

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: Change of use of opticians (Retail Use Class 10) to part of existing dwelling (Use Class 1). Demolish extensions, extend and alter at ground floor and 1st floor level, including extending 1st floor terrace to west (front) elevation. (Revised scheme).

LOCATION: Les Pieux, Cobo Coast Road, Castel.

APPLICANT: Mr & Mrs D Lloyd

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: 03/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room: 357/E1, /E2, /E3, /E4, /E5, /E6, /E7, /E8, /E9, /E10, /E11, /E12, /E13 & /E14.

Application Ref: FULL/2023/1665

Property Ref: D01584A000

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 obscure glass balustrade hereby approved to the southern edge of the 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 minimise the effect of the development on the privacy and amenities of nearby residents.

Expiry Date: This permission will cease to have effect on 02/11/2026 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/2023/1665
Property Ref: D01584A000
Valid date: 18/09/2023
Location: Les Pieux Cobo Coast Road Castel Guernsey GY5 7HB
Proposal: Change of use of opticians (Retail Use Class 10) to part of existing dwelling (Use Class 1). Demolish extensions, extend and alter at ground floor and 1st floor level, including extending 1st floor terrace to west (front) elevation. (Revised scheme).

Applicant: Mr & Mrs D Lloyd

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 obscure glass balustrade hereby approved to the southern edge of the 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 minimise the effect of the development on the privacy and amenities of nearby residents.

OFFICER'S REPORT

Site Description:

Les Pieux is a detached dwelling with Ophthalmic Clinic attached situated to the east of Cobo Coast Road. The building is set back from the road with the roadside boundary marked by a wall and with off-road parking to the front of the site. A mix of residential and commercial properties are found in the vicinity of the application site.

The site is located in a Local Centre and flood risk area as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case.

FULL/2023/0796 – Change of use of opticians (Retail Use Class 10) into existing dwelling (Use Class 1). Demolish extensions, extend and alter at ground floor and 1st floor level, including extending 1st floor terrace to west (front) elevation – refused (high projecting wall and its impact on the character/appearance of the locality)

FULL/2022/1495 - Rescind condition from application PAPP/1997/1213 to allow the Ophthalmic Clinic to operate independently to the dwelling house - granted

1996 – application to demolish, reconstruct and extend Ophthalmic Clinic (public amenity use class 30 (a) – permission granted on 05/02/1997

1991 – extend and alter Ophthalmic Clinic and first floor living accommodation - rejected

1985 – change of use of part of dwelling to an optician's dispensary – permission granted

LION ROCK

FULL/2022/2235 - Erect single storey and 2 storey extension to east (rear) elevation, erect/extend balcony at 1st floor level to north (side) elevation and alterations to fenestration – granted

Existing Use(s):

01 dwellinghouse

10 general retail

Brief Description of Development:

The application relates to the change of use of the opticians to form part of the existing dwelling, to demolish extensions and walls to the rear of the property and to erect a first-floor hipped roof extension to the side/south elevation with a first-floor balcony extension proposed across the front/west elevation with associated alterations to fenestration. A terrace area is to be provided below the balcony to be screened by a hedge. A shed is proposed to the side of the property, adjacent to the north site boundary.

The timber fence and gate and hedging shown do not require planning permission to be installed.

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

Island Development Plan policies:

LC5: Retail in Local Centres

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

Two letters of representation have been submitted raising the following points:

- One representee raises no objection to the change of use of the optician or works to the south elevation of the property and the planting of a hedge
- It is suggested that the ridge of the extension match the main house to provide a more pleasing visual aspect
- The other representee feels that the loss of the optician would be detrimental to local amenities where, as a Local Centre, amenities are important to maintain the community
- The closure of a business such as this will be a death knell for other shops – people are encouraged to go to other shops in the vicinity when they visit the opticians

- The balcony looks like an airport viewing platform and is far too deep – it should be reduced and the extended centre section should not be allowed
- The balcony extension will overlook the neighbouring properties, Lion Rock and L'Ecume de Mer
- The balcony will result in noise disturbance from more frequent evening entertainment during the summer
- The clear glazing is not in keeping with the pleasing vernacular of the original Victorian design of the property or the balconies of the neighbouring properties – a balustrade of a similar design to the existing is suggested as this would also provide screening of the contents of the balcony and privacy to its users

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the design and appearance of the proposed extension and alterations and their impact on the character and appearance of the locality and the effect of the development on the amenities of surrounding residential neighbours.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

The concerns raised through the public consultation process in relation to the loss of the opticians has been noted. Originally, the opticians was a business operated from home however, recently the dwelling has been sold and, as the planning history above outlines, the restrictive condition relating to its operation only by the occupiers of the dwelling was rescinded. This would, in theory, allow the opticians to remain on the site, independent of the main house.

Policy LC5 supports the change of use away from comparison retail where the proposed use accords with all other relevant policies in the IDP. The proposed change of use of the existing opticians to part of the existing dwelling, Les Pieux is therefore accepted.

The scheme proposes the demolition of flat roof extensions etc. to the rear of the dwelling which are of no particular merit to warrant their retention.

The erection of a first-floor hipped roof extension to the south of the dwelling would see the substantial removal of a flat roof side extension, with only a modest section retained to the rear. The extension has been designed with a subservient hipped roof and external materials and detailing to reflect the northern extension. The comments and concerns raised relating to this extension are noted however, Policy GP13 does not require development to replicate the character or form of surrounding development offering householders flexibility for alterations to their homes. The extension represents a good standard of design that respects the local built environment.

The enlarged balcony with associated glazed balustrade represents a good standard of design that respects the local built environment and accords with the aims of the IDP, it will offer enhanced external space for the enjoyment of occupiers. Its position, away from the boundary with the neighbouring property and proposed high screen to the side/south elevation will preserve the privacy of the adjoining property and having regard to the approved balcony extension at Lion Rock. The balcony screen is a matter that can be controlled by condition.

Concerns have been raised relating to loss of privacy from the enlarged balcony area to the frontage areas of neighbouring properties. These areas are currently used as front gardens/parking areas and highly visible in the street with an existing element of mutual overlooking between the front windows/balconies of properties. The balcony extension is set well away from the boundary with L'Ecume De Mer to the north and where the driveway for this neighbouring property is situated adjacent to the common boundary. The proposed balcony will not result in an unacceptable degree of overlooking and loss of privacy to the occupiers of surrounding dwellings.

Although concerns have been raised about noise generated from the use of the balcony there is no evidence to demonstrate that there would be excessive noise from occupiers of this existing residential property following extension and alteration.

The alterations to fenestration proposed also accord with the requirements of the IDP.

The scheme shows an 'upside-down' living arrangement with bedrooms on the ground floor and living accommodation (and one bedroom) at first floor level. An element of shading will occur to the ground floor bedroom window below the balcony however, the balcony will also offer an element of shade to the accommodation but overall the development considers the health and well-being of occupiers in terms of access to sunlight/daylight. The building as existing and proposed offers flexible and adaptable accommodation and although as an existing dwelling it does not offer step free access to the building, the ground floor is on a single level with generous proportions. Stepped access to the first floor would be accessible by ambulant disabled and the ground floor bedroom accommodation also provides consideration for people of all ages and abilities.

The detached shed/outbuilding is modest in size and will not result in harm to the character and appearance of the locality or the amenities of adjoining residential neighbours.

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

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations. These issues where relevant have been considered in the assessment of this application.

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

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 02/11/2023

