

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Partially demolish conservatory, erect single storey flat roof extension with balcony at 1st floor level to south (side) elevation.

LOCATION: Terre De Vier, Route De St Magloire, Vale.

APPLICANT: Mr & Mrs Brown

I refer to the application referred to below received as valid on 21/04/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 22/05/2023

Drawing Nos: Jason Hobbs Architectural Services - 6258/A/1

Application Ref: FULL/2022/0959

Property Ref: C00016A000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1.The proposed development has an unneighbourly relationship with the adjacent property to the east of the application site known as St. Michel, and if approved, would result in an unacceptable degree of overlooking and would be overbearing whilst in use by virtue of its close proximity to neighbouring boundaries. In its current form, the proposal would result in a substandard relationship with neighbouring properties and therefore does not represent 'good' design for the purposes of Policy GP8. The development would be contrary to Island Development Plan Policies GP8 and GP13.

OTHER REMARKS:-**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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2022/0959
Property Ref: C00016A000
Valid date: 21/04/2022
Location: Terre De Vier Route De St Magloire Vale Guernsey GY3 5BH
Proposal: Partially demolish conservatory, erect single storey flat roof extension with balcony at 1st floor level to south (side) elevation.
Applicant: Mr & Mrs Brown

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed development has an unneighbourly relationship with the adjacent property to the east of the application site known as St. Michel, and if approved, would result in an unacceptable degree of overlooking and would be overbearing whilst in use by virtue of its close proximity to neighbouring boundaries. In its current form, the proposal would result in a substandard relationship with neighbouring properties and therefore does not represent 'good' design for the purposes of Policy GP8. The development would be contrary to Island Development Plan Policies GP8 and GP13.

OFFICER'S REPORT

Site Description:

The application site comprises a detached dwelling-house located to the east of Route de St. Magloire.

The property is located in a Conservation Area and is Outside of the Centres as designated in the Island Development Plan.

Relevant History:

PAPP/2002/5306	Erect a conservatory.	Granted
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Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to partially demolish a conservatory, and erect a single storey flat roof extension with a balcony at 1st floor level to the south (side) elevation. The proposed balcony incorporates a 1.8m high privacy screen along the western edge of the balcony, and a 1.1m high balustrade to the south and east edges respectively. The agent has noted that the 1.1m high balustrade is required to be able to enjoy the views over the east coast.

The application was deferred as concerns were raised with regards to the extent of overlooking to neighbouring properties to the east and south of the application site.

The agent had submitted draft revised drawings to show potential amendments to the proposed balcony and its relationship to neighbouring properties, to seek to overcome the concerns raised. Informal comments were provided but no formal revised drawings were submitted thereafter.

The agent has confirmed on the 14th March 2023 that the applicant wishes the Authority to determine the original application as submitted.

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

GP4 Conservation Area
GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

The Authority has received two letters of representation from two parties objecting to the proposal. Grounds for objection principally relate to the following issues:

- Overlooking, loss of privacy.
- Noise and light pollution.

Consultations:

None.

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 balcony would be approximately 7m from the east boundary. Beyond the east boundary which is bounded by a fence, lies a neighbour's garden. Due to the limited height of the balustrade along the east and south edge of the balcony (1.1m high), uninterrupted views would be afforded into the neighbour's rear garden, known as St. Michel. Due to the limited size of the garden associated with St. Michel, the degree of overlooking would be detrimental, irrespective of the boundary fence and neighbour's shed as noted in the agent's letter of 20th April 2022.

Although a 1.8m high privacy screen to the west edge of the proposed balcony has been included, the close proximity and relationship of the proposed balcony to the east boundaries, is likely to result in an unneighbourly relationship which would cumulatively result in a significant degree of overlooking and is likely to have an overbearing and domineering effect whilst in use.

In its current form, the proposal would result in a substandard relationship with neighbouring properties and would unduly compromise the amenities of neighbouring residents and therefore does not represent 'good' design for the purposes of Policy GP8. The degree of harm is sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met (Policy GP13). Although having no impact on the character or appearance of the Conservation Area (Policy GP4), for these reasons the development would be contrary to Island Development Plan Policies GP8 and GP13.

For the reasons set out above, it is recommended that planning permission is refused.

Date: 22/05/2023

