

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: Erect 4 dwellings with associated works and install distribution pillar (Protected Building) (Revised Scheme).

LOCATION: Flemington, Doyle Road, St. Peter Port.

APPLICANT: Mr & Mrs B Conlon

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: 19/09/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/08/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects - 1146_4, _5, _6, _7, _8_A, _9, _10, _11, _12, _14, _15, _16 & _17.
Guernsey Electricity - 09-L1B P015981-D03.

Application Ref: FULL/2023/1225

Property Ref: A203110000

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.Prior to the occupation of any of the dwellings hereby approved details of any external lighting proposed for the site and access road shall be submitted to and agreed in writing by the Authority. Any lighting to be installed shall only be in accordance with the agreed details.

Reason - To make sure the level of lighting is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential amenity or traffic and pedestrian safety.

5.Prior to the commencement of any work in connection therewith details of the boundary fence, wall or other treatment between each of the units hereby approved and enclosing the storage area to the north of each dwelling shall be submitted to and agreed in writing by the Authority. The boundary treatments approved and the boundary wall to Flemington, shown on the approved plans, shall be completed in their entirety prior to any part of the development being occupied.

Reason - In the interests of visual amenity and the privacy of the occupiers of the development.

6.The landscaping scheme for the existing dwelling, currently known as Flemington, shall be carried out in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in

accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity and to help assimilate the development into its surroundings.

7.No part of the development hereby approved shall be occupied until such time as the parking and turning facilities, along with the refuse and recycling storage, have been completed in accordance with the details shown on the approved plans and shall thereafter be retained.

Reason - To make sure vehicles can enter and leave the site in a forward direction and to provide off-street parking, in the interests of road safety and effective traffic management and in the interests of visual and residential amenity.

8.The development hereby permitted shall be constructed in accordance with the details set out in the Sustainability Checklist document and in accordance with the details shown on the approved plans regarding an electrical vehicle charging points, permeable paving and solar slates, and there shall be no occupation of the dwelling until the solar slates and electric vehicle charging point have been installed and made operational.

Reason - In the interests of sustainable development.

9.Prior to the commencement of any work in connection therewith details of all proposed hardstanding, including the access road, pedestrian paths and patios shall be submitted to and agreed in writing by the Authority. The development shall 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 features. This condition is imposed in the interests of visual amenity, to ensure a high standard of design in order to preserve the character and appearance of the Conservation Area and setting of the Protected Building.

10.All four first floor bathroom windows in the south elevation of the development hereby approved shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall thereafter be retained in perpetuity.

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 18/09/2026 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/2023/1225
Property Ref: A203110000
Valid date: 04/08/2023
Location: Flemington Doyle Road St. Peter Port Guernsey GY1 1RF
Proposal: Erect 4 dwellings with associated works and install distribution pillar (Protected Building) (Revised Scheme).

Applicant: Mr & Mrs B Conlon

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 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).

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Reason - To make sure the level of lighting is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential amenity or traffic and pedestrian safety.

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Reason - In the interests of visual amenity and to help assimilate the development into its surroundings.

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Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed in the interests of visual amenity, to ensure a high standard of design in order to preserve the character and appearance of the Conservation Area and setting of the Protected Building.

10. All four first floor bathroom windows in the south elevation of the development hereby approved shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall thereafter be retained in perpetuity.

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

INFORMATIVES

OFFICER'S REPORT

Site Description:

Flemington is a 19th Century two and a half storey end of terrace dwelling set back from Doyle Road. The property has a mainly stone façade to the front, multi-pane sash windows and a captains dormer set behind a front parapet wall. An early 20th Century two-storey flat roof element with two-storey bay exists to the side/north of the property. The side and rear elevations have a rendered finish and a conservatory has been erected to the rear. A small dormer and rooflight appear in the rear roofslope of the property. Vehicular access is via an entrance adjacent to the south boundary and with an area of parking to the front. Gates are situated to the side of the property allowing vehicular access to the rear.

