

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 and rooflights at ground floor level, erect extension at 1st floor level and dormer window at 2nd floor level to north-east (rear) elevation.

LOCATION: 2 Elm Grove, St. Peter Port.

APPLICANT: Miss L Kelly

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: 07/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates - 2250 03.01A, 03.02A, 03.03A, 03.04A, 03.05A, 03.06, 03.07A, 03.08, 03.09A, 03.10, 03.11 & 03.12.

Application Ref: FULL/2023/0101

Property Ref: A205540000

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.Prior to the vertical timber cladding being installed on site, a finished sample of the material hereby approved shall be submitted to the Authority. Only the material agreed in writing by the Authority shall be used in carrying out the development.

Reason - to ensure that the material used as part of a large proportion of the development that is visible from the Conservation Area achieves a high enough standard of design in the interests of conserving the Conservation Area.

Expiry Date: This permission will cease to have effect on 06/07/2026 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/2023/0101
Property Ref: A205540000
Valid date: 27/01/2023
Location: 2 Elm Grove St. Peter Port Guernsey GY1 1UR
Proposal: Erect single storey extension and rooflights at ground floor level, erect extension at 1st floor level and dormer window at 2nd floor level to north-east (rear) elevation.

Applicant: Miss L Kelly

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. Prior to the vertical timber cladding being installed on site, a finished sample of the material hereby approved shall be submitted to the Authority. Only the material agreed in writing by the Authority shall be used in carrying out the development.

Reason - to ensure that the material used as part of a large proportion of the development that is visible from the Conservation Area achieves a high enough standard of design in the interests of conserving the Conservation Area.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a 2.5 storey mid terrace property located to the north of Elm Grove. The property has been extended and altered over the years and features an elongated garden to the rear.

The property is located in the Main Centre Outer Area as designated in the Island Development Plan.

Planning permission is sought to erect a single storey extension and rooflights at ground floor level, erect extension at 1st floor level, and dormer window at 2nd floor level to north-east (rear) elevation.

The application was deferred as some concerns were raised with regards to the first-floor flat roof extension to the rear of the property and its potential effect on the neighbouring property to the west.

In response, the agent has reduced the size of the first-floor extension and offset the extension from the west boundary by approximately 0.8m.

The agent has also provided a shadow analysis to demonstrate the likely shadowing effect from the proposed development during different times of the day over the course of the year.

Relevant History:

PAPP/2004/2732	Enlarge dormer window	Refused
PTFR/1999/3300	Demolish rear extensions; construct extension and	Granted
PAPP/1999/0957	Demolish rear extensions; construct extension	Granted

Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

GP4 Conservation Areas
GP8 Design
GP9 Sustainable development
GP13 Householder Development

Conclusion/Brief comment:

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 refused in 2004 to enlarge a dormer window to the rear which was determined under a former Development Plan. The Island Development Plan was enacted in 2016 and therefore a material change in circumstances exist due to the introduction of a new planning policy framework. The current application is assessed based under the relevant IDP policies.

A number of properties to the north of Elm Grove have been extended to the rear at first floor level. In light of the amendments secured, the proposed ground and first floor extension adopt a high enough standard of design for the purposes of Policy GP8 when taking into account their scale, form, mass, materials, detailing and projection from the original part of the house. Due to the ribbon development in the surrounding area, the proposed extensions would only be glimpsed in oblique views in the street scene, therefore would not unduly detract from the character or appearance of the Conservation Area, subject to the materials being controlled by condition.

Some concerns are raised in respect of the size of the proposed 2nd floor dormer window when viewed against the width of the first-floor extension which makes the development somewhat 'top-heavy'. Although, the dormer has been designed in a way that it is offset from the both the ridge and east and west boundaries thereby making it central to the width of the property, and when viewed against the ground floor extension. In addition, the rear elevation of the properties to the north of Elm Grove feature a mix of different sized dormer windows of various forms, and even a 2.5 storey pitched roof extension. Overall, despite some reservations, the design of the dormer is satisfactory and would not be overly prominent in the street scene to

cause sufficient harm to the character or appearance of the Conservation Area to reasonably warrant refusal. For the purposes of Policy GP4, the proposal would conserve the Conservation Area.

Careful consideration has been given to the effect of the development on the amenities of neighbouring residents. The ground floor extension will have a similar effect on neighbour amenity to the existing ground floor conservatory based on the fenestration proposed. Although, due to the projection of the first-floor extension and the enlarged dormer window, the proposal will inevitably have a greater effect on the amenities of neighbouring residents with regards to overshadowing, overlooking and overbearingness.

With regards to overlooking, the proposed first floor extension does not feature any new fenestration on both the east or west elevations that would face directly towards adjoining properties therefore will not result in any significant additional overlooking or intervisibility from this perspective.

It is recognised that the first-floor extension and dormer window will increase overlooking of neighbouring properties to the north, although the north elevation of the extension is setback by approximately 8m to the nearest neighbouring property (No.3 La Butte Court). At this distance, together with the existing level of overlooking from the rear elevation of properties to the north of Elm Grove, the additional degree of overlooking is not considered to be substantial, particularly in this high-density location, to reasonably cause undue harm to justify refusal.

In light of the amendments secured, the agent has reduced the size of the first-floor extension and has offset the extension from the west boundary by approximately 800mm. The neighbouring property to the west (Snowdon) features a first floor window immediately adjacent to the north boundary, with a shared walkway beneath. A ground floor extension exists beyond. Based on the shadowing analysis provided together with the revised position of the extension, the degree of harm caused by overshadowing and overbearingness would not lead to an unacceptable relationship to result in refusal.

To the east, the neighbouring property features a ground floor flat roof extension which projects out beyond the proposed first-floor extension and therefore their most private amenity space is unlikely to be duly affected.

Overall, the amenities of neighbouring residents will be adversely affected, although the degree of harm is not considered to be significant for the purposes of Policy GP8 or GP13 to justify refusal when taking into account the amendments to the scheme.

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, accords with the purpose of the Law, and the

requirements of the material considerations; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 06/07/23