

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: Variations to plans previously approved to erect two storey extension, captains dormer, single storey glazed extension, solar panels & shed to south-east (rear) elevation and captains dormer to north west elevation - alteration to captains dormer window and obscured glazing to first floor extension to rear.

LOCATION: Tranquille, 38 Domaine De Beauport, Hauteville, St Peter Port.

APPLICANT: Mr M Peacock

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: 08/09/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Turnstone Architecture: 234-01 REV P6, -02 REV P7, -03 REV P7 & -04 REV P7.

Application Ref: FULL/2023/1283

Property Ref: A40671A038

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 first floor extension windows to the northeast and southwest shall be glazed with obscure glass to a minimum level 5 on the Pilkington scale (or equivalent), No changes shall be made to these window without written agreement from the Authority.

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 28/09/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the applicant is advised that this application approves the use of the vision control film on the south west elevation of the balcony privacy screen and the north east panes of the captains dormer only.

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/2023/1283
Property Ref: A40671A038
Valid date: 10/07/2023
Location: Tranquille 38 Domaine De Beauport Hauteville Hauteville St
Peter Port Guernsey GY1 1DL
Proposal: Variations to plans previously approved to erect two storey extension, captains dormer, single storey glazed extension, solar panels & shed to south-east (rear) elevation and captains dormer to north west elevation - alteration to captains dormer window and obscured glazing to first floor extension to rear.
Applicant: Mr M Peacock

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.

4. The first floor extension windows to the northeast and southwest shall be glazed with obscure glass to a minimum level 5 on the Pilkington scale (or equivalent), No changes shall be made to these window without written agreement from the Authority.

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

INFORMATIVES

For the avoidance of doubt, the applicant is advised that this application approves the use of the vision control film on the south west elevation of the balcony privacy screen and the north east panes of the captains dormer only.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a two-and-a-half storey dwelling situated within the St. Peter Port Main Centre and Conservation Area as defined in the Island Development Plan. The end of terrace property, forms part of a late C20th housing development which is located on the ridge line of the hill that is part of Hauteville. The site is therefore prominent in many views from the harbour, marinas and quayside as well as from the north side of the Charroterie Valley. Parking provision exists to the front, with a hard surfaced garden and two allocated parking spaces to the rear, detached from the property.

A number of other properties in Domaine De Beauport have been extended and altered over the years, including first floor balconies.

The site has been granted planning permission over recent years to extend the dwelling at first floor level and create a balcony to the rear, and install captain's dormers and roof-lights to the front and rear of the property, amongst other alterations to the dwelling.

Relevant History:

FULL/2023/1462 – Install air source heat pump to southwest elevation – Pending.

FULL/2023/0205 – Variation to plans previously approved to erect two storey extension, captains dormer, single storey glazed extension, solar panels & shed to south-east (rear) elevation and captains dormer to north west elevation. The variation is to alter and install privacy screening to 1st floor balcony. - Approved April 2023.

FULL/2022/1319 - Erect two storey extension, captains dormer, single storey glazed extension, solar panels & shed to south-east (rear) elevation and captains dormer to north west elevation – Approved September 2022.

FULL/2021/0714 - Erect porch on south east (rear) elevation, extend boiler room/store on south west (side) elevation, install rooflight to north west (front) elevation and install solar panels to dwelling and shed – Approved August 2021.

FULL/2020/0948 - Install captain's dormer window to rear elevation – Approved January 2021.

FULL/2020/0368 - Variation to plans previously approved to install captain's dormer window to north-west (front) elevation - Alter existing dormer window and captain dormer window to front – Approved May 2020.

FULL/2019/0790 - Erect pitched roof extension with balcony at 1st floor to south-east (rear) elevation, install captains dormer window to north-west (front) elevation and alteration to fenestration. Demolish existing and erect shed and demolish section of boundary wall to widen access and erect gate – Approved December 2019.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is another variation to the previously approved plans to erect a two storey extension, captains dormer to the rear, etc (FULL/2022/1319) – the variation is to lower the cill level of the rear captains dormer and obscured glazing to the rear first floor extension.

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

GP4: Conservation Areas

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There have been three letters of representation and the issues are:

- There are strong objections for the lowering of the captains dormer as it is believed that this will result in a future application for a balcony. The captains dormer will not only afford a seated view of the vista but will also look down onto the neighbours garden and into their living areas.
- Neighbours are very concerned at the proposal to install obscured glazing to the first floor extension to the rear of the property, as that will result in the residents of that property being able to look into all surrounding properties. The film that they propose to install will be more invasive as they will be able to see all the neighbours, without their knowledge. In fact, it will make the neighbours feel most uncomfortable. The neighbours have opaque glass on their balcony, as do all the other balconies, and they do not see why this one-way vision glass should be approved.
- The proposed extension will impact greatly, not only the neighbours property, but also on the whole character of Domaine de Beauport. It will be totally incongruous with the whole neighbourhood.
- Neighbours also expressed concern at the noise and disruption which the proposed development will cause, not least being that the property is on a single track roadway leading to other properties, access to which will undoubtedly be blocked by contractors' vehicles etc – the neighbours cannot envisage any other way in which these considerable works can be carried out.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

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

The letters of representation have reiterating previous concerns about the already approved proposals. As they have already been approved this report will not comment further regarding those issues raised in the letters.

The previous variation application allowed a glazed privacy screen to be installed along the northeast 1.75m high balustrade of the first floor terrace using a vision control film which allows the glass to be looked through horizontally, but if you glanced down (25 degrees) the view would be obscured, which is the only reason the screen was allowed.

Initially this application was requesting the first floor extension windows (which have already been approved as obscure glazing*) to be changed to clear glass with vision control film. However, this was considered to be too intrusive for the neighbouring properties, although the occupiers of the property would not be able to look into the neighbours gardens because of the film, the feeling of being overlooked would be increased dramatically.

The application was deferred to request that this element of the proposals was omitted. Now the application is solely for the lowering of the captains dormer cill and the addition of the vision control film to the southwest balcony privacy screen.

The captains dormer has been approved, therefore by lowering the cill, no additional overlooking would occur. The concerns of the neighbours that this could become a balcony in the future are noted, but a balcony in this area at height would never be supported because of the increase in overlooking and the perception of being overlooked. In this instance the proposal is considered to be acceptable.

The terrace is not a large terrace, and as the northeast screen has been permitted to have the vision control film on the privacy screen then it would be remiss not to allow the same on the southwest balustrade, especially as there is an access road between the property and the nearest neighbour which limits the level of harm of any overlooking.

The proposals are not considered to have any detrimental impacts on the special character and appearance of the surrounding conservation area, nor will they have any adverse impacts on neighbours amenity.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

*The obscure glazing which has been approved in the first floor extension will prevent the occupiers from looking out and prevent the neighbours from looking in, the glazing will simply allow light into the room but not allow anyone to see through it.

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

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. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 07/09/2023