

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: Variation to previously approved plans to demolish existing dwelling and workshop and erect 4 dwellings - install fixed glazing to dormer cheeks to front elevations of units 1-4.

LOCATION: Kingston Cottage, Les Amballes, St Peter Port.

APPLICANT: Kingston Property Holdings

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: 14/12/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne drawing no's: U92-10132-S1-101C & S2-06C.

Application Ref: FULL/2022/1499

Property Ref: A109750000

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.The east and west elevation front dormer window cheeks serving units 1, 2 and 3 and the east facing dormer cheek of unit 4 in the north east elevation dormers shall be glazed with obscure glass which shall thereafter be retained at all times. Details of the glazing specification shall be a minimum obscurity of level 3 on Pilkington obscure glazing level. No changes shall be made to these windows nor shall any additional windows be inserted in this elevation.

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

Expiry Date: This permission will cease to have effect on 13/12/2025 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/2022/1499
Property Ref: A109750000
Valid date: 10/08/2022
Location: Kingston Cottage Les Amballes St Peter Port Guernsey GY1 1WU
Proposal: Variation to previously approved plans to demolish existing dwelling and workshop and erect 4 dwellings - install fixed glazing to dormer cheeks to front elevations of units 1-4.
Applicant: Kingston Property Holdings

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. The east and west elevation front dormer window cheeks serving units 1, 2 and 3 and the east facing dormer cheek of unit 4 in the north east elevation dormers shall be glazed with obscure glass which shall thereafter be retained at all times. Details of the glazing specification shall be a minimum obscurity of level 3 on Pilkington obscure glazing level. No changes shall be made to these windows nor shall any additional windows be inserted in this elevation.

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

OFFICER'S REPORT

Site Description:

The site comprises of 4 recently constructed dwellings to the back of dwellings facing onto Les Amballes. The site is accessed via a private drive. The application site is within a conservation area within the main centres as defined within the Island Development Plan.

Relevant History:

FULL/2018/2475 – Demolish existing dwelling and workshop and erect 4 dwellings with associated car parking and landscaping (Revised), approved 4th June 2019

Existing Use(s): Residential use class 1

Brief Description of Development:

Variation to works previously approved to construct the 4 dwellings. The works include the provision of fixed glazing to the dormer cheeks to front (Northeast) facing dormers of units 1 – 4. The application was originally deferred to seek additional obscure glazing to both the east and west elevations of units 1 and 3 and to the east of unit 4. In addition to retaining the obscure glazing as proposed to the east and west of unit 2. Revised plans showing this additional obscure glazing have been received.

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

One letter has been received noting:

- The number of revised/additional applications since the original approval
- Impacts on neighbour amenity arising from the fixed glazing to the cheeks
- The number of previous representations made in respect to applications at the site

Consultations:

None

Summary of Issues:

Impacts on design of the units overall
Impacts 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).**

The application seeks permission to vary the solid fixed side panels of the front dormer windows to glazing. The application as originally proposed stated that the cheeks would comprise of clear glass to the east and opaque glass to the west of units 1 and 3, obscure glazing to both sides of unit 2 and clear glazing to unit 4.

Following a site visit however, concerns were raised regarding the use of clear glazing within units 1 and 3 and to the east of unit 4 in relation to the impacts on neighbour amenity, particularly to those neighbours to the east. Revised plans showing the use of obscure glazing to these elevations were requested and received, the use of fixed obscure glazing to both cheeks of units 1, 2 and 3 ensures that there would be no overlooking arising from these elements of glazing either to the properties to the east or within the application site, whilst the obscure glazing to unit 4 east further protects neighbour amenity between the new units. Providing a condition is attached to ensure that the obscure glazing is retained and achieves a minimum level, the development is now considered acceptable.

The change of material to these cheeks would have no significant impact on the overall design of the buildings.

The proposal is considered to meet GP8, GP9 and GP13 and is recommended favourably.

Date: 13th December 2022

