

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: Variation to previously approved plans to erect extension and balcony to east elevation of dwelling, erect extension to south elevation - extend at lower ground and ground floor levels, extend balcony at 1st floor level and alteration to fenestration to rear elevation.

LOCATION: Les Riverains, Corbin Steps, St. Peter Port.

APPLICANT: Mr & Mrs I Arstall

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: 12/12/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/08/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Martel Design Ltd - 2.02J, 2.03E.

Application Ref: FULL/2023/1431

Property Ref: A111190000

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.Notwithstanding the detail shown on plan 18-0798 2.02 J before the developemnt hereby

approved is first brought into use the side window serving the Garden Room in the east elevation shall be permanently glazed with obscured glass of a minimum obscurity of level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and this window shall be retained as such thereafter.

Reason: To protect amenity and privacy.

5.The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 22/11/2018, issued under planning application reference FULL/2018/1950, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

Expiry Date: This permission will cease to have effect on 11/12/2026 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/2023/1431
Property Ref: A111190000
Valid date: 10/08/2023
Location: Les Riverains Corbin Steps St. Peter Port Guernsey GY1 2LX
Proposal: Variation to previously approved plans to erect extension and balcony to east elevation of dwelling, erect extension to south elevation - extend at lower ground and ground floor levels, extend balcony at 1st floor level and alteration to fenestration to rear elevation.

Applicant: Mr & Mrs I Arstall

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. Notwithstanding the detail shown on plan 18-0798 2.02 J before the developemnt hereby approved is first brought into use the side window serving the Garden Room in the east elevation shall be permanently glazed with obscured glass of a minimum obscurity of level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and this window shall be retained as such thereafter.

Reason: To protect amenity and privacy.

5. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 22/11/2018, issued under planning application reference FULL/2018/1950, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

OFFICER'S REPORT

Brief Description of the site:

Les Riverains is a two and a half storey property with mansard roof accessed from either the pedestrian path Corbin Steps or through the rear garden from near the junction of Bosq Lane and Les Canichers.

The site slopes steeply down to the rear (east) and is therefore multi-levelled with areas of decking to the immediate rear (east) of the property. The rear of the site is open and visible from the east and forms part of the wider townscape.

The site is located within the St Peter Port Conservation Area and Main Centre Inner Boundary as designated by the Island Development Plan (IDP).

Relevant History:

FULL/2023/0429- Variation to previously approved plans to erect extension and balcony to east elevation of dwelling, erect extension to south elevation- Extend and increase floor area at basement level.

FULL/2022/2294- Variation to previously approved plans to erect extension and balcony to east elevation of dwelling, erect extension to south elevation- Extend and create balcony at second floor level to east (side) elevation.

FULL/2022/2124- Variation to previously approved plans to erect extension and balcony to east elevation of dwelling, erect extension to south elevation- Alter roof form to flat roof, extend and alter at first floor level to south elevation.

FULL/2021/2153- Variation to previously approved plans to erect extension and balcony to east elevation of dwelling, erect extension to south elevation- Omit high level window and install 2 obscure windows to south (side) elevation.

FULL/2018/1950- Erect extension and balcony to east elevation of dwelling, erect extension to south elevation, erect steps, replace existing fence, erect additional walls across site and excavate land to create bin store adjacent to Les Canichers.

30/01/2018 – FULL/2017/3002 – Permission granted for the installation of new decking with underground storage and install new fence on south boundary.

Aug to Nov 2017 – PREA/2017/1813 – Pre-application advice regarding carry out repairs and alterations to dwelling and gardens, including landscape area, install decking, construct steps and install lighting.

15/06/2007 – PAPP/2007/1741 – Permission granted for variations to works previously approved – increase size of window on east elevation.

05/02/2007 – PAPP/2007/0206 – Permission granted for variations to works previously approved to erect replacement dwelling (windows added to next doors on southern and eastern elevations).

28/06/2006 – PAPP/2006/1499 – Permission granted for variations to works previously approved to erect replacement dwelling.

08/06/2005 – PAPP/2005/1501 – Permission granted for the erection of a replacement dwelling.

Existing Use(s):

Residential 01

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:

Island Development Plan policies:

GP4: Conservation Area

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Conclusion/Brief comment:

The original application FULL/2018/1950, has been varied several times to introduce additional glazing, flat roof and subsequent basement extensions and balconies/terraces to the design.

The current application introduces a further extension at lower ground level and ground floor level, with extended balcony areas at ground and 1st floor levels and alterations to the fenestration to the rear (east).

As previously considered the site is within the identified Hillside Town area of St Peter Port conservation area, which is characterised by the tiers of development, landmark buildings and the tall narrow buildings with a consistent palette of building materials. The site itself is located within a less sensitive area of the Conservation Area, where solid to void ratios and patterns of glazing are more varied.

The proposed extensions and balcony are not prominent in views as they are largely obscured in most views of the town by La Fregate Hotel and so on balance the proposed design, in this location, is considered to respect the character of the Conservation Area. In this respect, the proposal is in accordance with Policies GP4 and GP8.

In consideration of the impact on neighbouring amenity, the increased depth of the extension at first floor will have some visual and physical impact due to the increase height/bulk along the boundary. However, on balance, this relationship is not uncommon in the area where the three storey Fregate Hotel sits closely along the southern boundary of Les Riverains and is more acceptable within an area of tight urban grain, such as this.

The ground and first floor terrace/balcony areas have a 1.1m high rendered wall to the north elevation, with 0.7m high obscure glazed screen above this. This assists in breaking up the visual impact of the walls, and also secures privacy for the neighbours and ensures the neighbouring gardens are not harmfully overlooked from the new terrace/balcony areas.

The high-level window to the north side of the garden room is shown to be obscure glazed on the proposed plans, however, it is considered necessary to ensure this window is also fixed shut as it overhangs the neighbouring property boundary and may result in unacceptable noise and disturbance due to its location within the neighbour's relatively small rear garden.

The site is located next to Le Fregate Hotel, and the service area is immediately to the south of the application site. This is not considered sensitive in terms of amenity, and the hotel windows facing onto the application site serve corridors only. In this regard, the 1.1m high balustrades to the south of the terrace/balconies are not considered to result in any harm to neighbouring amenity.

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.

Date: 12/12/2023