In the wider context it forms part of a row of houses, all following a consistent front building line, fronting onto Doyle Road. Doyle Road is separated by boundary walls and front gardens approx. 9m deep, which have domestic scale landscape and car parking.

A wall and fence mark the common boundary with Ty-Gwyn to the south, a property with two first floor windows in the side elevation facing the application site and a single ground floor window set behind the common boundary wall. To the south of the site is also La Grange with gardens and a greenhouse situated adjacent to the

common boundary and with various buildings situated in the southeast corner of the garden. In the southwest corner of the site is a garden store/shed. The north boundary is marked by a granite wall and this forms the boundary with both the residential property, The Jungle and Doyle Motors. A yard associated with the commercial premises is situated at a lower level and adjacent to the common boundary. It appears to be utilised as a parking area associated with the car workshop that exists on the site. A glasshouse is situated on the west boundary and beyond that a dwelling currently known as La Tourtouvelles.

The site is located in the Main Centre and Conservation Area as designated in the Island Development Plan. Flemington is a Protected Building (whole of the building and roadside wall).

Relevant History:

FULL/2022/

FULL/2021/0822 - Remove section of hedge, reduce height of east roadside wall and relocate existing pillar (north of driveway). (Protected Building) – granted

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application proposes the erection of a terrace of four properties with asymmetrical pitched roofs running north-south to be situated at the western end of the site. All units have their principal entrance to the north and the ground floor comprises a kitchen/diner, entrance hall and WC and lounge facing south to the garden area of each unit. Two ensuite bedrooms are proposed on the first floor along with a large airing cupboard. The two end units are two-storey whilst the two central units in the terrace incorporate further accommodation in the roofspace, a study (approx.. 7 sqm) and bedroom.

The building has been designed with pitched roofs with gables facing north and south roof with solar slates used as the west facing roof covering. Rooflights are proposed in all roofslopes. The external walls are proposed to be granite at ground floor level with a variety of Accoya cladding at first/second floor levels. The windows and doors are indicated to have aluminium frames.

Access would be shared with Flemington, from Doyle Road and an on-site passing place and hammerhead turning area adjacent to the rear garden area of Flemington. The drawings show tandem parking spaces to serve each dwelling and one visitor space. Parking for Flemington would remain to the front of the site. A communal bin store is proposed in the northeast corner of the site along with a recycling collection store adjacent to the south boundary, forward of the front elevation of Flemington.

The application confirms that a sprinkler system would be installed to serve the two rearmost units proposed. The scheme also indicates the installation of a Guernsey Electricity Pillar at the site entrance, adjacent to the proposed refuse and recycling store/collection point.

The submission has been accompanied by a Waste Management Plan and a Sustainability Checklist and Statement.

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

Island Development Plan policies:

MC2: Housing in Main Centres and Main Centre Outer Areas

GP4: Conservation Areas

GP5: Protected Buildings

GP7: Archaeological Remains

GP8: Design

GP9: Sustainable Development

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

IP11: Small-scale Infrastructure Provision

Representations:

One letter of representation has been submitted commenting on the application and raising the following points:

- Overlooking will occur from first and second floor windows into the garden/garden room and recommend amendments are made in order to maintain privacy levels (e.g.) reduced size, be high level, be omitted, be obscure glazed)
- The overall design is positive, and this type of development is necessary in Guernsey

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the design and appearance of the proposed development, its impact on the character and appearance of the Conservation Area and on residential amenity with regard to overshadowing and loss of privacy.

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.

The purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

Section 38 of the Law explains the general functions of authorities in respect of conservation areas. This states that:

In the exercise, with respect to any building or other land in a conservation area, of any powers under this Law or any other enactment, special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that area.

In respect of these statutory duties, the word 'preserve' is taken in its ordinary meaning as set out in Chamber's dictionary, which is 'to keep safe from harm or loss'.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely. Relevant policies will be addressed below in assessing the key issues.

