

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 first floor conservatory, erect extension at first floor level to west (side) elevation and first floor terrace and alterations to fenestration to south (front) elevation.

LOCATION: La Remise, Rue De La Cache, Castel.

APPLICANT: Mr & Mrs K Margetts

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: 03/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTech Freelance Architecture: KM-22-1089-03A & -04A .

Application Ref: FULL/2022/1958

Property Ref: D00690B000

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.Written details and a finished sample of the timber effect cladding proposed to be used in the development hereby permitted shall be submitted to and agreed in writing by the Authority before any such timber cladding is brought onto the site or installed on the building.

Reason - In the interests of visual amenities and the character and appearance of the Conservation Area.

Expiry Date: This permission will cease to have effect on 02/02/2026 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/2022/1958
Property Ref: D00690B000
Valid date: 04/10/2022
Location: La Remise Rue De La Cache Castel Guernsey GY5 7NA
Proposal: Demolish first floor conservatory, erect extension at first floor level to west (side) elevation and first floor terrace and alterations to fenestration to south (front) elevation.

Applicant: Mr & Mrs K Margetts

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. Written details and a finished sample of the timber effect cladding proposed to be used in the development hereby permitted shall be submitted to and agreed in writing by the Authority before any such timber cladding is brought onto the site or installed on the building.

Reason - In the interests of visual amenities and the character and appearance of the Conservation Area.

OFFICER'S REPORT

Brief Description of the site:

La Remise is a two-storey dwelling with granite exterior and dormers that break through the eaves. The property is situated to the west of Rue De La Cache in a small clos road. A first floor conservatory exists to the west of the dwelling and single-storey glazed roof element exists to the front/north of the dwelling, set behind the roadside wall.

The application relates to the demolition of conservatory to the west of the dwelling and as originally submitted proposed the construction of a first-floor extension with catslide dormers and rooflights in a slate roof and a composite clad exterior.

Concerns were raised regarding the effect of the extension on the adjoining property and their own roof terrace in terms of residential amenity/overshadowing and the scheme was amended. Revised plans show the erection of a pitched roof first-floor extension with catslide dormers and rooflights in the area of the existing conservatory and a flat roof extension with flat roof rooflights beyond to the west to the common boundary with the adjoining dwelling.

A roof terrace is proposed to the south of the extension over the existing single-storey element to be enclosed to the south by a glass balustrade. Alterations are also proposed to fenestration in the rear/south of the existing single-storey element of the dwelling and requires permission because the rear faces Les Rohais De Haut.

The site is located Outside of the Centres and within a Conservation Area and Archaeological Area as designated in the Island Development Plan.

Relevant History:

None.

Existing Use(s):

01 Dwelling houses

Assessment: *(Tick as appropriate)*

no representation	☐	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

Island Development Plan policies:

GP4: Conservation Area

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representation:

One letter of representation has been submitted raising the following points:

- Attention is drawn to the right of enjoyment and light that would be forgone if the scheme is approved, if a site visit is carried out and it is deemed there is no impact then no objection is raised.
- Legally under conveyancing and covenants provided with the property the owners are required to leave sufficient space to enable the neighbouring occupier to maintain their boundary wall and the plans look to have construction right up to the wall, preventing adherence to this.
- Consideration should be given to drainage, it is not possible to establish from the plans whether the pitch of the property will be over the boundary wall causing potential water-run off issues onto the neighbouring property.

No further comments were submitted following the receipt of revised plans.

Conclusion/Brief comment:

The existing conservatory is of no particular merit to warrant its retention and its removal is accepted.

The extension will be visible in the streetscene to the south when travelling in both directions along Rohais de Haut however, the extension will sit at a lower level than

the adjoining house to the west. The proposed extension has been designed to be subservient to the main dwelling and although the materials proposed do not match the existing dwelling the extension represents a standard of design that respects the local built environment, within a Conservation Area. The application does not provide precise details of the colour and type of composite cladding proposed and it is reasonable to impose a condition relating to this.

The extension is situated to the east of the adjoining attached dwelling and it is noted that the extension is subservient to the main house. The pitched roof element of the extension does not project further towards the neighbouring property than the existing conservatory and the amended scheme introduces a flat roof element to the common boundary. The proposed west elevation will project approximately 1m above the existing common boundary wall that separates the roof terraces serving each dwelling. The revisions to the scheme see the bulk of the development situated away from the common boundary and the height of the west elevation, when considering the existing boundary feature, is not considered to substantially alter the relationship between the two properties. The extension is situated to the east of the adjoining property and any impact on sunlight and daylight to the roof terrace to the east of this adjoining dwelling will be limited.

The dormer windows and rooflights to the north and south elevations of the extension will not result in overlooking or loss of privacy to the occupiers of the adjoining dwellings. The proposed roof terrace to the south of the extension will offer views across the driveway and front garden area of the adjoining dwelling but this will not result in unacceptable overlooking or loss of privacy. The scheme shows a blank west elevation in order to preserve the privacy of the adjoining occupiers who have an adjoining roof terrace area with fenestration facing the application site.

The scheme will provide the occupiers with accommodation served by adequate sunlight and daylight and which offers more flexible and adaptable accommodation that can respond to the needs of occupiers over time, including the provision of a ground floor bedroom.

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 comments received relating to access to the adjoining wall for maintenance and existing covenant restrictions on the property have been noted however this is ultimately a private civil matter that cannot prevent the grant of planning permission. The development is shown to sit wholly within the application site boundary with no part of the development overhanging (this includes guttering) the application site boundary.

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

Recommendation:

Grant with Conditions



Date: 31 January 2023