

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 extension with raised terrace at 1st floor level and Braai outdoor kitchen flue to south (rear) elevation.

LOCATION: Parkway, Guelles Lane, St. Peter Port.

APPLICANT: Pulse Mechanical Electrical

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: 21/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Naftel Associates - A210401 09, 10, 11, 12 & 15.

Application Ref: FULL/2023/0094

Property Ref: A102780000

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 obscure glass balustrade hereby approved to the east boundary wall serving the first floor roof terrace shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall be installed prior to the roof terrace being brought into use. The balustrade shall thereafter be retained at all times.

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 20/02/2026 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/2023/0094
Property Ref: A102780000
Valid date: 18/01/2023
Location: Parkway Guelles Lane St. Peter Port Guernsey GY1 2DD
Proposal: Erect single storey extension with raised terrace at 1st floor level and Braai outdoor kitchen flue to south (rear) elevation.

Applicant: Pulse Mechanical Electrical

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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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 obscure glass balustrade hereby approved to the east boundary wall serving the first floor roof terrace shall be glazed with obscure glass to a minimum level 3 on

the Pilkington scale (or equivalent) and shall be installed prior to the roof terrace being brought into use. The balustrade shall thereafter be retained at all times.

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

OFFICER'S REPORT

Site Description:

Parkway is a detached two-storey dwelling, currently undergoing extension and alteration, situated to the south of Guelles Lane. The property is elevated above road level and bounded by residential properties to the east, south and west and commercial premises to the north.

The site is located within the St Peter Port Main Centre Outer Area in the Island Development Plan.

Relevant History:

FULL/2018/0288 - Remove existing steps and replace roadside boundary wall to create new vehicular access and excavate behind to form parking area – granted

FULL/2018/0541 - Extend dwelling at first floor level to create 2 storey building, including balcony on north elevation and alterations to fenestration – granted

FULL/2018/2268 - Remove fence and section of hedge and erect wall (side/west boundary), and remove hedge and erect wall (side/east boundary) – granted

FULL/2018/2407 - Variation to plans previously approved to extend dwelling at first floor level to create 2 storey building including balcony on north elevation and alterations to fenestration - Erect balcony on flat roof and change window to bi-fold doors – granted

FULL/2019/2101 - Erect garage with terrace above to north (roadside) elevation and extend roof terrace at first floor level to south (rear) elevation – refused

FULL/2021/2186 - Install cladding to ground floor level and erect walls to east and west boundary (retrospective) – granted

FULL/2021/2396 - Erect garage with raised terrace at first floor level to north boundary (Revised Scheme) – refused

FULL/2021/2471 - Erect two storey pool room, extend raised terrace area and erect Braai outdoor kitchen and flue to south (rear) elevation – refused on the grounds that there was insufficient information relating to the proposed pool equipment to demonstrate it would not have an adverse impact on residential amenity and that the development would represent a cramped and congested development detrimental to the amenities of the occupiers of the property by virtue of the loss of private amenity space and harmful to the amenities of the adjoining dwelling.

FULL/2022/0972 - Erect garage with raised terrace at first floor level to north boundary (revised scheme) – refused

FULL/2022/1670 - Erect garage with raised terrace at first floor level to north boundary (revised scheme) – granted

FULL/2022/1805 - Erect two storey pool room, extend raised terrace area and erect Braai outdoor kitchen and flue to south (rear) elevation (revised scheme) – refused

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application relates to the erection of a single-storey flat roof extension to the rear of the dwelling with enlarged terrace over served by external steps from the west. A new 0.44m high obscure glazed privacy screen is proposed on top of the existing east boundary wall with a 1.8m high privacy screen to the northern edge of the terrace, adjacent to the east boundary. The remainder of the terrace is to be enclosed by a 1.1m high glazed screen. A Braai external kitchen with associated chimney/flue is proposed to the west of the terrace.

