

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 conservatory and erect single storey extension with raised terrace and alterations to fenestration to east (rear) elevation, remove existing hedge and fence and erect retaining wall to east boundary.

LOCATION: Mammut, Rue Du Presbytere, Castel.

APPLICANT: Mr & Mrs L Robilliard

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: 14/02/2024

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 - 7699 - 01C & - 02D.

Application Ref: FULL/2023/0031

Property Ref: D009200002

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.No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

i) the full details of the proposed boundary hedge planting; including the species, sizes, numbers and densities of plants.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

5.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

6.Notwithstanding the details submitted as part of this application, before the raised terrace area, hereby approved, is first brought into use an obscure glazed privacy screen (of a minimum of level 3 on the Pilkington scale, or equivalent industry standard) shall be erected along the entire length of southern edge of the terrace. The obscure glazed screen shall be 1.8m in height and the screen shall thereafter be maintained and retained in perpetuity.

Reason: In the interests of neighbouring amenity

Expiry Date: This permission will cease to have effect on 13/02/2027 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/2023/0031
Property Ref: D009200002
Valid date: 12/01/2023
Location: Mammot Rue Du Presbytere Castel Guernsey GY5 7NE
Proposal: Demolish conservatory and erect single storey extension with raised terrace and alterations to fenestration to east (rear) elevation, remove existing hedge and fence and erect retaining wall to east boundary.

Applicant: Mr & Mrs L Robilliard

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).

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i) the full details of the proposed boundary hedge planting; including the species, sizes, numbers and densities of plants.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

6. Notwithstanding the details submitted as part of this application, before the raised terrace area, hereby approved, is first brought into use an obscure glazed privacy screen (of a minimum of level 3 on the Pilkington scale, or equivalent industry standard) shall be erected along the entire length of southern edge of the terrace. The obscure glazed screen shall be 1.8m in height and the screen shall thereafter be maintained and retained in perpetuity.

Reason: In the interests of neighbouring amenity

OFFICER'S REPORT

Brief Description of the site:

The site is occupied by a detached bungalow set to the front of the plot, the land levels drop away from west to east meaning the dwelling is set at a higher level than the rear garden. Land levels also fall gently from south to north.

The rear boundary is currently formed by a combination of earth bank, hedge and fencing.

The neighbouring property to the south has a first-floor level balcony which wraps around the property and overlooks the majority of Mammut's rear garden.

Relevant History:

PAPP/2006/2652- Install decking (retrospective) – Refused- due to impact on neighbours and resultant overlooking.

PAPP/2007/0153- Install decking (retrospective) – Approved

Existing Use(s):

01 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

Representations:

One letter of representation was received by a local resident and has been summarised below:

- Query over heights and clarity of plans, harm to privacy from use of glass balustrades (Officer Note- these plans have been revised and glass balustrade has been removed)
- Concern regarding overlooking of properties below as wall is only 1.1m high.
- Request for use of evergreen species to maintain privacy, planted within a particular timeframe and maintained at a particular height.
- Plans suggest changes in land levels within the garden
- Privacy concerns regarding new elevated terrace and overlooking to Carlton Estate.
- Carlton Estate is private and so can not be used for construction works and would impact and disrupt access to houses.
- Query as to ownership of pavement adjacent to proposed retaining wall.

Conclusion/Brief comment:

The proposed demolition of the conservatory and erection of a replacement single storey extension is acceptable as the extension proposed has the same footprint as the existing extension, the new roof proposed matches the existing bungalows height, design and form.

The alterations to the fenestration are at ground floor level and would have no impact on any neighbours due to their position within the centre of the site.

The introduction of a raised terrace which is approx. 1m above ground level, situated adjacent to the existing extension/proposed conservatory is also considered acceptable as land levels drop away from the dwelling across to the east and this provides a useable flat area which is a reasonable aspiration of the property owner. The raised terrace has been reduced in size to minimise the harm to neighbouring amenity. Bringing the raised area in line with the proposed extension, along with the 1.8m high obscure glazed screen located at the southern edge of the decking, should prevent any harmful views into the neighbour's garden (located to the south of the application site) by limiting the proximity of the decking. Views of dwellings to the east from the raised terrace are not considered harmful at a distance of over 20m away.

The rear boundary of the site, along Carlton Road is currently composed of an existing earthbank, with sections of broken wall and stone, with hedging over. There is an internal boundary fence within the hedging.

It is proposed to replace this eastern (rear) boundary with a rendered retaining wall, which increases in height from south to north, from approx. 3.2m in height to 4m in height as the road level to the south drops. As the boundary will be enclosed by the wall, the existing hedge will be replaced and the internal fencing removed, providing a more secure boundary. The hedging will be secured by condition to ensure its provision, however it is not considered reasonable to require its maintenance at a certain height, nor is it considered necessary to ensure it is a evergreen species, given the distance of approx. 12m to the nearest dwelling to the east (rear) and only views over the road and less sensitive front gardens will be possible.

The boundary wall wraps around the boundary by approx. 1.8-2m on either end, when viewed from the garden of the neighbour to the north this will be approx. 3.5m high and replace part of the existing wall with fencing above which is also approx. 3.5m in total. Land levels within the neighbour's garden fall away to the rear, and are lower than the application site, but remain slightly higher than the road level to the rear.

Similarly, the retaining wall follows the boundary to the south for 1.8m, land levels within the site and the neighbours are considerably higher than the road which means that the wall will be approx. 1.8m high which replaces an approx. 2m fence and is also located in the far corner, at least 10m away from either dwelling. It is

therefore not considered that the proposed wall will result in any significant harm to neighbouring amenity.

This section of road is characterised by rear gardens enclosed by high boundary walls with hedging above to the western side of the road, with the more open front gardens and lower boundary treatments, to the eastern side of the road. The existing neighbour's boundary wall is very similar to that proposed but approx. 1m lower with hedging over. The dwelling Jogaran, further to the south is enclosed by a similar boundary wall (approx. 3.5-4m in height) and was granted permission under PAPP/1999/4071- erect boundary wall and raise height of wall. This wall has no vegetation above.

The current proposal is therefore not considered to be harmful to the character of the area and will blend into the existing built environment. The introduction of new hedging will assist in softening its appearance in the street scene and will be conditioned accordingly.

In conclusion, the proposal is considered acceptable in relation to Policy GP8 and GP13.

No changes to land levels within the site are proposed, and issues relating to the location of site boundaries are civil matters, which are not material planning considerations which can influence the decision made.

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: 09/02/2024

