

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: Create terrace at first floor level to south (rear) elevation.

LOCATION: Lommedalen, Delancey Lane, St. Sampson.

APPLICANT: Mr & Mrs P Sykes

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: 29/09/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Turnstone Architecture Ltd - 312-100 P3

Application Ref: FULL/2022/1390

Property Ref: B00553B000

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 submitted details, no use of the terrace shall begin until 1.8m privacy screens, which shall be obscure glazed to a minimum of Level 3 on the Pilkington Scale (or equivalent), have been installed along the east and south elevations of the terrace. The privacy screens shall be retained thereafter in perpetuity unless otherwise agreed in writing by the Authority.

Reason: To minimise the effect of the development on the privacy and amenities of nearby residents.

5.The balustrade to the west side of the terrace shall be 1.1m in height and shall be designed to match that approved to the east and south sides of the terrace.

Reason - The submitted information does not provide full details of this balustrade.

Expiry Date: This permission will cease to have effect on 28/09/2025 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/2022/1390
Property Ref: B00553B000
Valid date: 28/06/2022
Location: Lommedalen Delancey Lane St. Sampson Guernsey GY2 4BX
Proposal: Create terrace at first floor level to south (rear) elevation.

Applicant: Mr & Mrs P Sykes

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. Notwithstanding the submitted details, no use of the terrace shall begin until 1.8m privacy screens, which shall be obscure glazed to a minimum of Level 3 on the Pilkington Scale (or equivalent), have been installed along the east and south

elevations of the terrace. The privacy screens shall be retained thereafter in perpetuity unless otherwise agreed in writing by the Authority.

Reason: To minimise the effect of the development on the privacy and amenities of nearby residents.

5. The balustrade to the west side of the terrace shall be 1.1m in height and shall be designed to match that approved to the east and south sides of the terrace.

Reason - The submitted information does not provide full details of this balustrade.

OFFICER'S REPORT

Site Description:

The property known as 'Lommedalen' is a two and a half storey pre-1900 attached dwelling, which is set back from and faces north onto Pied des Monts. The property had a lower unit added to the west elevation in 2017. The other attached dwelling is to the east, and other detached neighbours to the north across the road. To the south is a small clos of four houses and three garages, Clos de Bachelet.

Relevant History:

FULL/2022/0033 - Replace and alter roof form to flat roof to south (rear) elevation – Approved February 2022.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to create a first floor terrace on the new flat roof to the rear of the property. Initial concerns were raised and consequently the size of the balcony has been reduced and a 1.8m high privacy screen now runs along the east and south balustrades, enclosing the space and giving privacy to the east and south neighbouring properties. The west balustrade is stated to be 1.1m high.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

Two letters of representation have been received and the issues are:

- There is a strong objection to the development on the grounds that it would overlook and destroy the privacy of the Clos de Bachelet which backs onto the proposed development.
- The proposals could affect the value of the four dwellings in the Clos de Bachelet.
- The terrace would look into the neighbours bedroom window, which would be an invasion of privacy.

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 proposed balcony would be over a single storey flat roof extension and is now proposed to be enclosed on two sides with 1.8m high glazed privacy screens. Accessed via a door replacing a window coming off a landing, the proposal although not common in the area is not uncommon in a domestic setting such as this.

Although ordinarily a balcony area would not be enclosed on multiple sides with high obscure glazed panels, the use of these is common place to protect amenity and as such given that these would be sited to the east and south elevations and at 1.8m high it is not considered that the development would result in overlooking to neighbouring properties on these sides.

The west side of the terrace overlooks the property's own roof and courtyard and thus the balustrade will remain at 1.1m high.

Although unusual the impact on visual amenity will be limited. The rear of the property would not be seen from Delancey Lane to the west, only from Clos de

Bachelet just to the south. The balcony would be set at first floor level and when taking into account the limited public views, the height of the balcony and other building features including the garages southwest of the proposed development the impact on visual amenity would not be significant.

Policy GP13 provides householders a high degree of flexibility when developing their homes particularly in less sensitive areas such as this and providing that the relevant policies are complied with, then planning permission should be granted.

Although noted that the representors raise concerns about an increase in noise, there is nothing to suggest that the use of this balcony would significantly increase noise levels to such a degree than currently experienced from the garden area. Providing conditions are attached relating to the erection of the privacy screens, the application is considered acceptable in this location.

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: 29/09/2022