

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: Remove Juliet balconies and create terrace at first floor level to south (rear) elevation, (retrospective).

LOCATION: Stone House, Vazon Road, Les Dunes, Castel.

APPLICANT: Mr & Mrs J Hook

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: 18/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/11/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7699-01/B/1, /2 & /3.

Application Ref: FULL/2022/2237

Property Ref: D005760000

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 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.

Expiry Date: This permission will cease to have effect on 17/04/2026 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/2022/2237
Property Ref: D005760000
Valid date: 14/11/2022
Location: Stone House Vazon Road Les Dunes Les Dunes Castel
Guernsey GY5 7LJ
Proposal: Remove Juliet balconies and create terrace at first floor level
to south (rear) elevation, (retrospective).

Applicant: Mr & Mrs J Hook

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 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.

OFFICER'S REPORT

Site Description:

The application site comprises a 1.5 storey Guernsey style cottage located to the south of Vazon Road.

Planning permission was granted in 2010 (FULL/2010/1306) to extend and alter the dwelling and install first floor juliet balconies and a terrace to the south and west elevations. The terrace was sited under the southern pitched roof gable end.

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

Relevant History:

PREA/2022/0877	Remove Juliet balconies and erect balcony to flat roof.	Pre-application advice
FULL/2011/0375	Variation to works previously approved to extend and alter dwelling - Erect extension to side of property (south elevation) and install glazed cheeks to dormer windows on front of property.	Granted
FULL/2010/1306	Extend and alter dwelling, install first floor balcony terrace (south and west elevations).	Granted

Existing Use(s):

Residential

Brief Description of Development:

Retrospective permission is sought to remove the Juliet balconies and create terrace at first floor level to south (rear) elevation, above the existing flat roof. 1.1m high balustrading has also been erected along the perimeter of the terrace, using opaque glass.

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

GP8 Design

GP13 Householder Development

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.

Planning permission was granted in 2010 (FULL/2010/1306) to extend and alter the dwelling and install first floor Juliet balconies, and a first-floor terrace to the south and west elevations as described above. As such, there is an existing degree of overlooking towards the neighbour to the west, however following previous consideration, this was deemed to not be so significant albeit under a former Development Plan, to warrant refusal.

With regards to its design, the proposed alterations to the first-floor fenestration i.e., the removal of the Juliet balconies, together with the balustrading of the terrace, adopts a good standard of design which does not detract from the original house in terms of detailing and materials and does not have a detrimental impact on the character of the area or visual amenity.

Careful consideration has been afforded on the effects of the development on the amenities of neighbouring residents. The western edge of the terrace would be approximately 15m from the west boundary, and approximately 29m from the east elevation of the neighbouring property. The front garden and driveway of 'The Beach House' exists between these two reference points. The most sensitive part of The Beach House is most likely to be to the rear (south) of the dwelling where a patio area exists, although this is set some distance from the terrace and direct views are incepted by the position of a detached garage.

In short, the additional degree of overlooking is not considered to be substantial enough to warrant refusal when taking into account; the extent of the terrace,

obscure glass, the distance to the south and west boundary, the height of the hedge along the west boundary and the distance between the terrace and the most sensitive parts of the neighbouring property to the west. For these reasons, the proposal is not considered to result in significant harm to the amenities of neighbouring residents. Moreover, the 1100mm high glazing comprises of obscure glass therefore should the residents sit down on the terrace; the degree of overlooking would be negligible.

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 and accords with the purpose of the Law and material considerations; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 13/04/23