

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: Demolish chimneys and outbuilding, erect 2 storey extension to south-west (side) elevation, erect single storey extension to south-east (rear) elevations, install rooflight to north-east roofslope and alteration to fenestration. Erect outbuilding to south-east boundary and widen vehicle access.

LOCATION: Crescent, Landes Du Marche, Vale.

APPLICANT: Mr V Sprogits

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: 30/01/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arctech drawing no's: VS-22-1086-02A & 03

Application Ref: FULL/2022/1597

Property Ref: C019060000

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 information submitted, the ground floor windows to the south-west elevation serving a WC and utility room shall be glazed with obscure glass to a minimum of Level 3 on the Pilkington scale (or equivalent) and shall thereafter be retained at all times.

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

5.Within four weeks of the existing access being extended, the end of the extended opening shall be finished off using materials and a method of construction which match the remainder of the wall.

Reason - To secure the satisfactory appearance of the completed development.

Expiry Date: This permission will cease to have effect on 29/01/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed outbuilding, however named, to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

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/2022/1597
Property Ref: C019060000
Valid date: 24/08/2022
Location: Crescent Landes Du Marche Vale Guernsey GY6 8DH
Proposal: Demolish chimneys and outbuilding, erect 2 storey extension to south-west (side) elevation, erect single storey extension to south-east (rear) elevations, install rooflight to north-east roofslope and alteration to fenestration. Erect outbuilding to south-east boundary and widen vehicle access.

Applicant: Mr V Sprogits

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 information submitted, the ground floor windows to the south-west elevation serving a WC and utility room shall be glazed with obscure glass to a minimum of Level 3 on the Pilkington scale (or equivalent) and shall thereafter be retained at all times.

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

5. Within four weeks of the existing access being extended, the end of the extended opening shall be finished off using materials and a method of construction which match the remainder of the wall.

Reason - To secure the satisfactory appearance of the completed development.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed outbuilding, however named, to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

OFFICER'S REPORT

Site Description:

The application site comprises a two storey, hipped roof detached dwelling which is served by a parking area to the front, and a garden and detached garage to the rear. The dwelling is centrally located on the plot.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2009/2104	Enclose existing porch.	Granted
PAPP/1999/1490	Demolish existing and construct a replacement garage	Granted

Existing Use(s):

Residential.

Brief Description of Development:

Planning permission is sought to demolish three chimneys and an outbuilding, and erect a 2 storey extension to south-west (side) elevation, and a single storey extension to south-east (rear) elevation. It is also proposed to install a roof light to the north-east roof slope, widen and alter the vehicle access, alter the fenestration and erect an outbuilding to south-east boundary.

The application was deferred as concerns were raised in respect of the scale, mass and position of the two storey extension in close proximity to the south-west boundary and the neighbour's bungalow beyond. Other matters were also raised.

The agent has reduced the scale of the extension by approx. 500mm, and has set it further back from the boundary by the same distance in an attempt to overcome the concerns raised. The total distance between the north elevation of the neighbour's property and the south elevation of the proposed gable is approximately 1.3m.

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

The Authority has received a letter of representation from one party objecting to the original proposal. Grounds for objection principally relate to the following issues:-

- Discrepancies of advertisement.
- Retrospective works.
- Concerns over development but not limited to, property boundaries, infrastructure supplies/services, overshadowing, impact on the character and appearance of the surrounding area, structural integrity.
- Effect of proposed 2 storey extension and single storey extension.

No further representation has been received in respect of the revised proposal.

Consultations:

None.

Summary of Issues:

- Whether the design, scale, mass, siting, form and materials of the proposed development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development 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).**

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.

The demolition of the structures to be removed is supported under policy.

As part of the revised drawings, the mass and bulk of the extension has been reduced in size to a scale which is subservient and proportionate to the main house. Overall, the proposed works to the house adopt a 'good' standard of design for the purposes of Policy GP8 by virtue of its scale, form, massing, and materials. Due to the position and design of the alterations, the proposals will not have a detrimental impact on the character of the area, or visual amenity.

Careful consideration has been given to the effect of the development on the amenities of neighbouring residents, taking into account the letter of representation received. There is a window located in the facing elevation of the adjacent property to the south-west. However given that the extension would be contained within the curtilage of the host property, the ability, without permission, to erect a 2m high fence along the boundary, closer to the neighbouring property, and the use of the room served by this side window as a bedroom, it is not considered that there would be significant harm to the amenities of the neighbour to refute the flexibility afforded to householders as permitted under GP13 (Householder Development).

It is noted that at present the boundary between the two neighbours is under the course of construction but it is evident this will comprise of circa 1.2m high fence, considerably below the 2m height permitted to be erected without planning permission. Although at this height this permits visibility into both sites and from the application site allows direct views into the neighbour's north facing windows, it would be open to the applicants to erect a 2m high fence to this boundary. The erection of such a boundary would screen the majority of the proposed extension when viewed from this window. Given the position of the windows in the facing elevation of the proposed extension, and the use of the associated rooms, it is however considered reasonable that the decision is conditioned to ensure those windows are obscurely glazed.

There would be no impact on loss of light to the neighbour due to the orientation of the application site which sits to the north of the neighbour.

The proposed outbuilding to the rear of the site adopts a good standard of design by virtue of its scale, form, massing, siting and materials. The outbuilding will not adversely affect the amenities of neighbouring residents.

The partial loss of the roadside wall will have a negligible effect on the character and appearance of the surrounding area. The proposed width of the vehicle access is acceptable as it will respect the width of other vehicle accesses in the surrounding area.

It is also noted that the boundary issues are not material planning consideration as defined in Part IV, 13.1 of The Land Planning and Development (General Provisions) Ordinance, 2007.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 30/01/23