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

Island Development Plan policies:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

One letter of representation has been submitted commenting on the application and raising the following points:

- Glass privacy barriers will be visible over the high wall. The wall offers more than sufficient privacy being almost 4m high, it is overbearing and has

resulted in a loss of sunlight in the garden – any extension/change to this will further diminish outlook and light

- The Braai kitchen appears to extend significantly above the height of the wall with further impact on outlook. If it were positioned on the south boundary the effect on the adjoining dwelling, Amethyst would be reduced – the braai as proposed will block the line of the sun, again reducing light and sun to the garden
- The wall currently remains unfinished – there is a gap where the east and south boundary so not meet. The scallop details were not built and it has not been built at the front of the property leaving Amethyst exposed which impacts on the enjoyment of the neighbouring property

Consultations:

Office of Environmental Health and Pollution Regulation – make no comments or objections on the proposals.

Summary of Issues:

The key issues in this case relate to the level of development on site, access to external open space and the impact of the extensions and alterations on the amenities of adjoining residents with regard to overshadowing and overlooking.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

An objective of the IDP is to use land in an effective and efficient way to make the best use of the finite amount of land available this must be balanced with ensuring adequate living standards are maintained with regard to the occupiers of a dwelling and its neighbours. As part of earlier refusals for extensions to the rear of Parkway concerns were raised regarding the level of development on site as a whole and the size of extensions proposed. This revised scheme sees a reduction in development from two-storey to single-storey with a larger first floor terrace proposed (previously the pool/spa building).

Access to external space can take various forms (garden, balcony, terrace, public parks/beaches etc.). Orientation, outlook and accessibility, for example, can greatly influence the quality of provision and the IDP expects external open space to be of high quality. Consideration must be given to the level and quality of external amenity space proposed to serve this substantial family home and a significant amount of

built development has occurred on this site. The site does benefit from an acquired side garden to the west of the property and although the submitted scheme would result in the loss of ground floor external amenity space to the rear/south of the building this will already be affected by the existing dwelling and high boundary walls. In enlarging the first floor terrace this is likely to represent lighter and brighter external amenity space for the enjoyment of occupiers, and the level of external amenity space would not significantly alter from the existing situation at Parkway.

The proposed single-storey extension would be built up to the south and east site boundaries but would be served by natural light via flat roof rooflights and bifold doors to the west which is considered satisfactory given the intended use of the accommodation proposed (games room, WC and utility/study area). The accommodation would also offer more adaptable accommodation that can respond to the needs of occupiers over time.

The extension has also been designed to reflect the materials of the main dwelling, being located to the rear of the property it will not be highly visible from outside the site and will not have a detrimental impact on the local built environment.

The single-storey nature of the development now proposed ensures that the development will not result in overshadowing or loss of light to the occupiers of the adjoining dwellings.

The application incorporates an enlarged first floor balcony/terrace accessed from the first floor living accommodation at Parkway. As part of the 2018 scheme to extend the dwelling, including a balcony to the north, concerns were raised regarding the potential for overlooking and loss of privacy to the occupiers of the dwelling to the east. A 1.8m high obscure glazed screen was proposed to enclose the rear first floor terrace (east and west edges of the terrace). The current scheme proposes a 1.1m high balustrade to the south and west edges of the terrace and a 0.44m high privacy screen attached to the existing high east boundary wall creating a screen 1.8m high from the terrace level. A 1.8m high screen is also proposed along the northern edge of the terrace.

The combination of the boundary wall and privacy screen, which can be required by planning condition, will ensure that overlooking and loss of privacy to the east is kept within acceptable limits. Although the screen would increase the height of the common boundary between the properties the screen is to be set on the inner section of the wall, away from the neighbouring garden, be limited in height, lightweight and glazed thereby allowing light to pass through. The screen will have no further overbearing impact and would not be sufficient to warrant the refusal of permission.

The scheme accords with Policies GP8, GP9 and GP13 in this respect.

The first floor terrace would be set further from the west site boundary because the site has been enlarged. As approved under application reference FULL/2021/2186

the boundary wall would be 4m high and given the height of the terrace and distance to the site boundary it would not be possible to obtain views into the garden of Earls Colne to the west from the terrace.

Turning to the proposed Braai/flue the proposed development would not result in harm to the local built environment being situated to the rear of the property and substantially screened from public view, and given the enclosed nature of the site, the height of the dwelling itself and high retaining boundary walls, and that no concerns have been raised by the OEHPR regarding this aspect of the development. The chimney/flue associated with the Braai will need to meet current Building Regulations to ensure the appropriate dispersal of smoke which will manage the concerns expressed through the consultation process.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

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.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 16 February 2023

