

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 demolish existing and erect replacement dwelling - extend raised terrace area, install swimming pool and fence to west (rear) and create balcony at 1st floor level to east (front) elevation.

LOCATION: Brookfield, Rue Des Salines, St. Pierre Du Bois.

APPLICANT: Mr & Mrs Grant

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: 16/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP Architecture: 2543/SK-02C, -03D, -04E & -05E.

Application Ref: FULL/2023/1331

Property Ref: F011660000

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 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.

3.The timber fence/privacy screen to the rear (west) of the dwelling shall be installed prior to the raised terrace area being brought into first use. Once installed, the timber fence/privacy screen shall be retained in perpetuity, unless otherwise agreed in writing with the Authority should it require replacement.

Reason - To protect the amenities of neighbouring residents.

4.The obscure glass balustrade hereby approved to the eastern balcony shall be a minimum height of 1.8m above the finished floor level of the first floor balcony, shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall be installed prior to the balcony being brought into use. The balustrade shall thereafter be retained at all times.

Reason - To protect the amenities of neighbouring residents.

5.For the avoidance of doubt, the earth bank shown along the south boundary of the site (on drawing no. 2543 SK-02 C/SK-05 E) is not permitted as part of this permission.

Reason - As noted on the approved drawings, the earth bank is to be submitted as part of a separate application and may involve different policy considerations. The bank is therefore omitted from the approved drawings to align with the description of the development and application submission.

6.The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 25/02/2021, issued under planning application reference FULL/2020/2173, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

Expiry Date: This permission will cease to have effect on 25/02/2024 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/2023/1331
Property Ref: F011660000
Valid date: 26/07/2023
Location: Brookfield Rue Des Salines St. Pierre Du Bois Guernsey GY7 9HL
Proposal: Variations to plans previously approved to demolish existing and erect replacement dwelling - extend raised terrace area, install swimming pool and fence to west (rear) and create balcony at 1st floor level to east (front) elevation.
Applicant: Mr & Mrs Grant

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 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.

3. The timber fence/privacy screen to the rear (west) of the dwelling shall be installed prior to the raised terrace area being brought into first use. Once installed, the timber fence/privacy screen shall be retained in perpetuity, unless otherwise agreed in writing with the Authority should it require replacement.

Reason - To protect the amenities of neighbouring residents.

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Reason - To protect the amenities of neighbouring residents.

5. For the avoidance of doubt, the earth bank shown along the south boundary of the site (on drawing no. 2543 SK-02 C/SK-05 E) is not permitted as part of this permission.

Reason - As noted on the approved drawings, the earth bank is to be submitted as part of a separate application and may involve different policy considerations. The bank is therefore omitted from the approved drawings to align with the description of the development and application submission.

6. The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 25/02/2021, issued under planning application reference FULL/2020/2173, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

INFORMATIVES

OFFICER'S REPORT

Brief Description of the site:

The application site, known as 'Brookfield', comprises a 2 storey detached dwelling which is currently under construction. Permission was granted in February 2021 to demolish and rebuild the dwelling.

The application site is elongated in shape and is located outside of the Centres as defined in the Island Development Plan. Part of the site is also located within a Site of Special Significance and an Area of Biodiversity Importance.

Planning permission is requested to vary the previously approved plans to erect a replacement dwelling (FULL/2020/2173). The variations involve extending the terrace area to the rear of the property and installing a swimming pool. Towards the front, permission is sought to create a first floor balcony above the attached garage/store with associated changes to the approved fenestration for access.

The application was deferred as concerns were raised over the potential overlooking impact towards neighbouring residents to the north, in respect of both the extended raised terrace to the rear and the balcony/terrace to the front.

The agent has incorporated a timber fence to the rear to serve as a privacy screen and a glass privacy screen to the front, in attempt to overcome the concerns raised.

Relevant History:

PREA/2023/0869	Extend terrace and install swimming pool, install balcony and form earth bank.	Pre-application enquiry
FULL/2023/0508	Variations to previously approved plans to demolish existing and erect replacement dwelling - Relocate flue, increase size of rooflights, install air source heat pump and fencing to south elevation and alterations to fenestration.	Granted
FULL/2020/2173	Demolish existing and erect replacement 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 proposal will not have a detrimental impact on the amenities of neighbouring residents to the north or south of the site when taking into account the amendments secured, together with the distance to the neighbouring property to the south. Any overlooking is not considered to be significant to rebut the general support in favour of householder development (Policy GP13). It is reasonable to control the provision and retention of the privacy screens by planning condition.

The alterations and proposed privacy screens adopt a good standard of design by virtue of their scale, position and materials. Despite the projection of the timber privacy screen to the rear, it is likely to be 'read' against the backdrop of the dwelling and therefore will not have an undue adverse effect on the visual amenity of the area, despite the prominence of the site in the landscape.

As noted on the drawings submitted, the earth bank shown along the south boundary of the site is to be submitted as part of a separate application and therefore does not form part of the consideration of this application. A condition to this effect should be attached to the decision to precisely describe the works approved.

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: 13/10/23