Section 13 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, sets out a number of general material considerations, the following of which are considered to be relevant in this instance:

- (b) the character and quality of the natural and built environment which is likely to be created by the development,
- (c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,
- (d) the likely effect of the development on the character and amenity of the locality in question,

As the site is located in the Main Centre there is provision within the Island Development Plan for new housing and this offers a gateway for the proposed development.

The dwellings would have gardens to the south between 5.5m and 7.5m deep and whilst ground floor windows and doors can be screened by exempt or existing boundary treatments the scheme would introduce first windows where none currently exist, with second floor accommodation for the central two units served by rooflights. It is noted that an element of mutual overlooking will currently exist between properties and their rear gardens in this urban location but the scheme would intensify this. Eight first floor windows would be introduced to the south elevation serving a bedroom and bathroom therefore four of the eight windows could reasonably be required to be obscure glazed. Four first floor bedroom windows are proposed to the north elevation. Rooflights are proposed to all roofslopes but will provide primarily light rather than outlook. Those offering outlook for the attic rooms for the middle two dwellings will face the roofslopes of the development with oblique views only to the north and south. The public consultation process has raised concerns relating to overlooking and loss of privacy in relation to the garden of the dwelling, St James's Place, next door but one to the north of the application site. Given the position of the proposed development in the western part of the site and the staggered design of the building views will be directed across the commercial premises, Doyle Motors, to the north with limited oblique views possible from the easternmost dwellings proposed. Overall, the scheme would not result in unacceptable overlooking and loss of privacy given that the views would be of the most remote part of the gardens of neighbouring properties surrounding the site.

The proposed development would be **1m** (APPLICATION STATES 1.5m) from the west boundary and as designed would be two (7m high) and two and a half-storeys (8.4m high) in height. The area between La Tourtouvelles and the application site boundary appears to currently be hardsurfaced with an area of soft landscaping being developed abutting the common boundary. A window is also situated in the east gable of the property facing the proposed site, the gable/roof of which is visible from the application site. A patio/seating area exists to the south of this property. The application has been accompanied by a sketch image to demonstrate the significant reduction in the height and bulk of the building adjacent to the common boundary with La Tourtouvelles. The reduction in the western end of the proposed development, to two-storeys, with an eaves height of **4.8m** and the roof sloping away, ensures that the scale and mass of the development will not be unduly overbearing or dominant thereby preserving the amenities of the occupiers of this neighbouring dwelling in line with Policy GP8 a. and d. and GP9 of the IDP. The development proposes high level rooflights to the west roofslope of units 1 and 2 serving bathrooms. Those serving unit 2 will be partially obscured by the roof of unit 1 and their purpose is to provide light and ventilation rather than outlook. The scheme is considered therefore, not to result in harm to privacy associated with this neighbouring property.

The proposed dwellings would not result in unacceptable overlooking, loss of privacy, overshadowing or loss of light to the yard at Doyle Motors to the north or the garden at Grange Lodge Hotel to the south in line with the aims of Policies GP8 and GP9 of the IDP.

The scheme proposes multi-storey development to make efficient and effective use of land and being situated to the rear of Flemington and other properties in Doyle Road the development would not be highly publicly visible in the Conservation Area. The proposed access road will be visible in the Conservation Area however, the existing site access and driveway to side gates are also visible. The alterations and extension of the driveway to serve the development will not negatively affect the character and appearance of the Conservation Area.

The design, appearance and palette of materials would be acceptable in this location and would respect the local built environment representing a high standard of design that would respect the character and appearance of the Conservation Area in accordance with the aims of Policies GP4, GP8 and GP9 of the IDP. The introduction of a refuse storage structure to the front of the site is also proposed which would be visible from Doyle Road but would be seen in the context of the boundary wall and other built development. Furthermore, given the materials proposed and the intended purpose of the enclosure rather than refuse/recycling being left, prominent and visible this would ensure compliance with the IDP. The distribution pillar would also be situated towards the front of the site and is functional in its design and appearance. It would, in some views, be obscured by the roadside wall and this alone would not warrant the refusal of planning permission and is supported by Policy IP11.

