

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 extensions, erect single storey extension with roof terrace at first floor level to north (rear) elevation, erect porch with balcony at first floor level and second floor level to south (front) elevation and alterations to parapet and fenestration.

LOCATION: Fleur De Lys, Les Bas Courtils Road, St. Sampson.

APPLICANT: Mr & Mrs Welch

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: 23/01/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/11/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Ltd: 21-1295/PD/01 & /02.

Application Ref: FULL/2022/2308

Property Ref: B00102A000

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 glazing to the window hereby permitted in the east (side) elevation shall be obscure glazed to a minimum of Level 3 on the Pilkington scale (or equivalent) and fixed shut, and shall thereafter be so maintained.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

5.Notwithstanding the details submitted as part of this application, before the first floor rear roof terrace, hereby approved, is first brought into use an obscure glazed privacy screen (of a minimum of level 3 on the Pilkington scale, or equivalent) shall be erected above and along the entire length of the wall to the eastern edge of the roof terrace (facing the neighbouring property to the east of the site). The obscure glazed screen and wall combined shall be 1.8m in height. The screen shall thereafter be maintained and retained in perpetuity.

Reason - To protect the reasonable amenities of neighbouring residents.

Expiry Date: This permission will cease to have effect on 22/01/2026 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/2022/2308
Property Ref: B00102A000
Valid date: 30/11/2022
Location: Fleur De Lys Les Bas Courtils Road St. Sampson Guernsey GY2 4BP
Proposal: Demolish extensions, erect single storey extension with roof terrace at first floor level to north (rear) elevation, erect porch with balcony at first floor level and second floor level to south (front) elevation and alterations to parapet and fenestration.
Applicant: Mr & Mrs Welch

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. The glazing to the window hereby permitted in the east (side) elevation shall be obscure glazed to a minimum of Level 3 on the Pilkington scale (or equivalent) and fixed shut, and shall thereafter be so maintained.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

5. Notwithstanding the details submitted as part of this application, before the first floor rear roof terrace, hereby approved, is first brought into use an obscure glazed privacy screen (of a minimum of level 3 on the Pilkington scale, or equivalent) shall be erected above and along the entire length of the wall to the eastern edge of the roof terrace (facing the neighbouring property to the east of the site). The obscure glazed screen and wall combined shall be 1.8m in height. The screen shall thereafter be maintained and retained in perpetuity.

Reason - To protect the reasonable amenities of neighbouring residents.

OFFICER'S REPORT

Brief Description of the site:

The application site is situated on Les Bas Courtils Road, in close proximity to the junction with Les Grandes Maisons Road. The dwelling forms one of three large, detached properties set back from the roadside, occupying a prominent position.

The site is located within the Main Centre Outer Area as designated by the Island Development Plan (IDP).

Relevant History:

N/A

Existing Use(s):

Use Class 1- Residential Dwelling

Assessment: *(Tick as appropriate)*

no representation

✓
✓
✓
✓

accords with policy

within curtilage

design acceptable

visual amenity acceptable

no material neighbour impact

traffic not affected

✓
✓
✓

Policies considered most relevant:

GP8 – Design

GP9 – Sustainable Development

GP13 – Householder Development

Conclusion/Brief comment:

The proposed enlarged balcony at first floor level and introduction of new balcony at second floor to the front/south of the dwelling is acceptable as the frontages of surrounding buildings are open and are considered less sensitive in terms of private amenity.

Although the proposed fenestration has a very vertical emphasis and the second-floor balcony addition to the existing box dormer is large, the balustrades proposed are lightweight additions which do not appear over dominant and are considered appropriate in this seafront location.

The works to the rear involve the demolition of the existing conservatory and erection of a larger single storey extension with roof terrace proposed above. The extension abuts the eastern boundary of the site. The roof terrace is set approx. 3.5m away from the boundary with the neighbour and given its large size and depth, could potentially allow direct views into the neighbour's garden and rear conservatory and so it is considered reasonable to condition the use of a privacy screen erected along the wall shown on the plans along the eastern side of this roof terrace, and reaching a combined height of 1.8m.

The proposed new window in the eastern side elevation at second floor, may allow direct views into existing side windows in the neighbouring property with only 10m separation distance and so it is considered reasonable to ensure this window is obscure glazed to prevent any harm.

There is extant permission (FULL/2022/2308) for the erection of 17 new dwellings on the land to the rear of this site, and the permission appears to have commenced. This approved a pair of dwellings (units 17 and 18) approx. 21m directly to the north of the roof terrace, given this distance the relationship is considered acceptable as direct overlooking should not be possible. A variation to this permission is currently under consideration (FULL/2022/2175) and this proposed rotating units 17 and 18 by 90 degrees so the blank side elevation of Unit 18 is approx. 17m from the proposed roof terrace, and the amenity area located to the rear and not directly overlooked. Should this variation be approved, it is not likely to have a significant or harmful impact on the amenity of the future occupants of the new dwellings or the occupants of Fleur de Lys.

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: 18/01/2023