

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: Extend and alter at ground floor level and 1st floor level including balcony to west (rear) elevation, install dormer windows to west (rear) elevation and rooflight to east (front) elevation.

LOCATION: Claverton House, La Route De Sausmarez, St. Martin.

APPLICANT: Mr & Mrs Mancini

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: 29/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Studio Ltd - 036/SK01, SK02A, SK03A, SK04A, SK36/05, SK06A & SK07A .

Application Ref: FULL/2023/0916

Property Ref: J001590000

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 28/11/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed workshop and office to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

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/2023/0916
Property Ref: J001590000
Valid date: 16/05/2023
Location: Claverton House La Route De Sausmarez St. Martin Guernsey
GY4 6SG
Proposal: Extend and alter at ground floor level and 1st floor level
including balcony to west (rear) elevation, install dormer
windows to west (rear) elevation and rooflight to east (front)
elevation.
Applicant: Mr & Mrs Mancini

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.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed workshop and office to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

OFFICER'S REPORT

Site Description:

The application site comprises a traditional, two storey detached dwelling located to the west of La Route De Sausmarez. The building comprises a Georgian inspired façade and has been extended in this architectural style to the north and south elevations respectively and features a conservatory and outbuilding to the rear.

The property is located in Conservation Area as designated in the Island Development Plan Proposals Map.

Relevant History:

None germane to this application.

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to extend and alter the property at the ground floor level and 1st floor level to the rear (west) elevation, and includes a balcony. It is also proposed to install dormer windows to the rear elevation and a rooflight to the front (east) elevation.

The application was deferred as some concerns were raised in respect of the degree of overlooking from the first floor window on the south elevation when compared to the existing window, and the proposed balcony to the rear. Some concerns were also raised in respect of the design of the dormer windows.

The agent has omitted the first floor window to the south elevation and has replaced the balcony with a Juliet balcony in attempt to overcome the concerns raised. The agent has also provided justification for the design of the dormers too.

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

GP4 Conservation Areas
GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

The Authority has received a letter of representation from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- The design of the dormer windows to the rear and the impact on neighbour amenity.
- Potential damage to party wall.

Not necessary to inform representation of revised plans given that there were no changes to the proposed design of the dormer window.

Consultations:

None.

Summary of Issues:

- Whether the design, scale, mass, siting, form and materials of the proposed development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.

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.

Policy GP4 (Conservation Areas) states that proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area. Furthermore, it is a requirement

under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting Conservation Areas that special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that Area.

Extensions

The proposed ground and first floor extensions adopt a 'high' standard of design for the purposes of Policy GP8 by virtue of the respective scales, forms, mass, siting, materials and detailing. The extensions are subservient and proportionate to the main house and do not affect the Conservation Area due to their siting. The proposals will not have a detrimental impact on the amenities of neighbouring residents when taking into account the amendments secured.

Juliet balcony

The proposed Juliet balcony is acceptable when taking into account the position of the Juliet balcony relative to the house, together with the distance and relationship to neighbouring properties and their external amenity spaces, and the existing boundary treatments which will restrict views further.

Dormer windows

Some concerns still remain over the bulk and curved design of the dormer windows and its relationship to the main dwelling, as it is not a traditional design when compared to other forms of dormers such as a Captains dormer, flat roof or cat slide. Although, the proposal seeks to incorporate a contemporary twist on a traditional building by virtue of the curved form adopted. The size of the dormers are large when compared to the size of the roof, although the bulk and mass is not considered to be substantially disproportionate to justify refusal under Policy GP8, particularly as there would be no obvious harm to visual appeal from a public vantage point.

Despite the curved appearance of the dormer window which is different to that typically observed within the Conservation Area, the difference is not considered to cause undue harm given that other examples of curved dormers within a Conservation Area have been presented by the agent in attempt to justify the design approach adopted.

In addition, the side profile of the rear dormers is not considered to be highly visible from public vantage points along Route De Sausmarez as they are set in from the north and south gables of the building, and the scale and form of adjacent buildings along Route De Sausmarez would reduce the conspicuousness of the dormers. Whilst different, the proposed dormers do not provide sufficient justification to refuse planning permission under Policy GP4 as the character and appearance of the Conservation Area would not be significantly adversely affected.

Whilst it is recognised that the curvature of the dormer will enable views to the north and south of the property, the degree of overlooking would not be so substantial to cause undue harm given the oblique angles and the height difference

between the dormer and the neighbour's rear gardens. Moreover, the impact on neighbour amenity would be similar to that if a Captain's dormer were to be incorporated as part of the design, which in itself is likely to be acceptable.

Consequently, the concerns in respect of the design of the dormer windows in this position to the rear of the house would be outweighed by the reasonable aspirations of the property owner to extend and alter their home. In addition, the relevant planning policies enable the property owner to exert a degree of flexibility with regards to design matters.

All other alterations to the front and back of the property will conserve the Conservation Area and do not give rise to any noteworthy considerations.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Neighbour concerns regarding the potential for damage to the party wall are private civil matters between the parties concerned and not material planning considerations which would influence a decision on this planning application.

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 the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Date: 27/11/23