

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: Subdivide first floor flat and alter roof space to create additional flat/unit (Use class 2) and alterations to fenestration.

LOCATION: Kalbarri Apartments, La Route Du Braye, Vale.

APPLICANT: Mr M Ferbrache

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: 01/09/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/05/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Brian R Martel 4197.02. 01, 02A, 03A, 04B & 05A.

Application Ref: FULL/2022/1110

Property Ref: C008910001

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 31/08/2025 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/2022/1110
Property Ref: C008910001
Valid date: 20/05/2022
Location: Kalbarri Apartments La Route Du Braye Vale Guernsey GY3 5QN
Proposal: Subdivide first floor flat and alter roof space to create additional flat/unit (Use class 2) and alterations to fenestration.
Applicant: Mr M Ferbrache

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.

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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.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Kalbarri Apartments' is a two-storey building which sits gable end directly onto the north side of La Route du Braye. There is currently an area for parking to the west, an adjoining building to the north and a detached residential dwelling to the east. The property is located within the St Sampson Main Centre Outer Area as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 2: flat.

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:

MC2: Housing in Main Centres and Main Centre Outer Areas

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Conclusion/Brief comment:

Currently the property houses two one bed flats. This application is to subdivide the first floor flat and alter the roof space, by forming dormers and installing rooflights, to create an additional duplex flat unit (use class 2) and associated alterations to the fenestration.

The application relates to the creation of one new residential unit through the subdivision of an existing flat, this is acceptable in principle under Policy MC2 provided that it complies with other relevant policies.

The Island Development Plan seeks to provide satisfactory levels of amenity for all residential units. In the context of the Island Development Plan, 'amenities' are defined as the desirable or useful features or facilities of a building, property or place which support the health and well-being of the occupiers and users and which contribute to the enjoyment of the building, property or place.

The main elements of amenity are internal space provision, privacy, aspect/outlook, access to external open space and daylight/sunlight. It is understood that flats in and around the town centres are unlikely to provide the same extent of amenities as a detached house. Outside of the Centres, but overall the amenity levels offered must be satisfactory.

The existing flats have not had private amenity space, and the proposed apartments would not have access to any external amenity space, other than the parking area. Overall, the accommodation offers adequate natural sunlight and daylight along with outlook, provides adequate internal space (GTS and DCLG space standards) and will not be unacceptably overlooked from the neighbours to the east or west. Although none of the accommodation incorporates external amenity space the site is within walking distance of Delancey Park and the property is on a main bus route offering access to public open space within a reasonable distance and good public transport links having regard to sustainable development.

The existing ground floor apartment has large full-length windows in the lounge and the proposed two, first floor apartments would have dual aspect lounges, with new Juliette balconies overlooking the parking area. The proposed accommodation would offer light airy living spaces with plenty of sunlight and access to local amenities. The external alterations proposed are in keeping with the building and the locality.

The proposals exceed the minimum standards for internal space provision set out in GTS G7, and comprise a two bed ground floor apartment and one one-bed and one two-bed apartment on the first floor and second floors (bedrooms on the second floor).

The apartments will be private and will have a good aspect/outlook looking west along La Route du Braye, houses and open fields. The apartments will share a communal parking area to the west and the first-floor apartments will have Juliette balconies with inward opening doors to allow fresh air into the living rooms.

In this instance, the location, layout and design are suitable for apartments which do not have their own private external amenity.

The proposals make more efficient use of the existing building, without unacceptably increasing the possibility of overlooking. The ground floor east elevation does not have any openings, so overlooking to and from the eastern neighbour remains as is. Due to the external staircase leading to the first floor and distance to adjoining properties, the western neighbours will not be able to look into the proposed apartments. Although some of the first-floor windows are to be enlarged, oblique

angles and distance separation mean that these works will not impact existing overlooking to warrant the refusal of permission. The second-floor dormers are considered appropriate and would not cause any detrimental impacts on the neighbouring properties as they overlook the front parking area. The rear rooflights should be at a cill height of 1.7m from the finished floor level and the drawings have been amended to accurately show this.

In this instance the works are within the existing building fabric, the upper flats are only accessible by stairs. They would remain accessible by ambulant disabled. This scheme also demonstrates how the building could be adapted and therefore it would remain possible for further internal alterations to be undertaken at a later date to respond to the changing needs of occupiers.

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.

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.

Recommendation:

Grant with Conditions



Date: 26/08/2022

