due to the size of the roof-lights together with the distance to neighbouring properties and the ambiguity with the drawings submitted, some concerns were raised in respect of the original submission. Due to the amendments secured following deferral, together with the written assurance from the agent, the proposed roof lights would be installed at an acceptable cill height (1.7m above FFL) and would not cause significant harm to the amenities of neighbouring residents to justify refusal. Taking into account the position of a rooflight within the roofslope, which in itself limits views out due to the angle of installation and limited head room, a cill height of 1.7m is generally accepted as being of sufficient height to prevent views into adjoining property.

After much consideration, it is necessary to ensure that the west-facing roof lights are conditioned in accordance with the above. Although due to the distance between the roof lights and the east boundary, no condition should be applied to the east-facing roof lights given that the applicant could potentially install a 1.1m wide dormer window on this elevation under the exemptions ordinance.

Attention is drawn to the new utility door to the west elevation of the property. The concerns originally raised in respect of the door and its close relationship, orientation and the likely overlooking impact have been overcome accordingly by the incorporation of a 400mm high trellis fence panel above the existing boundary fence. Although this is an open form of fencing, taking into account the size and use of the adjacent room and the solid nature of the door, this would be sufficient to disrupt any views when utilising the door. It is however recommended that the decision be conditioned to ensure the trellis is erected prior to installation of the door, that the door is of solid construction and that no other windows or doors are installed in the elevation without planning permission.

Despite the concerns raised by a letter of representation in respect of the replacement north-facing window serving the proposed utility, the outlook from this

new opening would be oblique due to the orientation and relationship between the dwelling and the neighbouring property to the west. Whilst it is acknowledged that this may result in overlooking whilst the utility is in use, the degree of impact caused would not be so substantial to result in significant harm to the amenities of neighbouring residents to rebut the general support in favour of householder development (Policy GP13) to warrant refusal.

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.

In response to other points raised in the letters of representation, matters that are not material planning considerations as defined in The Land Planning and Development (General Provisions) Ordinance, 2007 have not been addressed in this assessment. Any planning permission that might be granted would be without prejudice to the normal legal rights and privileges of third parties.

The description of the development has been amended accordingly during the application process.

Date: 19/07/22