

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 extension, extend and alter at ground floor level and raise, extend and alter roof height and form to create accommodation at first floor level.

LOCATION: Les Pres, Rue De L'Aitte, Torteval.

APPLICANT: Mr B O'Brien & Ms V Simpson-Clarke

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: 24/02/2023

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: 21-1365/PD/01 & /02.

Application Ref: FULL/2022/2313

Property Ref: G00357C000

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 1.8m obscure glass privacy screen to the south side of the terrace hereby approved, shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall be installed prior to the terrace being brought into use. The privacy screen shall thereafter be retained at all times.

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

5.The first floor stairwell window in the south elevation shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or patterned equivalent), and shall be fixed shut and thereafter be retained at all times. No changes shall be made to this window.

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

Expiry Date: This permission will cease to have effect on 23/02/2026 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/2022/2313
Property Ref: G00357C000
Valid date: 30/11/2022
Location: Les Pres Rue De L'Aitte Torteval Guernsey GY8 0PD
Proposal: Demolish extension, extend and alter at ground floor level and raise, extend and alter roof height and form to create accommodation at first floor level.

Applicant: Mr B O'Brien & Ms V Simpson-Clarke

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 1.8m obscure glass privacy screen to the south side of the terrace hereby

approved, shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall be installed prior to the terrace being brought into use. The privacy screen shall thereafter be retained at all times.

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

5. The first floor stairwell window in the south elevation shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or patterned equivalent), and shall be fixed shut and thereafter be retained at all times. No changes shall be made to this window.

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

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Les Pres' is a 1970's pitched roof bungalow, it is located to the southwest of Rue de L'Aitte, the dwelling faces northwest as the land falls away from the southeast to the northwest. There are neighbouring properties up the hill to the southeast and down the hill to the northwest and on roughly the same level to the west and across the road to the northeast. The property is located Outside of the Centres and within the Agriculture Priority Area as defined in the Island Development Plan.

Relevant History:

PREA/2022/0675 – Extend and alter dwelling – Closed July 2022.

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:

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Conclusion/Brief comment:

This application is to demolish the southwest extension, extend and alter at ground floor level and raise, extend and alter roof height and form to create accommodation at first floor level.

The property will go from a single storey pitched roof bungalow to a modern two storey box dwelling, this will mean a 1.6m height increase from the existing ridge line and more mass and bulk. 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 more flexible and adaptable accommodation.

Due to the topography of the land, higher in the southeast and falling away to the northwest, the additional mass of the two storey proposal will not be as conspicuous as if the dwelling were located within a flat landscape.

The agent supplied a series of photos with the proposed dwelling in situ from a variety of public locations in the surrounding area, to give an idea of how the proposed structure would impact the surrounding landscape. The property would not be overly noticeable in the long views, which in turn means the impact of the structure on the surrounding character of the area is limited.

Overall the property is surrounded by residential properties within a rural setting with glimpsed views between the residential properties of garden areas and open fields beyond to the southwest and northeast. It is considered therefore that any detrimental impact on the landscape character and openness of the surrounding area would not be so substantial to warrant the refusal of planning permission.

The neighbour to the southeast, albeit at a higher level, is a minimum of 10m away. The only first floor window shown on the south elevation is within the stairwell, but is shown full length, which could incur some overlooking. To mitigate any overlooking this window ought to have patterned or opaque glazing, this can be controlled by condition.

The neighbours to the northwest and north are both at a lower level and between 12m - 15m away, with the property's garden acting as a buffer. The northwest neighbour is a bungalow and the visible amenity space is the driveway and not private amenity space. Therefore the first floor windows on each of the other elevations are not considered to cause overlooking and the property would not

overshadow any of the neighbours. Due to the above the proposals are not considered to have any significant detrimental effects on neighbour amenity.

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: 21/02/2023