

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 balcony at first floor level to west (side) elevation and erect fence to north boundary.

LOCATION: Pelion, La Giffardiere, Castel.

APPLICANT: Mr & Mrs Renouf

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: 05/09/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd: 6386/A/1

Application Ref: FULL/2023/1230

Property Ref: D012070000

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.The 2m high section of the privacy screen located on the western edge of the hereby approved extended balcony shall be glazed with obscure glass to a minimum of Level 3 on the Pilkington scale (or equivalent), it shall be installed prior to the extended balcony hereby approved being brought into first use and it shall thereafter be retained at all times.

Reason - To protect the amenities of neighbouring residents.

Expiry Date: This permission will cease to have effect on 04/09/2026 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/2023/1230
Property Ref: D012070000
Valid date: 25/07/2023
Location: Pelion La Giffardiere Castel Guernsey GY5 7HW
Proposal: Extend balcony at first floor level to west (side) elevation and erect fence to north boundary.

Applicant: Mr & Mrs Renouf

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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of Level 3 on the Pilkington scale (or equivalent), it shall be installed prior to the extended balcony hereby approved being brought into first use and it shall thereafter be retained at all times.

Reason - To protect the amenities of neighbouring residents.

OFFICER'S REPORT

Brief Description of the site:

The application site is located Outside of the Centres as designated in the Island Development Plan.

Planning permission is sought to extend an existing balcony at first floor level to the west (side) elevation, and erect a fence to the north boundary. The proposed fence will be 2.5m high.

The balcony extension will be approximately 5m x 3m. The proposed extension to the balcony will incorporate a section (2.7m in length) of high obscure glazing along the west elevation of the balcony extension.

Relevant History:

FULL/2009/1876	Remove hedge and erect wall	Granted
PAPP/2006/1756	Balcony extension (revised.)	Refused
PAPP/2005/4058	Install decking (retrospective)	Granted
PAPP/2005/0738	Extend balcony	Refused
PAPP/2004/2263	Variations to works previously approved to erect an attached garage, install exterior staircase and alter dwelling. Alter fenestration, create first floor terrace and alterations to access.	Refused
PAPP/2004/1045	Erect an attached garage, install exterior staircase and alter dwelling.	Granted

Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

☒
☒
☒
☒

visual amenity acceptable
no material neighbour impact
traffic not affected

☒
☒
☒

Policies considered most relevant:

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Conclusion/Brief comment:

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 Island Development Plan was enacted in 2016 and therefore a material change in circumstances exist due to the introduction of a new planning policy framework. The current application is assessed based under the relevant IDP policies.

A balcony exists to the rear of the property which is in close proximity to a neighbouring property (known as Beachmount House) which wraps around part of the north and west boundaries. The neighbour's building forms part of the north boundary of the application site.

The proposed scheme seeks to extend the balcony to the west by extending over an existing flat roof.

A ground floor window exists on the neighbour's property to the north-west of the proposed balcony extension, whilst a first floor window exists to the west of proposed high section of obscure glazing. It would appear that the ground floor window is comprised of obscure glazing.

Whilst extending the balcony to the west will increase the visibility into the neighbour's rear garden to the north (east of the neighbour's dwelling), and towards their front garden (south of the neighbour's dwelling), these views will be restricted to oblique angles by virtue of the scale, form, and position of the neighbour's house.

Any additional effect of overlooking would not be so substantial to cause significant concerns when taking into account the existing overlooking relationship between the balcony and the neighbour's garden and the layout of the neighbour's property. Consequently, extending the balcony in the manner proposed would not be significantly more impactful than the existing relationship between the balcony and the neighbour's garden to rebut the general support in favour of householder development under Policy GP13, to warrant refusal.

The high section of glazing should negate any inter-visibility issues between the balcony and the neighbour's first floor window. The ground floor window appears to be comprised of obscure glazing therefore the proposed balcony extension would not cause significant harm in terms of overlooking when taking into account the

existing overlooking relationship, together with the frosted glazing of the ground floor window.

The proposed 2.5m high fence would have a negligible effect on the neighbouring residents to the north when compared with the higher conifer hedge.

The proposal will not have a detrimental impact on the character of the area or visual amenity.

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

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, accords with the purpose of the Law, and the requirements of the material considerations; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 01/09/23