

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: Variations to previously approved plans to erect 2 dwellings with associated parking and vehicle access - Create balcony(s) to rear, material change to front, alterations to fenestration and replace hedge with fence to north boundary.

LOCATION: Site Situate, Rue De Bouverie, Castel.

APPLICANT: CBR Developments Ltd

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: 04/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services - 6300/A/4a, elevation of fence panels (date stamped received 24th October 2022).

Application Ref: FULL/2022/2009

Property Ref: D01584B000

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 on or before 18/01/2025.

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 19/01/2022, issued under planning application reference FULL/2021/2088, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation only.

5. Notwithstanding the information shown on the approved plans, within two months of the existing hedge being removed along the north boundary of the site, full details of the replacement hedge, including the species, sizes, numbers and densities of plants shall be submitted to and agreed in writing by the Development & Planning Authority.

Reason - To ensure that the planting scheme is acceptable in the interests of visual amenity.

6. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the removal of the existing hedge. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity.

7. Prior to the installation of the stone finish to the front of both properties hereby approved full details, including its material, type, texture, and appearance, shall be

submitted to and agreed in writing by the Authority.

Reason - To ensure that the stone finish is appropriate to the character and appearance of the surrounding area.

8.The obscure glazed privacy screens situated along the north and south elevations of the respective first floor balconies to the rear of both properties, shall be to Pilkington Level 3 or equivalent and be 1.8m in height from the finished floor level of the respective balconies. The balconies hereby approved shall not be first used until all obscure glazed screens have been positioned in accordance with the approved drawing (no.6300/A/4a). The obscure glazed screens shall be retained as such in perpetuity.

Reason - To respect the amenities of neighbouring residents.

Expiry Date: This permission will cease to have effect on 18/01/2025 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/2022/2009
Property Ref: D01584B000
Valid date: 24/10/2022
Location: Site Situate Rue De Bouverie Castel Guernsey GY5 7UA
Proposal: Variations to previously approved plans to erect 2 dwellings with associated parking and vehicle access - Create balcony(s) to rear, material change to front, alterations to fenestration and replace hedge with fence to north boundary.

Applicant: CBR Developments Ltd

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 on or before 18/01/2025.

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 19/01/2022, issued under planning application reference FULL/2021/2088, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation only.

5. Notwithstanding the information shown on the approved plans, within two months of the existing hedge being removed along the north boundary of the site, full details of the replacement hedge, including the species, sizes, numbers and densities of plants shall be submitted to and agreed in writing by the Development & Planning Authority.

Reason - To ensure that the planting scheme is acceptable in the interests of visual amenity.

6. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the removal of the existing hedge. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity.

7. Prior to the installation of the stone finish to the front of both properties hereby approved full details, including its material, type, texture, and appearance, shall be submitted to and agreed in writing by the Authority.

Reason - To ensure that the stone finish is appropriate to the character and appearance of the surrounding area.

8. The obscure glazed privacy screens situated along the north and south elevations of the respective first floor balconies to the rear of both properties, shall be to Pilkington Level 3 or equivalent and be 1.8m in height from the finished floor level of the respective balconies. The balconies hereby approved shall not be first used until all obscure glazed screens have been positioned in accordance with the approved drawing (no.6300/A/4a). The obscure glazed screens shall be retained as such in perpetuity.

Reason - To respect the amenities of neighbouring residents.

OFFICER'S REPORT

Site Description:

The application site comprises a development site which is located within a Local Centre as designated in the Island Development Plan.

The application site is not wind and watertight therefore is not legally regarded as two dwelling-houses, although the buildings are currently under construction.

Relevant History:

FULL/2021/2088	Erect 2 dwellings with associated parking and vehicle access.	Granted
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Existing Use(s):

Development site.

Brief Description of Development:

Planning permission (FULL/2021/2088) was granted in 2022 to erect 2 dwellings with associated parking and vehicle access.

Permission is now sought to create a balcony to the rear of both approved dwellings, make alterations to the fenestration and materials, and replace a hedge with fence along the north boundary.

The application was deferred over concerns regarding the balconies to the rear of the property and the proposed fencing to the front.

The agent has amended the drawings and has recessed the 1.1m high balustrade back from the western edge of the proposed balconies to prevent occupiers from leaning over the balustrade towards neighbouring gardens. The agent has also incorporated a hedgerow along the north boundary between the front elevation and the road verge, in attempt to overcome the concerns raised.

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

- LC2 Housing in Local Centres
- GP1 Landscape Character and Open Land
- GP8 Design
- GP9 Sustainable Development
- IP7 Private and Communal Car Parking
- IP9 Highway Safety, Accessibility and Capacity

Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment.

Representations:

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

- Overlooking.

Consultations:

None

Summary of Issues:

- 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.

In light of the amendments secured, the incorporation of 1.8m high obscure glazed screens and recessing the balustrade back from the western edge of the respective balconies will ensure that the neighbouring residents to the north and south of the development site would be sufficiently protected from overlooking. Whilst it is acknowledged that overlooking will affect neighbouring residents to the west of the application site, the distance between the balconies to the neighbouring property, including their private external amenity space, would not be so substantial to reasonably rebut the general support in favour of householder development to justify refusal.

The design of the balconies, together with the alterations to the dormer windows to the front and the inclusion on high level windows on both the north and south elevations, are all elements that are supported under the provisions of Policy GP8.

Whilst the principle of a 'stone finish' façade is likely to be supported under policy, due to the ambiguity of this annotation it is necessary and reasonable to attach a condition to request full details of the stone to be used.

In addition, the omission of the fencing to the front of the property is sufficient to respect the character and appearance of the surrounding area. Similar to the above, it is necessary and reasonable to attach a condition to request full details of the replacement hedge.

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: 30/03/23