

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, extend and alter at ground floor level and create accommodation at first floor level.

LOCATION: Belmont Cottage, Les Grands Marais, Vale.

APPLICANT: Mr N Presland & Mrs D Spencer

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: 11/01/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTECH Freelance Architecture: LS-22-1084-04A

Application Ref: FULL/2022/1557

Property Ref: C00274A000

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 1.8m obscure glass privacy screen to be added to the east side of the balcony hereby approved, shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall be installed prior to the balcony being brought into use. The privacy screen shall thereafter be retained at all times.

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

5.The first floor bathroom window in the north elevation shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent), and the lower pane shall be fixed shut and thereafter be retained at all times. No changes shall be made to this window.

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 10/01/2026 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/2022/1557
Property Ref: C00274A000
Valid date: 02/08/2022
Location: Belmont Cottage Les Grands Marais Vale Guernsey GY3 5DU
Proposal: Raise roof height, extend and alter at ground floor level and create accommodation at first floor level.

Applicant: Mr N Presland & Mrs D Spencer

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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).

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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.

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Pilkington scale (or equivalent) and shall be installed prior to the balcony being brought into use. The privacy screen shall thereafter be retained at all times.

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

5. The first floor bathroom window in the north elevation shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent), and the lower pane shall be fixed shut and thereafter be retained at all times. No changes shall be made to this window.

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

OFFICER'S REPORT

Site Description:

The property known as 'Belmont Cottage' was built as a garage and converted into a dower unit in 2008. In 2010 the unit was approved to become a separate unit of accommodation and in 2021 the main house Belmont Lodge was sold, creating two properties on what was once one. Belmont Lodge is set back from and faces south onto Les Grands Marais, there is a track running north from the road along the west boundary, this gives access to Belmont Cottage which lies in the northwest part of what was the Lodge's rear garden. The property to the east is also a Protected Building, and there is an open field to the north and allotments to the west. The property is located Outside of the Centres as defined in the Island Development Plan. Belmont Lodge is a Protected Building.

Relevant History:

FULL/2021/0927 – Erect fence and gate to boundary with Belmont Lodge (Protected Building) – Approved May 2021.

FULL/2010/2560 - Change of use from ancillary dower unit to self-contained dwelling – Approved September 2010.

FULL/2008/1864 – Convert garage to dower unit – Approved September 2008.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

The application proposes to alter the roof form of the existing building, by using a mansard roof, and to add a two storey extension, also with mansard roof, to the north.

The application was deferred to add a privacy screen to the balcony, add opaque glazing to the north dormer window and for the site boundary to be amended to match the actual ownership of the property.

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

GP5: Protected Buildings (Setting)

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There have been two letters of objection received and the issues are;

- Both Belmont Lodge and The Marshes (to the east) are protected buildings, the application as designed would not positively contribute to the overall settings of these buildings due to its poor design.
- The proposed scheme is a significant increase to the existing property both in terms of bulk and massing, there are concerns regarding the proposed roof form which is not thought to be in-keeping with the area and therefore does not demonstrate 'good design'.
- Although difficult to tell from the submitted plans it appears the proposed mansard roof is significantly higher than the existing pitched roof, coupled with its overall bulk there are serious concerns that this will negatively affect the neighbours amenity space in terms of overshadowing.
- Also of serious concern is the location of some of the external windows and doors, the proposed balcony to the North elevation would provide unacceptable overlooking into the neighbours amenity space, in addition to this the dormer window also to the North elevation causes similar issues, albeit this could be addressed with opaque glazing. Again it is difficult to tell from the proposed drawings but it is hoped that the window to the East elevation would have a sufficiently high cill level that would prevent any overlooking from this opening.
- The site plan is incorrect and needs amending removing the track from ownership of Belmont Cottage. (As noted above, this has been rectified.)
- Belmont Cottage as existing is an ideal much needed first time buyer's home and the proposed extension would take the property into a higher price range.

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.

Policy GP13 of the Island Development Plan indicates that alterations and extensions to residential properties will be supported where there is no significant adverse impact on the amenities of adjoining properties; the design, scale, mass and form of development does not detract from the character of an open area; and there is no adverse effect on the special interest of a Conservation Area, Area of Biodiversity Importance, Protected Building or Protected Monument.

In this case, the proposals must also satisfy the terms of Policies GP5 of the Plan, and meet the statutory duties with regard to the setting of the adjacent protected building. In addition, Policies GP8 and GP9, relating to Design and Sustainable Development, would also be relevant.

In respect of neighbour amenity, the alteration to the roof form would result in only a 350mm increase to the ridge height of the existing building, although it is acknowledged that the proposal would add to the bulk of the building. The alteration to the roof form and the provision of a new extension to the rear will cause minimal additional overshadowing into the northwest part of the neighbours garden, set away from the dwelling itself, and this will only be in the evenings, and at its greatest extent during the winter. In the summer when the garden is more likely to be used, the sun will be higher and the proposals would not significantly alter the impact on the enjoyment of the majority of the garden. The potential additional impact is not considered so significant as to warrant a refusal.

There were initially some concerns about overlooking of the adjacent property, especially from the proposed first floor balcony and the north facing dormer window. The dormer window serves a bathroom and so opaque glazing has now been specified and the bottom part of the window will be fixed shut to ensure the

overlooking from this window is limited. These matters will be controlled by condition.

A 1.8m high opaque glazed privacy screen has been added to the east side of the balcony, which mitigates the overlooking into the neighbours garden, concentrating the view to the north. This will also be controlled by condition.

Overall therefore the impact on neighbour amenity is considered to have been satisfactorily addressed.

In this case, the dwelling is set behind the roadside development and the proposals would be of limited impact on the wider character of the area. The proposed development would not project beyond the developed area along the north side of Les Grands Marais and would not therefore impact on open character.

The adjacent building to the south-west is protected, and comprises a building that sits within its own garden grounds. The building which forms the subject of this application historically formed part of the grounds, prior to being changed to a separate dwelling. The proposed development will change the roof form of this historic building, but will not affect the fundamental setting of the building, particularly given that the proposed development and the protected building will not be easily seen together in public views. Given all of the above, and considering the application proportionately, the proposed development will have a low negative effect on the setting of the protected building, which is outweighed by the reasonable aspiration of the property owner to develop under GP13.

The extension will provide adequate levels of sunshine and daylight, and give the occupiers more flexible and adaptable accommodation. After careful assessment the scale and massing of the new extension is not considered to have a detrimental effect on the character and amenity of the surrounding area, nor will it have any impacts on any of the immediate neighbours.

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.

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.

In respect of the comments made in the letter of representation citing Belmont Cottage as an ideal much needed first time buyer's home and noting that the proposed extension would take the property into a higher price range, the price range of a property is not a material planning consideration and therefore cannot form part of the assessment of this application.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on Protected Buildings, Trees or Monuments or on SSS's as set out above.

Date: 10/01/2023