

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Demolish extension, erect 1.5 storey extension to south-west (front) elevation and erect extension at first floor level to south-east (side) elevation, install rooflight to north-east (rear) elevation.

LOCATION: Sarander, Clos De Villocq, Le Villocq Lane, Castel.

APPLICANT: Mr & Mrs A Simon

I refer to the application referred to below received as valid on 17/10/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 07/03/2023

Drawing Nos: Martel Design Ltd: 22-1059/03C & /04C.

Application Ref: FULL/2022/2064

Property Ref: D01355A003

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The proposed development has an unneighbourly and imposing relationship with the adjacent property to the east known as 'Farthingales', and if approved, would result in an unacceptable degree of overlooking. In its current form, the proposal would result in a substandard relationship with the neighbouring property and would unduly compromise the amenities of neighbouring residents and therefore does not represent 'good' design for the purposes of Policy GP8.

Consequently, the proposal is considered to have a significant detrimental effect on the amenities of neighbouring residents, by virtue of the extent of overlooking from the proposed first floor bedroom windows (referenced 'Bedroom' on drawing 22-1059/03C), together with its proximity to the east boundary, which is sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met. The development would be contrary to Island Development Plan Policies GP8 and GP13.

OTHER REMARKS:-**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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2022/2064
Property Ref: D01355A003
Valid date: 17/10/2022
Location: Sarander Clos De Villocq Le Villocq Lane Castel Guernsey GY5 7SD
Proposal: Demolish extension, erect 1.5 storey extension to south-west (front) elevation and erect extension at first floor level to south-east (side) elevation, install rooflight to north-east (rear) elevation.
Applicant: Mr & Mrs A Simon

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed development has an unneighbourly and imposing relationship with the adjacent property to the east known as 'Farthingales', and if approved, would result in an unacceptable degree of overlooking. In its current form, the proposal would result in a substandard relationship with the neighbouring property and would unduly compromise the amenities of neighbouring residents and therefore does not represent 'good' design for the purposes of Policy GP8.

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OFFICER'S REPORT

Site Description:

The application site, known as Sarander, comprises a detached dwellinghouse with an attached garage to the south. The property is located towards the north end of Clos De Villocq and is flanked by residential properties to the east, south and west, with a car park serving Saumarez Park Manor Residential Home to the north.

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

Relevant History:

FULL/2020/0445	Erect a single storey lean-to extension to south-east elevation.	Granted
PAPP/2008/1414	Fell Leylandii tree	Granted
PAPP/1993/2782	Erect a conservatory.	Granted

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to demolish an extension and erect a 1.5 storey extension to the south-west (front) elevation, erecting an extension at first floor level to the south-east (side) elevation and installing rooflight to north-east (rear) elevation. The first floor extension to the east will serve a bedroom, and the first floor extension to the south will serve as a master bedroom.

The application was deferred as concerns were raised with regards to the effect of overlooking towards neighbouring residents to the east and south of the dwelling. Suggestions to improve the design of the extension were also proposed.

In response, the agent has omitted the first-floor window serving the master bedroom and has provided justification with regards to the east facing windows to seek to overcome the concerns raised.

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

The Authority has received two letters of representation from two parties objecting to the proposal. Grounds for objection principally relate to overlooking.

Consultations:

None

Summary of Issues:

The effect of the development on the amenities of neighbouring residents.

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 Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

It is recognised that a window exists at first floor level on the east gable of the property. The gable end is approximately 10m from the neighbouring boundary to the east.

However, as part of the proposed development, the installation of two first floor windows to the east elevation of the proposed first floor extension, together with its close proximity to the east boundary (approx. 6m) with the neighbour's (Farthingales) rear garden immediately beyond, leads to the conclusion that the development would increase the degree of overlooking to an unacceptable level.

Consequently, the installation of first floor windows so close to the boundary where a private amenity space exists immediately beyond would result in a substandard relationship and overlooking and therefore would unduly compromise the amenities of neighbouring residents. The proposal does not represent 'good' design for the purposes of Policy GP8 and the effect on neighbouring residents would lead to an unneighbourly development which is sufficient to rebut the general support in favour of householder development (Policy GP13).

The development would be contrary to Island Development Plan Policies GP8 and GP13.

For the reasons set out above, it is recommended that planning permission is refused.

Date: 02/03/2023

