

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: Variation to previously approved plans to demolish dwelling and erect replacement dwelling and create vehicle access (revised scheme) - Increase/alter floor area at lower ground, ground floor level include additional balcony, alterations to fenestration to south (rear) elevation, garden extended, erect wall to west and south boundary.

LOCATION: Aquarius, Rue Des Monts, Delancey Lane, St. Sampson.

APPLICANT: Urban Construction Ltd

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: 10/08/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design: 22-1433 PD/01A, PD/02A, PD/03A & PD/04B

Application Ref: FULL/2023/1123

Property Ref: B005670000+B005660000

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 on or before 17/04/2026.

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.The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 18/04/2023, issued under planning application reference FULL/2023/0497, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

Expiry Date: This permission will cease to have effect on 18/04/2026 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/2023/1123
Property Ref: B005670000+B005660000
Valid date: 04/07/2023
Location: Aquarius Rue Des Monts Delancey Lane St. Sampson
Guernsey GY2 4BU
Proposal: Variation to previously approved plans to demolish dwelling and erect replacement dwelling and create vehicle access (revised scheme) - Increase/alter floor area at lower ground, ground floor level include additional balcony, alterations to fenestration to south (rear) elevation, garden extended, erect wall to west and south boundary.

Applicant: Urban Construction Ltd

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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 on or before 17/04/2026.

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. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 18/04/2023, issued under planning application reference FULL/2023/0497, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

OFFICER'S REPORT

Site Description:

Aquarius, Rue Des Monts occupies a sloping site to the south of Rue Des Monts at the junction of Rue Des Monts, Pied Des Monts and Delancey Park. The dwelling comprises a number of different elements with a pitched roof structure in the middle with high eaves and a flat-roof element to the west side of the dwelling. This is subservient to the main building but offers two-storey accommodation with access via the lower floor as the structure is set down into the site.

A high granite wall exists to the east of the dwelling along the north site boundary and wraps around to form the east boundary of the site. Behind this wall is a conservatory and raised terrace area which offers views across the roofs of the lower, single-storey properties and garage block in Les Sejours Au Pied towards Les Bas Courtils Road and the sea views beyond. A granite wall marks the east site boundary adjacent to a large site currently being redeveloped, Les Bas Courtils. The south and west boundaries are marked by a rendered wall approximately 1.5-1.8m high.

Sat on the back of the footway the building is a feature in the streetscene when looking west along Pied Des Monts and south from Rue Des Monts.

Residential development surrounds the site in Pied Des Monts to the west, Rue Des Monts to the north and Les Sejours Au Pied to the south.

The site is located in the Main Centre Outer Area as designated in the Island Development Plan. Delancey Park is an Area of Biodiversity Importance and a Conservation Area. The Housing Allocation Site to the east and southeast contains a number of Protected Buildings.

Relevant History:

FULL/2023 – 0497 - Demolish dwelling and erect replacement dwelling and create vehicle access – granted

Existing Use(s):

01 Dwelling houses

Brief Description of Development:

The application seeks to make alterations to the previously approved scheme by reducing the size of the size of the garage element of the building and incorporating stairs down to the lower ground floor store whilst increasing the depth, to the south of the site of the lower ground floor, ground floor and mezzanine above thereby increasing the size of the kitchen/dining, enabling one bedroom to be split into two (creating a 4 bedroom unit of accommodation when the approved scheme was for 3 bedrooms) and enlarging the study mezzanine. Associated with this change to the size of part of the building new ground floor (appears as first floor from the rear) doors are proposed leading onto an additional balcony and the lower ground floor fenestration is to alter in connection with the proposed changes to the internal layout.

It is also noted that the red line site boundary for the site has also been enlarged with an area of a neighbouring garden to the west brought within the rear/south facing garden of the site which has enabled a door and window to be introduced to the lower ground floor store, south elevation. This requires an existing boundary wall to be demolished and a replacement, 1.5m high blockwork wall to be constructed to define the revised garden area for the site.

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

Island Development Plan policies:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

Representations:

Three letters of representation have been submitted from the occupiers of properties in Les Sejour au Pied Estate objecting to the application and raising the following points:

- Invasion of privacy from even more elevated balconies

- Noise and dirt pollution – already an issue from the works at Les Bas Courtil site
- The same level of privacy protection required at Les Bas Courtil for Aquarius should be applied at the Aquarius site for its neighbours

These comments also reiterate those received in connection with the original application to redevelop the property.

Consultations:

None.

Summary of Issues:

The key issue in this case is effect of the revisions to the approved development on residential amenity having regard to overlooking.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

As outlined in the Planning History above, the principle of the replacement dwelling (incorporating balconies) has previously been established and this application will not revisit this matter which is assessed in full as part of the permission granted earlier in 2023, details of which are publicly available online.

As outlined as part of the permission to redevelop this single dwelling there is scope to erect a larger replacement dwelling, even where it may have a greater impact on the openness of the area concerned, provided all other relevant policies are satisfied. Furthermore, a comparison should not be made between the impacts of the existing dwelling compared with the impact of the new.

There are no changes proposed to the front/north elevation of the building with the focus of change being to the rear of the site where the depth of development is proposed to vary. Overall, the design and appearance of the dwelling would not substantially change, and it remains the case that the scheme represents a good standard of architectural design that has been designed to have regard to accessibility and flexibility. The revised scheme would not have a detrimental impact on the character and appearance of the locality particularly given that the development will be viewed in the context of existing surrounding built development and the varied scale and mass of the building.

The garage accommodation has been amended as part of this scheme and incorporates a staircase down to the lower, garden level to the rear. Nonetheless, access arrangements, the level of parking and cycle parking remains unchanged in order to comply with the aims of the IDP.

The height of the development will not alter as a result of the proposed changes. Being situated to the north of adjoining properties in the neighbouring Clos the revised scheme, to project further south in the central part of the site, will not result in overshadowing or loss of light to these properties or the approved development to the east at Les Bas Courtils (Barn B).

An additional balcony is proposed between the western garage and eastern lounge of the approved dwelling which will allow only oblique views to the east and west ensuring the potential for overlooking remains within acceptable limits. This centrally positioned balcony will not afford views down into the lower level gardens situated to the east of bungalows in Les Sejours Au Pied, including Deathly Hallows. The balcony will not afford views of the ground floor windows/doors associated at Tranquil which is situated tight (approximately 1m) to the site boundaries and at the lower level of Les Sejours Au Pied. 10 Les Sejour au Pied is situated away from the application site, approximately 50m between elevations, with garages and the access road for the clos separating it from the application site. Views from the approved dwelling and proposed balcony will be across the access driveway and frontage area of this and the neighbouring properties in the terrace. The proposed changes will not result in unacceptable overlooking and loss of privacy to any properties within the clos.

The alterations to the lower ground floor fenestration will have the effect of reducing the area of glazing, from a large area of glazing wrapping from the south to the east elevation to two conventional bedroom windows. The introduction of a door and window to the approved store will not have a detrimental impact on privacy and residential amenity. The alterations, in combination with the revised garden and proposed wall will ensure that the amendments to the approved scheme will not result in unacceptable overlooking and loss of privacy to the south of the site.

It is noted that the proposal would result in reduced external amenity space associated with Calvados Cottage to the west. There would not however, be a material change of use of land in this case and the sale of land has no bearing on the assessment of an application. Nonetheless, it is noted that an area of external amenity space, largely laid to gravel, would remain to serve this dwelling and for the occupiers to enjoy and the scheme does have regard to the health and well-being of the occupiers of this neighbouring property.

In view of the above it is recommended the proposed variations are granted permission.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 03/08/2023

