

**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 to create accommodation at first floor level.

**LOCATION:** Avoca, La Maison Au Comte Road, Vale.

**APPLICANT:** Mr & Mrs Jackson

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:** 30/11/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 09/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** PF+A Ltd: 7598-01 B1, B2, B3A & B4A

**Application Ref:** FULL/2022/1633

**Property Ref:** C01080C000

**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 first floor bedroom window in the east elevation shall be glazed with obscure glass to a minimum of Pilkington Level 3, or equivalent, and shall thereafter be retained in perpetuity.

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

5.Notwithstanding the details submitted, the cill of the rooflight in the east elevation shall be set a minimum of 1.7 metres above the finished first floor level.

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 29/11/2025 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](http://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](mailto: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/2022/1633  
**Property Ref:** C01080C000  
**Valid date:** 09/08/2022  
**Location:** Avoca La Maison Au Comte Road Vale Guernsey GY3 5HE  
**Proposal:** Raise roof height to create accommodation at first floor level.  
  
**Applicant:** Mr & Mrs Jackson

**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.

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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.

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## **OFFICER'S REPORT**

### **Brief Description of the site:**

Avoca is a detached pitched roof bungalow situated to the north of La Maison Au Compte. Pitched roof bungalows are situated to the immediate east and west of the site, although the property to the east is set away from the common boundary as a detached garage is situated adjacent to the boundary with Avoca.

The application proposes to replace the existing roof of the dwelling in order to raise the ridge height and form first floor accommodation served by dormers and a rooflight to the front/south roofslope and rooflights to the north, west and east roofslopes and a gable window to the east serving the master bedroom. The accommodation to be formed in the roofspace would comprise a master suite with bedroom, dressing room and ensuite bathroom along with a landing/study area, shower room and second bedroom.

The application was deferred due to concerns relating to the eastern gable window and the impact this would have on the privacy of the adjoining occupiers. In order to address these concerns the scheme was amended to show a 1.5m high window in the eastern gable and the agent has confirmed in writing that this is to be obscure glazed.

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

### **Relevant History:**

FULL/2021/0540 - Remove hedge, replace section and erect fence to section, to north (rear) boundary – granted

PAPP/2002/1869 - Raise ridge height, extend and alter premises and sub-divide to create two units of habitable accommodation - refused

**Existing Use(s):**

01 dwellinghouse

**Assessment:** *(Tick as appropriate)*

|                     |                                     |                              |                                     |
|---------------------|-------------------------------------|------------------------------|-------------------------------------|
| no representation   | <input checked="" type="checkbox"/> | visual amenity acceptable    | <input checked="" type="checkbox"/> |
| accords with policy | <input checked="" type="checkbox"/> | no material neighbour impact | <input checked="" type="checkbox"/> |
| within curtilage    | <input checked="" type="checkbox"/> | traffic not affected         | <input checked="" type="checkbox"/> |
| design acceptable   | <input checked="" type="checkbox"/> |                              |                                     |

**Policies considered most relevant:**

Island Development Plan policies:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

**Conclusion/Brief comment:**

The design and appearance of the proposed roof extension represents a good standard of design that would respect the local built environment. Although the scheme would result in an increase in the overall height of the building this would not appear unduly obtrusive in the streetscene.

The dwelling is set away from both adjoining dwellings, by the application site driveway and the garage of the adjoining dwelling to the east, as a result the scheme will not result in unacceptable overshadowing or loss of light to the occupiers of adjoining dwellings. The insertion of dormers in the front roofslope and rooflights to the front and side/west roofslope will not result in unacceptable overlooking and loss of privacy given the distance between properties and to site boundaries. With regard to the en-suite rooflight and gable window facing east, the gable window will face across the flat roof and driveway to the adjoining property but being obscure glazed will not offer an outlook. The rooflight would be located in close proximity to the neighbours boundary and it is recommended that the cill height is set at a high level to prevent an unacceptable degree of overlooking and loss of privacy to the east.

The scheme has been designed to provide occupiers with adequate sunlight and daylight to the proposed accommodation, makes more efficient and effective use of land and will offer more flexible and adaptable accommodation that can respond to the needs of occupiers over time.

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

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 planning permission is granted for the proposed development.

**Recommendation:**

Grant with Conditions



**Date:** 29 November 2022