

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, extend and alter roof ridge height to create accommodation and terrace at first floor level, erect two storey extension to east (side) elevation, erect single storey porch to south (front) elevation.

LOCATION: Roc-Au-Veau, Rue De La Lande, Castel.

APPLICANT: Mrs M Nussbaumer

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: 13/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7614-01 B1, B2, B3, B4A & B6B

Application Ref: FULL/2022/1988

Property Ref: D011710000

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 bathroom window in the east elevation shall have a minimum cill height of 1.7m above finished first floor level and shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent). No changes shall be made to this window and no additional windows will be permitted on 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 12/02/2026 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/2022/1988
Property Ref: D011710000
Valid date: 21/10/2022
Location: Roc-Au-Veau Rue De La Lande Castel Guernsey GY5 7EH
Proposal: Raise, extend and alter roof ridge height to create accommodation and terrace at first floor level, erect two storey extension to east (side) elevation, erect single storey porch to south (front) elevation.

Applicant: Mrs M Nussbaumer

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).

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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.

4. The first floor bathroom window in the east elevation shall have a minimum cill height of 1.7m above finished first floor level and shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent). No changes shall be made to this window and no additional windows will be permitted on this elevation.

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 'Roc-au-Veau' is a mid-20th century bungalow which is set back from and faces south onto Rue de la Lande. The garden is to the west of the property and La Banquette road, curves round and runs along the west and north boundaries and there are two properties along the east boundary. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

PAPP/2000/1996 – Reconstruct roof to provide first floor accommodation and convert part of dwelling to a dower unit – Refused August 2000.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to raise, extend and alter the roof to create first floor accommodation with a first floor balcony/terrace to the west elevation, a two storey rear extension to house a lift and erect a single storey porch to the front (south) elevation.

The 2000 application was assessed under the previous Rural Area Plan and was refused because the property was within a Conservation Area at the time. The proposal was to create a first floor with a mansard roof. The reasons for refusal were that the design was incongruous with the surrounding area and that the proposals would detract from the character and amenities of the locality.

The current application was deferred following initial consideration to reduce the height of the new roofline to ensure the impact on neighbouring properties is kept to an acceptable minimum, and to address concerns regarding overlooking of the adjacent property.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There has been one letter of representation, raised in respect of the application as initially submitted, and the issues are:

'We do not support the application in its current form. However, we would be supportive if the following were to be considered:

- We would ask to consider the windows on the south elevation to be obscured and marginally smaller to prevent/reduce overlooking.*
- We would ask to consider high level (2 metres) obscured glazing or end panel to the first floor terrace on the south elevation to prevent/reduce overlooking.*
- We would ask to consider reducing the ridge height considerably on the south elevation to something like the height shown on the east/west. The scale of the development in its proposed form will be dominant from its current guise. If the ridge height were reduced it would also reduce the shading on neighbouring properties.'*

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 GP8, amongst other things, expects new development to achieve a good standard of architectural design, to make the most effective and efficient use of land and to respect the character of the local built environment. It highlights that multi-storey buildings are a more efficient use of land than single storey buildings and it states that development proposals should consider a multi-storey design from the

outset unless there are overriding reasons why this design approach would be unacceptable within a particular locality.

Adding a first floor is an efficient use of land, and many properties in the area have been remodelled into two storey dwellings. The area is no longer a Conservation Area, so there are less prescriptive controls when it comes to design. The designation is now 'Outside of the Centres' where householders have a greater freedom of choice with regard to private property development.

Due to the close location of the northeast neighbouring property, Lomond, adding a first floor would increase the potential chance of overshadowing of the Lomond's garden. Although this would be exacerbated in the winter months when the sun is lower in the sky, in the summer when the garden is used, the sun will be higher and the proposal would not impact on the enjoyment of the majority of the garden.

The proposals have mitigated the possibility of overlooking the closest neighbours by removing the window to the stair and only adding a high level window, in the master ensuite, to the east elevation. In the interest of mitigating overlooking this window will be controlled by condition.

With regards to possible overlooking to the south, the separation distance between the dwelling at the application site and that on the property to the south is over 30m, which would be sufficient to prevent any significant interface. The edge of the proposed balcony to the neighbour's boundary wall is over 10m, with an intervening highway. In this instance, taking into account the separation distances, relative position of the dwellings and size and arrangement of the property to the south, overlooking is not considered to be an issue and no mitigation is necessary.

The proposals are considered to achieve a good standard of design, using materials which complement the existing materials. The extension will provide adequate levels of sunshine and daylight, and give the occupiers more flexible and adaptable accommodation.

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 impact on either 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.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 09/02/2023