

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: Erect extension to east (rear) elevation (Protected Building).

LOCATION: Lettland Cottage, Le Bouet, St. Peter Port.

APPLICANT: Mrs L Kalekaure

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: 29/11/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/05/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Turnstone Architecture - 319-01 Rev P1, -02 Rev P1, -03 Rev P1, -04 Rev P1, -05 Rev P1 & -08 Rev P1.

Application Ref: FULL/2022/0900

Property Ref: A10536A000

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 28/11/2025 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/2022/0900
Property Ref: A10536A000
Valid date: 17/05/2022
Location: Lettland Cottage Le Bouet St. Peter Port Guernsey GY1 2AW
Proposal: Erect extension to east (rear) elevation (Protected Building).

Applicant: Mrs L Kalekaure

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

Site Description:

The property known as 'Lettland Cottage' is a semi-detached property which is set back from and faces west onto Le Bouet. The attached property is to the north and there are other residential properties to the south and across the road to the west. There is a large car park to the east. The property is located within the St Peter Port Main Centre Outer Area as defined in the Island Development Plan. The property along with the attached dwelling are both Protected Buildings.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to erect an extension to the east (rear) elevation of this Protected Building.

Initially the design was the whole width of the rear of the building with the north wall running along the shared boundary with the neighbouring property in that direction. The neighbouring property however has a kitchen window on that boundary and the design had to be altered to take this window into account. The amended scheme shows a 1m space between the existing shared boundary and the north wall of the new extension.

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

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There have been two letters of representation from one neighbour, one before the deferral and then a second letter was received once the amended drawings were viewed and the issues in each case are as follows:

Pre-deferral letter:

- The proposals will build a wall along the shared boundary with the adjacent building, which is protected, and blocking one of the neighbours windows.

- There are concerns about the new extension causing further damage to both buildings because subsidence is present.

Post-amendment letter:

- Moving the wall southward by 1m would leave a gap described as '1m gap preserved between extension and neighbouring property'. There is nothing 'preserving' about that gap. It leaves an isolated, enclosed, wind-catchment space of no value or amenity to anyone.
- The neighbours boundary window is a frequently enjoyed amenity of natural daylight to a daily used habitable room, that enjoyed amenity was well understood by the applicants and has been completely ignored and misrepresented in the first scheme and yet again in this amendment.
- The suggested design amendment is not a 'good' solution. There is a clear breach of privacy and an impact on a longstanding amenity that is way beyond the scope of reasonable for the purposes of s.13(i) of the General Provisions. This design has a beyond reasonable impact of enjoyment of an established amenity of a longstanding and protected neighbouring property.
- The neighbours window will be below the finished floor level and it will be completely blocked out by the new rendered wall of considerable height and width above and to the side of the window, blocking sunlight, outlook and privacy.
- Policy GP8 of the IDP places a high demand of good design with no impact on the reasonable enjoyment, or outlook, or sunlight/daylight or privacy of any neighbouring property. That policy is not met.
- Comments were made regarding the protected status of both properties.
- Comments were raised regarding inconsistencies in respect of the application submission.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The application is supported by a statement of significance. Whilst some of the points in the document are not agreed with, the statement overall reaches the same conclusion that the proposed alterations and extension would have a moderate effect on the overall special interest of the protected building; and that effect would be outweighed by the reasonable aspirations of the property owner. The proposals are not thought to alter the protected status of either of the semi-detached properties. Therefore the application complies with Island Development Plan policy GP5.

The proposals achieve a good standard of design, using materials which complement the existing materials. The extension will provide adequate levels of sunshine and daylight, and give the occupiers more flexible and adaptable accommodation.

The scale and massing of the new extension is not considered to have a detrimental effect on the character and amenity of the surrounding area. The revised scheme sets the extension off the shared boundary with the neighbouring property, retaining the window in that boundary. Whilst the extension may have some impact on sunlight to that window, this is not unreasonable, given the position of the window immediately onto a boundary and facing into the neighbouring site. Furthermore this window is already impaired, being partially blocked internally. The impact on neighbour amenity would not be of an extent which would warrant refusal of the application.

The new gap between the new extension and the existing neighbours window has been introduced to ensure that the window is not blocked. The window has enjoyed the amenity of natural light and it will still receive a good amount of daylight and privacy has been retained and improved, whilst overlooking has been reduced.

The 1m gap and rendered wall opposite the window will bounce daylight into the window for the majority of the day. At present anyone living at or visiting Lettland Cottage can be in the garden or sitting on the external steps and can look directly into the existing window, once the proposals are in place the opportunity to look into the window is greatly reduced.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

The issues of subsidence of the neighbouring property and how the new extension will affect this is a matter for the construction phase and falls outside of the remit of planning, however the offset from the boundary will limit any impacts.

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 17/11/2022