

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: Replace roof covering and extend existing balcony to south (rear) elevation.

LOCATION: La Marotte, Prince Albert Road, St. Peter Port.

APPLICANT: Mr & Mrs Luce

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: 24/08/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A4 Hand Drawn Plan + Block Plan

Application Ref: FULL/2023/1201

Property Ref: A405480000

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.Details of the 1.7m obscure screen to the east side of the extended balcony hereby approved shall be provided prior to the installation of the replacement balustrade and that screen shall be installed prior to the extended balcony being brought into use. The screen shall thereafter be retained at all times.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

Expiry Date: This permission will cease to have effect on 23/08/2026 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/2023/1201
Property Ref: A405480000
Valid date: 14/07/2023
Location: La Marotte Prince Albert Road St. Peter Port Guernsey GY1 1EZ
Proposal: Replace roof covering and extend existing balcony to south (rear) elevation.

Applicant: Mr & Mrs Luce

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 - To minimise the effect of the development on the privacy and amenities of nearby residents.

OFFICER'S REPORT

Brief Description:

The application relates to the re-roofing of the rear extension, and the replacement of the existing balustrade to the roof terrace, increasing the projection a further 1m to include the whole of the roof area.

The site is located in the Main Centre Outer Area and Conservation Area, and is designated as Important Open Land, within the Island Development Plan.

Relevant History:

PAPP/2006/1237 Extension and alteration – addition of sunlounge to rear of dwelling with roof terrace above. Approved 01/08/2006 – Extent of roof terrace limited to match projection of two storey extension on property to east, to prevent overlooking.

Existing Use(s):

Residential Use Class 1

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:

MC1: Important Open Land in Main Centres and Main Centre Outer Areas

GP4: Conservation Areas

GP8: Design

GP9: Sustainable development

GP13: Householder development

Conclusion/Brief comment:

The proposed alterations would have no adverse impact on the appearance of the building, the character of the Conservation Area or the surrounding Important Open Land.

The existing balcony already results in some overlooking of the adjacent property to the east, and it would not be within the scope of this application to seek alterations to redress an existing situation. The proposed increase in size would however exacerbate the existing situation, projecting beyond the extension on the adjacent property to the east, and the application was therefore deferred to seek amendments to address the additional overlooking. The revised plans indicate the installation of a permanently fixed 1.7m high obscure screen to the east side of the balcony extension, which would alleviate the concerns regarding additional overlooking. Full details of the proposed screen are not available at this time, however this can be controlled by condition. Whilst the provision of a higher section of screen detached from the dwelling may have an unusual appearance, it would not be visible within the wider area and would not therefore have significant visual impacts.

The relative levels and boundary treatment to the property to the west would prevent any significant overlooking in that direction.

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 application is acceptable in relation to the above policies and other material planning considerations.

Recommendation:

Grant with Conditions



Date: 23/08/2023