

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: Erect single storey and 2 storey extension to east (rear) elevation, erect/extend balcony at 1st floor level to north (side) elevation and alterations to fenestration.

LOCATION: Lion Rock, Cobo Coast Road, Castel.

APPLICANT: Mr R Smart

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: 06/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Torode Architecture - 3075 - 16A & 17A.

Application Ref: FULL/2022/2235

Property Ref: D01587A000

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.Notwithstanding the details shown on the submitted drawing 3075-17A, no permission is conferred to replace the existing balcony balustrade on the west facing elevation and the balcony extension shall have a balustrade which matches the design of the existing west facing balcony balustrade.

Reason – In the interests of visual amenity.

5.No development shall begin on site until details of the proposed balustrade have been submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed balcony balustrade. This condition is imposed to make sure that these elements of the development match the design of the existing balcony as closely as possible and does not have any adverse impact on the character of the area.

Expiry Date: This permission will cease to have effect on 05/04/2026 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/2022/2235
Property Ref: D01587A000
Valid date: 12/01/2023
Location: Lion Rock Cobo Coast Road Castel Guernsey GY5 7HB
Proposal: Erect single storey and 2 storey extension to east (rear) elevation, erect/extend balcony at 1st floor level to north (side) elevation and alterations to fenestration.

Applicant: Mr R Smart

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. Notwithstanding the details shown on the submitted drawing 3075-17A, no permission is conferred to replace the existing balcony balustrade on the west facing elevation and the balcony extension shall have a balustrade which matches the design of the existing west facing balcony balustrade.

Reason – In the interests of visual amenity.

5. No development shall begin on site until details of the proposed balustrade have been submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed balcony balustrade. This condition is imposed to make sure that these elements of the development match the design of the existing balcony as closely as possible and does not have any adverse impact on the character of the area.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Lion Rock' is a 19th century two and a half storey semi-detached dwelling which is set back from and faces west onto Cobo Coast Road. There is a detached property to the north and the other semi attached to the south and to the east the garden backs onto another property's garden. The property is located in the Cobo Local Centre as defined in the Island Development Plan.

Relevant History:

FULL/2018/1212 - Enlarge first floor balcony on front elevation of property and install balustrading - Approved October 2018.

FULL/2017/0031 - Replace balustrading to existing balcony - Refused January 2018.

FULL/2015/0308 - Install glazed balustrade to replace existing balcony - Refused July 2015.

FULL/2014/2335 - Remove existing balustrading and install new glass balustrading to balcony on west (front) elevation - Refused September 2014.

Existing Use(s):

Residential use class 1: dwelling house.

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

X
X
X
X

visual amenity acceptable
no material neighbour impact
traffic not affected

X
X
X

Policies considered most relevant:

GP8: Design
GP9: Sustainable Development
GP13: Householder Development

Conclusion/Brief comment:

This application is to erect a single storey and a two storey extension to the east rear elevation, and erect/extend balcony at first floor level to the north side elevation along with some alterations to the fenestration.

Initially the first floor balcony only showed a glazed balustrade on the north elevation, but because the property is quite prominent and the north elevation is seen from the road, the application was deferred to request that the existing detailed iron balustrade continue to run along the north balustrade as well as the west balustrade. Amended drawings have now been received.

Although large, the proposals 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 plenty more flexible and adaptable accommodation.

Despite the fact the second storey element has a flat roof, due to a combination of its siting to the rear of the dwelling and its scale and massing, the new extension is not considered to have a detrimental effect on the character and amenity of the surrounding area because only a small part of it will be seen from the front.

The proposals will not have any impact on either of the immediate neighbours, as the additional first floor windows look north onto the gable of the neighbouring property or east down the property's garden. There is enough distance between the windows and the neighbours garden for there not to be any overlooking.

The existing balcony balustrade comprises of a 1.1m glass balustrade with a 0.9m cast iron detailed railing in front. However, drawing 3075-17A does not indicate the detail of the existing balustrade accurately. It is recommended that a condition is applied to ensure the existing balustrade design is replicated in order to respect the character and appearance of the existing building.

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.

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.

Recommendation:

Grant with Conditions



Date: 05/04/2023