

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, erect 1.5 storey extension to south-west (front) elevation and erect extension at first floor level to south-east (side) elevation, install rooflight to north-east (rear) elevation. (Revised Scheme).

LOCATION: Sarander, Clos Du Villocq, Castel.

APPLICANT: Mr & Mrs A Simon

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: 23/05/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Martel Design Ltd - 23-1082 03A & 04A.

Application Ref: FULL/2023/0673

Property Ref: D01355A003

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 22/05/2026 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/2023/0673
Property Ref: D01355A003
Valid date: 28/03/2023
Location: Sarander Clos Du Villocq Castel Guernsey GY5 7SD
Proposal: Demolish extension, erect 1.5 storey extension to south-west (front) elevation and erect extension at first floor level to south-east (side) elevation, install rooflight to north-east (rear) elevation. (Revised Scheme).

Applicant: Mr & Mrs A Simon

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.

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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

Site Description:

The application site, known as Sarander, comprises a detached dwellinghouse with an attached garage to the south. The property is located towards the north end of Clos De Villocq and is flanked by residential properties to the east, south and west, with a car park serving Saumarez Park Manor Residential Home to the north.

The property is located Outside of the Centres as designated in the Island Development Plan.

Planning permission was refused in 2023 (FULL/2023/0673) to demolish an extension, erect a 1.5 storey extension to the south-west (front) elevation, erect an extension at first floor level to the south-east (side) elevation, and install a rooflight to the north-east (rear) elevation.

The reason for refusal was based primarily on the degree of overlooking from the first-floor windows towards the rear garden of the neighbouring property to the east known as 'Farthingales'.

Relevant History:

FULL/2022/2064	Demolish extension, erect 1.5 storey extension to south-west (front) elevation and erect extension at first floor level to south-east (side) elevation, install rooflight to north-east (rear) elevation.	Refused
FULL/2020/0445	Erect a single storey lean-to extension to south-east elevation.	Granted
PAPP/2008/1414	Fell Leylandii tree	Granted
PAPP/1993/2782	Erect a conservatory.	Granted

Existing Use(s):

Residential

Brief Description of Development:

The agent has submitted revised plans in attempt to overcome the reasons for refusal for the earlier scheme- FULL/2022/2064. In particular, the agent has omitted the windows on the east gable at first floor level and therefore the gable will not feature any fenestration at first floor level that could result in overlooking towards the neighbouring property to the east.

The projecting gable to the east will serve two single bedrooms at first floor level, both of which will be served by (1.8m wide) dormer windows to the north and south elevations respectively.

The plans also show a new door at ground floor level on the south-east elevation when compared to the previous scheme.

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

The Authority has received two letters of representation from two parties objecting to the proposal. Grounds for objection principally relate to overshadowing and overlooking.

Consultations:

None.

Summary of Issues:

The effect of the development on the amenities of neighbouring residents.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

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.

The first floor extensions to the east and south of the property adopt a 'good' standard of design by virtue of their scale, form, massing, siting and materials. The extensions are subservient and proportionate to the main dwelling and adopt a material palette which reflects and respects those materials used on the main dwelling. Consequently, the extensions are considered in keeping with the built form of the surrounding area and will not detract from the amenity of the Clos, or in the wider landscape.

Careful consideration has been given to the effect of the development on the amenities of neighbouring residents. Due to the orientation, relationship and proximity to neighbouring properties, the development will not result in a detrimental shadowing effect that would rebut the general support in favour of householder development (Policy GP13) to warrant refusal, particularly as the extensions are located north and west of the two most sensitive properties that could be reasonably be affected. Furthermore, the projecting east gable extension is set far enough away from the east boundary to ensure that the degree of shadowing, which would only be noticeable in the latter periods of the day, would not be so substantial to cause undue harm.

With regards to overlooking, the development has omitted the windows at first floor level on the projecting east gable. Instead, the agent has included two new dormer windows to the north and south elevations of the projecting east gable due to personal circumstances of the applicant. Whilst it is recognised that the dormer windows, particularly the south dormer, will result in overlooking towards the neighbouring property to the south, the degree of harm caused would not be significant for the purposes of Policy GP8 and GP13. This decision has been reached when taking into account the distance between the outer face of the south facing dormer (approx. 9m) and the south boundary. This distance is comparative to other distances on the Clos between first floor windows and neighbouring boundaries (with gardens immediately beyond), and therefore would not give substantial weight to justify refusal. In addition, the size of the dormer, together with the distances between the dormer and neighbouring properties, is similar to that permitted under the 2023 Exemptions Ordinance.

Similarly, the distance between the first floor window on the projecting south gable and the east boundary, is of a similar distance. Again, when taking into account the factors above which are also relevant in the assessment of this dormer window, the degree of overlooking and the effect on the privacy of neighbours would not justify refusal.

All other alterations are considered acceptable under Policy.

Overall, the proposal will not have a significant detrimental impact on the character of the area, visual amenity, or the amenities of neighbouring residents.

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, and accords with the purpose of the Law and material considerations; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 23/05/23

