

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 two storey and single storey extension and rooflight to south (side) elevation, install rooflights to north (side) elevation and alterations to fenestration.

LOCATION: Linden House, Avenue Germain, Ville Au Roi Estate, St. Peter Port.

APPLICANT: Mr & Mrs Tsan

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: 04/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A102, A103, A104, A105, A106, A107 and P(S)01A

Application Ref: FULL/2023/0362

Property Ref: A404890000

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.

Expiry Date: This permission will cease to have effect on 03/04/2026 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/2023/0362
Property Ref: A404890000
Valid date: 06/03/2023
Location: Linden House Avenue Germain Ville Au Roi Estate Ville Au Roi Estate St. Peter Port Guernsey GY1 1PF
Proposal: Erect two storey and single storey extension and rooflight to south (side) elevation, install rooflights to north (side) elevation and alterations to fenestration.
Applicant: Mr & Mrs Tsan

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.

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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.

OFFICER'S REPORT

Brief Description of the site:

Linden House is a two-storey detached dwelling situated to the east of Avenue Germain. A large single-storey flat roof exists to the rear of the property and a conservatory to the side/south. A blockwork wall/timber fence that is varied in height marks the south site boundary. The west/roadside boundary is marked by a low wall with some hedge and shrub planting and the north boundary is marked by a close boarded fence.

The application relates to the removal of the existing conservatory to the south of the dwelling and the erection of a two-storey, false hipped and single-storey flat roof extension in its place comprising a garage and store on the ground floor and bedroom and ensuite above. The existing garage door is to be removed and replaced with a window (with associated infilling). Two rooflights are proposed in the north roofslope to serve the existing hipped roofspace with a third rooflight proposed to the south roofslope.

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

Relevant History:

FULL/2021/1853 - Demolish section of roadside wall (west boundary) to widen vehicular access and erect gates, increase height of part of south boundary wall/fence. Demolish single-storey extension (north elevation) and conservatory (south elevation) and erect single storey flat roof extension to south (side) elevation, erect two storey hipped roof extension to north (side) elevation, alterations to fenestration to (side) elevation and erection of a shed to west (front) of dwelling – granted

Existing Use(s):

01 dwellinghouse

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:

Island Development Plan policies:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

IP9: Highway Safety, Accessibility and Capacity

Representation:

One letter of representation has been submitted objecting to two velux rooflights proposed at second floor level serving living accommodation. These windows will directly overlook the neighbouring property, Navarra, south of the application site and will result in loss of privacy to the first floor bedroom in the south elevation of this property. These windows should be refused permission as the scheme could be amended for them to be situated in the west and/or east elevations. If they are accepted in the north elevation however, they should be obscure glazed and fixed shut.

Conclusion/Brief comment:

The extensions and alterations proposed reflect the design and appearance of the existing dwelling. The single-storey flat roof extension is not highly visible and it is noted that flat roof extensions currently exist at the property. The false hipped roof proposed will help disguise the flat roof without increasing the height, bulk and mass of the building whilst addressing the angled boundary which does not enable a uniform building shape. This represents an acceptable design in this location.

The extension to the south has been design to be subservient to the main dwelling and will not result in overshadowing or loss of light to the occupiers of surrounding dwellings. Fenestration to the south of the extension has been limited and will not result in overlooking and loss of privacy to occur.

The rooflights proposed would serve the staircase to the attic and the small area of attic space. Given the hipped roof of the building the usable floorspace would be extremely limited, unlikely to represent habitable accommodation. Although there are currently no first floor windows in the south elevation of Linden House the single rooflight serving the attic space alone will not result in unacceptable overlooking and loss of privacy to the occupiers of surrounding dwellings.

Alterations to hardstanding at the site represents exempt development with regard to access to the new garage and off-road parking remains satisfactory for this dwelling, in a Main Centre Outer Area location.

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.

In view of the above it is recommended permission is granted for the proposed development.

Recommendation:

Grant with Conditions



Date: 30 March 2023