

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: Raise roof ridge height and extend to create first floor accommodation, including terrace to first floor level to south (rear) elevation, extend and alter at ground floor level and create basement level.

LOCATION: Alma Gemea, Le Bourg, Forest.

APPLICANT: Mr S Louro & Miss G Barros

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: 14/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design: 23-1462 PD/01A & PD/02A.

Application Ref: FULL/2023/0779

Property Ref: H002190000

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 shall begin on site until large scale details at a scale of 1:20 of the east and west elevation eaves of the flat roof link have been submitted to and agreed in writing by the Authority. The development shall then be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed flat roof. This condition is imposed to make sure that the building achieves a good standard of design and does not have any adverse impact on the character of the area.

5.Prior to the completion or first use of the roof terrace:

- a) Revised details of the east elevation screen wall shall be submitted to and approved in writing by the Authority; and
 - b) The screen wall shall then be completed in accordance with the agreed details.
- The screen wall shall thereafter be retained in perpetuity.

Reason - To protect the reasonable amenities of neighbouring residents.

Expiry Date: This permission will cease to have effect on 13/07/2026 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/2023/0779
Property Ref: H002190000
Valid date: 15/05/2023
Location: Alma Gemea Le Bourg Forest Guernsey GY8 0AN
Proposal: Raise roof ridge height and extend to create first floor accommodation, including terrace to first floor level to south (rear) elevation, extend and alter at ground floor level and create basement level.

Applicant: Mr S Louro & Miss G Barros

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. No development shall begin on site until large scale details at a scale of 1:20 of the east and west elevation eaves of the flat roof link have been submitted to and agreed in writing by the Authority. The development shall then be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed flat roof. This condition is imposed to make sure that the building achieves a good standard of design and does not have any adverse impact on the character of the area.

5. Prior to the completion or first use of the roof terrace:

a) Revised details of the east elevation screen wall shall be submitted to and approved in writing by the Authority; and

b) The screen wall shall then be completed in accordance with the agreed details.

The screen wall shall thereafter be retained in perpetuity.

Reason - To protect the reasonable amenities of neighbouring residents.

OFFICER'S REPORT

Site Description:

The site consists of a small detached traditional cottage forming part of a ribbon development of properties to the south of Le Bourg. The site is within the Forest Local Centre and the Airport Consultation Zone.

Relevant History:

None

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to extend and alter the dwelling including raise the roof height by 1.9m, erect a 2 storey pitched roof extension to the rear (south) elevation incorporating a flat roof link at first floor level, dormer windows to the front and rear and a first floor terrace to the rear, create a basement and install a raised terrace.

The extended dwelling would be finished with a mix of rendered and composite clad walls, a natural slate roof and dark grey aluminium fenestration.

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

GP8 - Design

GP9 - Sustainable Development

GP13 – Householder Development

Representations:

One letter of representation was received in response to the original application from the neighbouring property to the east, main points as follows:

- Loss of light and outlook due to increase height and mass of east elevation/gable.
- Overlooking from terrace with low balustrade and first floor east elevation window.
- Concerns raised about the scale of the roof height in relation to neighbouring properties and dormer windows facing the highway are not in keeping with other properties.

One letter of representation was received in response to the revised application from the neighbouring property to the east, main points as follows:

- Loss of privacy from first floor terrace due to length of east elevation wall and resultant gap between the wall and the roof. This issue could be resolved by extending the wall to meet the profile of the roof or including a return on the wall extending up to the dormer.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Design, scale and impact of the development on the character, appearance and openness of the area, and
2. The impact of the development on the amenity of people living in the area.

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).**

During the course of consideration the application was deferred due to concerns about the impact on the amenities of neighbouring residents due to a first floor

window in the east elevation, the roof terrace and the raised terrace. In response revised plans have been received which omit the first floor east elevation window, increase the height of the screen walls either side of the roof terrace and reduce the area of the ground floor decking.

Properties within the area are of a mixed size and design, including a number of two storey buildings. The proposal would result in a substantial increase to the footprint, scale and mass of the dwelling, with the ridge height increasing by 1.9 metres. Due to the scale and mass of the extended dwelling and its elevated nature above the highway to the west, the extended dwelling would become more visible and have a greater presence when viewed from the highway.

However, despite the increase to its scale and mass, the size of the extended dwelling would be proportionate to the size of the plot as a whole. In addition, the dwelling would be viewed in context with larger two storey neighbouring properties and multi-storey designs are supported under Policy GP8 as a more effective and efficient use of land. The flat roof link has the potential to reduce the quality of the design. However, the flat roof link would be set back from the front pitched roof by a minimum of 0.3m which would reduce its visibility from public view and provided that the detailed design of the eaves achieves a high standard of design, such as including hidden drainage for the roof, this element is unlikely to have a significant adverse effect on the overall design quality. As a whole the design of the extended dwelling is good and the extended dwelling would have no significant adverse effects on the character, openness and appearance of the area, in accordance with Policies GP8 and GP13.

The extended dwelling would result in a substantial increase in the scale and mass of its east elevation, it would extend up to the rear boundary of the neighbouring property and it would affect the outlook and potentially cause some shading of the neighbouring property to the east. However, the extended dwelling would be set back approximately 4 metres from the boundary and together with its height and relative alignment and orientation compared to the neighbours property, the proposal is unlikely to cause sufficient harm as to result in a material adverse overshadowing or overbearing effect.

The revised proposal omitting the first floor east elevation window and the alterations to the roof terrace screens and the ground floor terrace have largely addressed the concerns raised regarding the loss of privacy for neighbouring properties. The potential for overlooking to the east from the roof terrace could be further reduced by extending the east elevation screen of the roof terrace towards the roof plane or including a return towards the dormer, this could be dealt with by condition. The existing east boundary treatment is likely to be sufficient to prevent undue overlooking from the proposed east elevation windows. Overall the proposal is unlikely to have a material adverse effect on the amenities of neighbouring residents.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, 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.

It is recommended that the application is approved.

Date: 12/07/2023

