

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 extension at 1st floor level including balcony to west (side) elevation and alterations to fenestration.

LOCATION: Bijou d'la Mair, Rue De La Saline, Castel.

APPLICANT: Mr & Mrs A Rolfe-Bisson

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: 22/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Limited - 13-607-P2 PD/01A, PD/02A

Application Ref: FULL/2023/1593

Property Ref: D01838A000

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 balcony hereby approved being brought into first use, the 1.8m high section of the privacy screen located on the west and south-west edge of the hereby approved balcony shall be glazed with obscure glass to a minimum of Level 3 on the Pilkington scale (or equivalent) and 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 21/11/2026 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/2023/1593
Property Ref: D01838A000
Valid date: 13/09/2023
Location: Bijou d'la Mair Rue De La Saline Castel Guernsey GY5 7XF
Proposal: Erect extension at 1st floor level including balcony to west (side) elevation and alterations to fenestration.

Applicant: Mr & Mrs A Rolfe-Bisson

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. Prior to the balcony hereby approved being brought into first use, the 1.8m high section of the privacy screen located on the west and south-west edge of the hereby

approved balcony shall be glazed with obscure glass to a minimum of Level 3 on the Pilkington scale (or equivalent) and shall thereafter be retained at all times.

Reason - To protect the amenities of neighbouring residents.

OFFICER'S REPORT

Site Description:

The application site comprises a detached 1.5 storey dwelling, located to the east of Rue De La Saline. The property, known as 'Bijou d'la Mair', is accessed by a track to the north of the dwelling and serves a number of other properties. The dwelling is flanked by neighbouring properties on all sides as properties in this area have little separation distance.

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

Relevant History:

FULL/2018/0634	Erect single storey flat roof extension to side/west of dwelling to create garage/portico.	Granted
FULL/2018/0360	Demolish detached garage and erect single-storey flat roof extension to side and rear of dwelling, remove dormer and rooflight and install flat roof dormer to rear roofslope.	Granted
FULL/2015/3096	Demolish existing and erect oak framed garage.	Granted
FULL/2009/2391	Extension and alteration, install dormer window and rooflight.	Granted

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to erect an extension at 1st floor level, including a balcony to the west elevation, and make alterations to the fenestration.

The first floor extension will serve as a bedroom, bathroom and landing area. The balcony will be accessed off the landing area to the south of the proposed extension. An irregular shaped balcony has been included, in attempt to limit the effect on neighbouring residents.

Despite the balcony's design, the application was deferred as concerns were raised over the relationship, distance and extent of overlooking towards neighbouring residents.

In response, the agent has incorporated a 1.8m high privacy screen in attempt to limit views to the west of the application site, and restrict the angle to the neighbouring property to the south, whilst optimising sea views.

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

None.

Consultations:

None.

Summary of Issues:

- Whether the design, scale, mass, siting, form and materials of the proposed development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

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.

First-floor extension:

The proposed first floor extension adopts a good standard of design by virtue of its scale, form, massing, siting and materials. The extension relates well to the form and appearance of the main house and will not have a detrimental impact on the character of the area or visual amenity.

Due to the distance and relationship to neighbouring residents to the north and south of the extension, the proposal is not considered to cause significant harm to the amenities of neighbouring residents in respect of overlooking, nor will it have an overbearing or overshadowing effect on the neighbours to the west by virtue of its orientation, scale, mass and form. The distance between the first floor window and doors is similar to that, if not greater than that permitted under the Exemptions Ordinance (2023).

Careful consideration has been afforded to the potential overlooking effect from the proposed balcony. In light of the amendments secured, the incorporation of a 1.8m high element of the balcony along the west and south-west edge, will help to restrict, and direct views away from the most sensitive external amenity space of Aristes (west of the application site). Any views towards this property will only be achievable when standing towards the south-east corner of the balcony. This relationship is not considered to result in significant harm to reasonably justify refusal when taking into account the amendments secured.

Balcony:

Whilst the distance between the proposed balcony and the neighbouring property to the south (Rocque A'Lor) is further away than that compared to Aristes, it still has the potential to be affected by the proposed balcony. Although when taking into account the distance between the balcony and the boundary fence to the south of the site, the balcony will be setback by approximately 11 -12m. In addition, the position and relationship between the balcony and the most sensitive area of the neighbour's property is such that any direct line of sight, is likely to be impeded by the position and roof form of Bijou d'la Mair.

Whilst it is acknowledged that there will be a degree of overlooking from the balcony towards Rocque A'Lor, the proposal is not considered to cause significant harm to reasonably rebut the general support in favour of householder development (Policy GP13). This decision has been reached when taking into account the conservative and well-thought-out design of the balcony, together with the distance and relationship between the proposal and Rocque A'Lor as set out above.

For the avoidance of doubt, the relationship between the proposal and 'Rockpond' (to the south-west of the application site) has also been carefully considered, although is further away.

Rooflight:

Whilst the position and close proximity of the proposed roof-light to the rear (east) of the dwelling isn't overly respectful to the neighbouring property known as 'Le Colombier', the position of the rooflight is considered to be less impactful on the external amenity space of Le Colombier than an existing roof-light, which is located towards the south of the building. Furthermore, due to the high building density in

this locality, it is not unusual for this overlooking relationship to exist. Consequently, the additional rooflight is not considered to cause significant harm on the amenities of neighbouring residents.

All other alterations are acceptable under Policy.

Overall, the proposal achieves a 'good' standard of design for the purposes of Policy GP8, and will not have a detrimental impact on the character of the area, visual amenity, or unduly affect the amenities of neighbouring residents.

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, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Date: 15/11/23