

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 garage, erect single storey extension to south (rear) and east (side) elevations.

LOCATION: Bienvenu, Avenue Beauvais, Ville Au Roi, St. Peter Port.

APPLICANT: Mr & Mrs S Carre

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: 14/07/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/03/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTech Freelance Architecture: SC-22-1067-02.

Application Ref: FULL/2022/0785

Property Ref: A404990000

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 information submitted, full details of the existing and/or any proposed new treatment to the east boundary of the application site, directly opposite (east) the hereby approved ground floor dining room window, shall be submitted to and agreed in writing by the Authority. The agreed details shall then be implemented prior to the installation of such window.

Reason - the information submitted is ambiguous in relation to the east boundary treatment of the application site. The condition is required in order to safeguard the amenities of neighbouring residents.

5.Full details of the copper cladding to be used, including a finished sample, shall be submitted to the Authority, prior to the cladding of the hereby approved extension. Only the material agreed in writing by the Authority shall be used in carrying out the development.

To ensure that the finished appearance of the completed development is acceptable in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 13/07/2025 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/2022/0785
Property Ref: A404990000
Valid date: 30/03/2022
Location: Bienvenu Avenue Beauvais Ville Au Roi Ville Au Roi St. Peter
Port Guernsey GY1 1PQ
Proposal: Demolish garage, erect single storey extension to south (rear)
and east (side) elevations.

Applicant: Mr & Mrs S Carre

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).

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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.

4. Notwithstanding the information submitted, full details of the existing and/or any proposed new treatment to the east boundary of the application site, directly opposite (east) the hereby approved ground floor dining room window, shall be submitted to and agreed in writing by the Authority. The agreed details shall then be implemented prior to the installation of such window.

Reason - the information submitted is ambiguous in relation to the east boundary treatment of the application site. The condition is required in order to safeguard the amenities of neighbouring residents.

5. Full details of the copper cladding to be used, including a finished sample, shall be submitted to the Authority, prior to the cladding of the hereby approved extension. Only the material agreed in writing by the Authority shall be used in carrying out the development.

To ensure that the finished appearance of the completed development is acceptable in the interests of visual amenity.

OFFICER'S REPORT

Site Description:

The application site comprises a two storey property with an attached garage to the side (east) of the property, which is located south of Avenue Beauvais, St. Peter Port.

The property is located in a Main Centre Outer Area as designated in the Island Development Plan.

Relevant History:

None germane to this application.

Existing Use(s):

Residential.

Brief Description of Development:

Planning permission is sought to demolish a garage and erect a single storey extension to south (rear) and east (side) elevation of the property.

The extension will be clad in copper and will serve as a bedroom and dining room.

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

The Authority has received a letter of representation from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Inappropriate material.
- Visual impact on private views.
- FFL will be higher than the neighbour's property. Concerns raised with regards to water proofing.
- Acoustic values.

Consultations:

None generated.

Summary of Issues:

- Whether the design, scale, mass, siting, form and materials of the proposed development is acceptable.
- The impact of the development on the character and appearance of the area.
- 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).**

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. In this instance Policy GP8 (Design) is also relevant.

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 property in question is not a protected building, nor is it situated within a Conservation Area. In less sensitive areas such as this, Policy GP13 indicates that less prescriptive control will be applied and thereby allowing property owner's greater freedom of choice with regard to private property development. This degree of flexibility enables the property owner to exert personal choice in design matters. This flexible and proportionate approach underpins the objectives of the Island Development Plan and is further substantiated by Policy GP8 which adopts a supportive position with regarding to building design in areas that are less sensitive to change.

In light of the policy context above, the proposal adopts a satisfactory standard of design in terms of the scale, mass, form and position.

The use of copper cladding is obviously different to the character and appearance of the style of property, and similar style extensions in the surrounding built environment. Although the principle of a material being different to the main dwelling, or in the wider area, does not automatically lead to harm. The use of copper is a traditional material, albeit is typically used on roofs.

When carefully balancing the general support in favour of householder development in less sensitive areas (Policy GP8 and GP13), together with the limited prominence of the façade of the extension in public vantage points along Beauvais Ville and the use of copper as a traditional material, it is concluded that, whilst the proposal would have a divergent appearance from the property and the adjacent properties, this would not be so substantial that it would cause significant harm and would not justify refusal. For the purposes of Policy GP8, the proposal would respect the character of the local built environment and achieves a good standard of architectural design.

Careful consideration has been given to the effect of the development on the amenities of neighbouring residents.

Due to the scale, form, mass of the extension together with its orientation and relationship to neighbouring properties, the proposal would not lead to any significant overshadowing or overbearing effect.

The proposal is not considered to affect the amenities of neighbouring residents to the west of the application site.

Based on the information submitted, it is unclear what the proposed east boundary treatment will be. Due to the close proximity and orientation of the proposed dining room window to the east boundary, together with the uncertainty of the boundary

treatment, it is necessary and reasonable to attach a condition to the decision to clarify this area of works prior to the installation of the dining room window in the interest of overlooking. Given the limited size of window, offset from the boundary and height above ground level, the Service is satisfied any overlooking can be prevented by the installation of appropriate boundary treatment.

Sufficient information has been submitted that has taken into account the criterion 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.

With regards to the letter of representation, the materiality of the proposed extension is discussed above, and any potential issues with regards to water proofing and acoustic values would be considered as part of any subsequent Building Control application and considered under the Building Regulations, 2012.

In response to other points raised in the letters of representation, boundary issues and effects on private views are not material planning considerations as defined in The Land Planning and Development (General Provisions) Ordinance, 2007), and any planning permission that might be granted would be without prejudice to the normal legal rights and privileges of third parties.

Date: 13/07/22