The development meets the aims of GP8 and Annex I of the IDP with regard to internal space provision, privacy for occupiers and generally in terms of aspect, outlook and daylight. Some concerns exist regarding the effect of introducing an "enclosed storage area" to the north, front of each dwelling which could undermine outlook and aspect from the living room of each dwelling however, the height of any means of enclosure can be addressed through a planning condition and how individual occupiers choose to use the space (i.e provide open aspect or use as storage etc) would be a matter of personal choice. The means of dividing the south facing garden areas for privacy can also be managed by condition.

The south boundary wall is over 3m high in the southwest corner of the site and will result in overshadowing particularly to the gardens of units 1 and 2. To the south of units 3 and 4 the boundary wall reduces in height to no more than 2m and as a result the overshadowing generated would be proportionately less. The scheme would not however, accord with Policy GP8 in this respect. Notwithstanding this, the site is situated in a sustainable location within walking distance of public open space such as Candie Gardens and Cambridge Park thereby offering adequate access to external open space when considering the aims of the IDP and Annex and, on balance, the scheme is considered satisfactory in this respect.

Overall the development provides accessible and adaptable accommodation able to respond to the needs of occupiers over time.

The provision of a passing place should avoid the need for vehicles to reverse out into the highway, a one way road. The development does not represent an

unacceptable intensification of the use of the site access on highway safety grounds. THS have not provided comment on the development of this site but as part of the earlier application concerns were raised regarding traffic/access and it remains the case that, if necessary the matter could be managed through a traffic light system as used elsewhere, could be utilised to address this matter. The submission states that this would be addressed as part of the Building Control submission. The distance of units 1 and 2 from the highway would exceed the maximum distance for a fire appliance to access the site and the submission confirms that sprinkler systems are proposed for these dwellings.

The limited number of vehicle and pedestrian movements with good visibility along the length of the driveway is satisfactory. It would be unreasonable to withhold planning permission on these grounds. Should the scheme be otherwise acceptable, it would be reasonable to impose a condition relating to external lighting. Lighting is likely to be necessary to comply with the Building Regulations however the effect of lighting on adjoining residents must also be considered.

The level of off-road parking provision is satisfactory having regard to the Supplementary Planning Guidance and the scheme has been designed to allow vehicles to turn on site and leave in a forward gear in line with Policies IP7 and IP9. The submission sets out a small enclosed storage area is located adjacent to the front door to each dwelling for cycle storage, or other storage, as the home owners require. The submission notes that this approach and maximises available space in the south facing gardens. The scheme has sought to address the requirements of Policy IP6, albeit in an open/unsecure way and would not preclude occupiers from erecting a shed, subject to permission/meeting exemption criteria for such development if considered necessary by individual occupiers. The provision of parking and turning and refuse and recycling storage can be managed by condition. The scheme appears to suggest that a wall or fence will enclose the area north of the properties identified as enclosed storage area but does not incorporate details of that enclosure. This could be encompassed into a condition relating to boundary treatments between the properties.

The scheme incorporates solar slates, permeable paving and EV charging points which demonstrates consideration has been given to the requirements of Policy GP9. These matters can be required to be provided by way of planning condition to ensure the commitment to sustainable development is provided within the completed development.

The proposed development would be situated approximately 40m from the Protected Building. Aside from the access road the development will not be inter-visible in public views of the protected building, it will however, be inter-visible in non-public views from the existing rear garden and the effect of the development on the setting of the Protected Building is slight. The development will also provide

houses which would contribute, marginally, to the identified need for housing and the benefit of which, in this case, outweighs the harm to the setting. The drawings show a high rendered wall between Flemington and the development. The provision of wall and landscaping for privacy and visual amenity reasons can be managed by condition.

In view of the above it is recommended permission is granted for the proposed development subject to conditions.

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 or sites.

Date: 13/09/2023

