

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: Raise roof height and alter form to create accommodation at 1st floor level, erect one and a half-storey extension to south (side) elevation (part retrospective), alterations to fenestration (retrospective) and install air conditioning unit.

LOCATION: Samosir, Rue Des Petils, St. Saviour.

APPLICANT: Samosir 2 Ltd

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: 10/11/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/07/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners Ltd. - AA23-10305-S1-02 Rev B and 03 Rev E. Daikin Technical Data 5MXM-M

Application Ref: FULL/2022/1438

Property Ref: E00341B000

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 09/11/2025 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/2022/1438
Property Ref: E00341B000
Valid date: 28/07/2022
Location: Samosir Rue Des Petils St. Saviour Guernsey GY7 9
Proposal: Raise roof height and alter form to create accommodation at 1st floor level, erect one and a half-storey extension to south (side) elevation (part retrospective), alterations to fenestration (retrospective) and install air conditioning unit.
Applicant: Samosir 2 Ltd

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:

Samosir is a detached dwelling with hipped roofs that has been extended on a number of occasions.

To the east a single-storey flat roof building has been under construction. A vehicular access currently exists in the east site boundary from Rue Des Petils (to serve the application property) and another access has been formed in the north boundary of the site but is not currently operational and is blocked by timber (to serve Samosir).

There are no other residential properties immediately adjacent to the application site.

The site is located Outside of the Centres and within an Agriculture Priority Area.

Relevant History:

17/01/18 FULL/2017/2435 Permit to convert outbuilding to dwelling with associated parking and boundary fencing, and create new vehicular access to serve existing dwelling.

03/06/19 FULL/2019/0400 Permit to demolish dwelling and erect replacement dwelling and associated works

28/04/20 FULL/2020/0246 Permit for variations to plans previously approved to demolish dwelling and erect replacement dwelling and associated works - relocate and alter vehicular access for Samosir.

Existing Use(s):

01 Dwelling houses

Assessment: *(Tick as appropriate)*

no representation

☒

accords with policy

☒

within curtilage

☒

design acceptable

☒

visual amenity acceptable

☒

no material neighbour impact

☒

traffic not affected

☒

Policies considered most relevant:

Island Development Plan:

OC1: Housing Outside of the Centres

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

GP16(B): Conversion of Redundant Buildings – Demolition and Redevelopment

Conclusion/Brief comment:

Permission is sought under this application to alter the roof form of the building to a pitched roof, incorporating dormer windows to the east elevation and rooflights to the west elevation above the main dwelling and a subservient pitched roof over the northern projection of the building. The scheme also relates to the construction of a one and a half-storey extension to south (ground floor of which has been erected). The windows to the east are to be enlarged and a new window inserted in the west elevation (these works are retrospective). An air conditioning unit is proposed against the east elevation of the building.

The drawings highlight an oil tank in the garden of Samosir but outside the red line site boundary for this application and it has not therefore, been considered or assessed as part of this application. The works may constitute exempt development under the provisions of the Exemptions Ordinance but insufficient information has been provided with the application to establish this.

The principle of erecting a dwelling on the site has been established through the grant of planning permission (see history above) in accordance with Policy OC1 of the IDP. The work on constructing the building is now at a stage where it can reasonably be considered as a dwellinghouse. Consequently, the extensions and other alterations are to be assessed against Policies GP8, GP9 and GP13 of the IDP. The scheme is partially retrospective following the erection of the ground floor element of the one and a half storey extension to the south and installation of a window in the east and west elevations of the development.

The extensions represent a good standard of architectural design, would enhance the overall appearance of the dwelling and respect the local built environment and open landscape concerned.

The scheme offers multi-storey, flexible and adaptable accommodation that can respond to the needs of occupiers over time with ground floor accommodation on a single level to offer accessible accommodation and incorporating a ground floor bedroom and bathroom (as previously approved).

The development would be situated to the east of Samosir and in close proximity to the common boundary. There are numerous windows in the east elevation of Samosir facing the application site. A boundary hedge is proposed to separate the two sites and given the proposed layout of Samosir the proposed ground floor kitchen window would not result in an unacceptable degree of overlooking to the

existing occupiers nor to future occupiers of the dwelling from Samosir given the staggered relationship between the kitchen window and bedroom windows. The southern extension is shown (and has been constructed) with a blank west elevation to preserve the privacy of the occupiers of Samosir (bedroom 4). The alterations to fenestration to the east elevation and ground floor fenestrations facing south would not have an adverse impact on the amenities of the adjoining residential occupiers.

The rooflights are shown to sit high in the roofslope and although no first floor level is indicated they are positioned so as not to result in overlooking and loss of privacy at Samosir. The dormers and rooflight to the front will not impact on residential amenity.

The single-storey flat roof nature of the existing development (and the ground floor element of the south extension that has been erected) limits the potential impact on the amenities enjoyed by the occupiers of Samosir in terms of sunlight and daylight to the east facing bedroom and bathroom windows. The increased height of the dwelling will have some impact on sunlight during the morning however, it is noted that there is approximately 4.5m between the two buildings and the roof of the proposed development slopes away from Samosir. Overall therefore, the increase in height will not have an unacceptable impact on sunlight and daylight accessing accommodation at Samosir.

The ASHP would be situated to the rear of the dwelling and would not impact on the character and appearance of the locality. The equipment would be situated close to the common boundary with Samosir but with a dividing boundary hedge between the two properties. OEHPR have raised no objections to the equipment.

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.

In view of the above it is recommended permission is granted for the extensions and alterations proposed.

Recommendation:

Grant with Conditions



Date: 10 November 2022

