

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 chimney, create terrace at 1st floor level with external staircase to west (rear) elevation, install flue and rooflight to east (front) elevation.

LOCATION: Les Arcs, Rue Du Gele, Castel.

APPLICANT: Mr B Warren

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: 28/11/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Drawing No: 1029 - 01 B1A.

Application Ref: FULL/2022/2003

Property Ref: D00462B000

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 obscure glass balustrade hereby approved to the south of the first floor roof terrace shall be 1.8m above the finished floor level of the balcony, shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall be installed prior to the roof terrace being brought into use. The balustrade shall thereafter be retained at all times.

Reason - To preserve the privacy of the occupiers of the adjoining dwelling.

Expiry Date: This permission will cease to have effect on 27/11/2025 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 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/2022/2003
Property Ref: D00462B000
Valid date: 11/10/2022
Location: Les Arcs Rue Du Gele Castel Guernsey GY5 7LR
Proposal: Demolish chimney, create terrace at 1st floor level with external staircase to west (rear) elevation, install flue and rooflight to east (front) elevation.

Applicant: Mr B Warren

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 obscure glass balustrade hereby approved to the south of the first floor roof terrace shall be 1.8m above the finished floor level of the balcony, shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall be installed prior to the roof terrace being brought into use. The balustrade shall thereafter be retained at all times.

Reason - To preserve the privacy of the occupiers of the adjoining dwelling.

OFFICER'S REPORT

Site Description:

Les Arcs is a detached dwelling situated to the west of Rue du Gele with a wall to the roadside boundary and patio area to the rear of the property. Residential properties exist to the immediate south and west of the property with further residential development across Rue du Gele to the east.

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

Relevant History:

None.

Existing Use(s):

01 Dwelling houses

Brief Description of Development:

The application relates to the demolition of a chimney stack and the erection of a flue. Two rooflights are proposed in the front/east roofslope and one rooflight to the rear (west) roofslope. A first floor roof terrace is proposed to the rear (west) of the dwelling above an existing flat roof extension. The roof terrace would be served by an external staircase from the rear/west of the property and enclosed by a 1.1m high glazed balustrade to the western edge and a 1.8m and 1.1m high obscure glazed screen to the southern edge of the terrace.

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

Island Development Plan policies:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

One letter of representation has been submitted objecting to the application and raising the following points:

- The house sits close to the boundary and the roof terrace will directly overlook a bedroom window at Le Rocher situated to the west of the site
- The development would encroach on privacy both visibly and audibly
- The obscure glass would be 1.8m to the south but only 1.1m to the west and even if this were higher Le Rocher would still overlook the terrace
- The environmental noise from the terrace “amenity space” would be significant
- The bay hedge at Le Rocher is not a permanent structure and without it the terrace would overlook the side garden at Le Rocher
- The applicant has previously requested that the hedge be reduced in height but this has been declined on privacy grounds
- The hedge is suffering from a severe case of ‘Thrips’ and has begun to die

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the design and appearance of the development and its impact in the streetscene and on residential amenity with regard to overlooking and loss of privacy.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, ‘the Law’, have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The rooflights, chimney stack and flue all represent a good standard of design that respects the local built environment and will not result in unacceptable harm to the amenities of any surrounding dwelling.

The external amenity space associated with the dwelling is limited and primarily situated to the east of the dwelling, adjacent to the road. The formation of a roof terrace would offer more external space for the enjoyment of the occupiers. The

roof terrace will not result in overshadowing or loss of light to the occupiers of adjoining dwellings.

Concerns have been raised regarding the potential for overlooking and loss of privacy to the occupiers of Le Rocher to the west where a bedroom dormer facing north and secondary bedroom window facing east will be affected by the proposed roof terrace and the small area of garden to the immediate east of the adjoining dwelling. At present there is a high, mature hedge to the west site boundary which largely screens the adjoining dwelling from view. The public consultation highlights the poor condition of the hedge and plans for its removal (which would need permission) however, consideration must be given to the situation as currently exists, with a substantial mature hedge along the common boundary because the Planning Service cannot require nor expect the hedge to be replaced and there is no way to know whether this would be undertaken immediately or in several years' time. Although reference is made to the impact of the roof terrace on the eastern garden area of this neighbouring property this is not the primary garden area associated with the dwelling as there are substantial gardens to the west and a swimming pool to the south.

The proposed roof terrace will be c. 5.5m from the common boundary to the west, c. 15m to the north facing dormer at Le Rocher and c. 14m to the east facing gable window to the bedroom at Le Rocher. The garden area is to the southwest of the proposed roof terrace and the 1.8m high privacy screen will, to a degree, direct views more directly to the west and away from the adjoining windows and garden area. The view to the west would primarily be towards the roof of part of the large neighbouring property with oblique views of the parking area to the north.

The scheme has been designed in order to manage the potential for overlooking and loss of privacy to the occupiers of the dwelling to the south through the installation of a 1.8m high privacy screen along the southern edge of the roof terrace which is a matter that can be controlled by condition.

The enclosure of the terrace area with a glazed balustrade will give the development a lightweight appearance that is not unduly prominent in the streetscene. The scheme represents a good standard of design when considering the flexibility offered to householders through the Island Development Plan.

There is no evidence to demonstrate that the use of a roof terrace would differ from the use of any domestic garden in terms of noise generated and nuisance caused. Whilst the issue of the boundary hedge has been noted the application must be assessed on the situation as it currently exists, with a hedge to the boundary. Furthermore, at present planning permission would be required for the removal of this hedge at which time appropriate measures would need to be considered in order to manage privacy and overlooking between the two properties.

In view of the above it is recommended permission is granted for the proposed works.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 28 November 2022

