

**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 2 storey extension and raised terrace area to east (rear) elevation, single storey extension to south (side) elevation and alterations to fenestration. Alter, widen and erect gates to existing vehicle accesses.

**LOCATION:** Mill House, Ville Au Roi, St. Peter Port.

**APPLICANT:** Amel Investments

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:** 30/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/10/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** MAT Ltd - 22-228-04, 05, 06 & 07

**Application Ref:** FULL/2023/1714

**Property Ref:** A405040000

**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 windows in the north and south elevation shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall thereafter be retained in perpetuity.

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

5.Within eight weeks of the vehicular access being widened the walls to either side of the altered access to which the walls relate shall be fully erected in accordance with the approved plans.

Reason - In the interests of visual amenity.

**Expiry Date: This permission will cease to have effect on 29/11/2026 unless development is commenced by that date.**

#### **ADVICE AND OTHER REMARKS:-**

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

**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](http://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](mailto: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/2023/1714  
**Property Ref:** A405040000  
**Valid date:** 03/10/2023  
**Location:** Mill House Ville Au Roi St. Peter Port Guernsey GY1 1NX  
**Proposal:** Erect 2 storey extension and raised terrace area to east (rear) elevation, single storey extension to south (side) elevation and alterations to fenestration. Alter, widen and erect gates to existing vehicle accesses.

**Applicant:** Amel Investments

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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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 windows in the north and south elevation shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall thereafter be retained in perpetuity.

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

5. Within eight weeks of the vehicular access being widened the walls to either side of the altered access to which the walls relate shall be fully erected in accordance with the approved plans.

Reason - In the interests of visual amenity.

## **INFORMATIVES**

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

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## **OFFICER'S REPORT**

### **Site Description:**

Mill House, Ville Au Roi is a detached two-storey pitched roof dwelling with render exterior. A conservatory exists to the side/south elevation. To the front of the site the property benefits from an in and out drive. A low wall and landscaping forms the roadside boundary. A bank and landscaping exists to the south/side boundary with the neighbouring dwelling. A fence marks the rear/east site boundary.

The site is located in a Main Centre Outer Area as designated in the Island Development Plan.

### **Relevant History:**

Lascaux - FULL/2019/0301 - Demolish existing garage and erect a dwelling (east boundary) – granted

### **Existing Use(s):**

01 dwellinghouse

**Brief Description of Development:**

The application relates to demolition of a conservatory and the erection of a two-storey flat roof extension to the rear of the dwelling and the construction of a single-storey flat roof extension to the side of the property with associated alterations to fenestration and to widen the existing vehicular accesses to 5m with new walls and gates set back from the roadside boundary.

The extensions will house an integral garage and open plan kitchen/dining room leading to the proposed lounge whilst the first floor will provide the master bedroom.

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

Island Development Plan policies:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

**Representations:**

One letter of representation has been submitted raising the following points:

- The earthbank on which the wire fence is erected falls within the ownership of Lascaux therefore the plans do not accurately show the extent of the garden of Mill House – the southern elevation of the property is therefore closer to the boundary than indicated and needs to be carefully considered in order to comply with Planning and Building Regulations
- The southern elevation overlooks Lascaux therefore any windows installed above ground floor level should be obscure glazed to preserve privacy
- An engineering survey should be undertaken, in order to consider what retaining walls or other works will be required to ensure that the building works do not disturb or impact on the integrity of the earthbank and ensure that no movement or slippage takes place

**Consultations:**

None.

**Summary of Issues:**

The key issues relate to the design and appearance of the proposed extensions and alterations their impact on the character and appearance of the locality and on residential amenity with regard to overshadowing and overlooking. In addition, the

matter of highway safety must also be considered in relation to the vehicular accesses as proposed.

### **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 design and appearance of the extensions proposed represent a good standard of design that respects the local built environment. The first-floor element of the development is set well away from the site boundaries thereby limiting the potential for overshadowing or loss of light to adjoining properties/gardens. The height and blank side elevation of the single-storey side extension to the south of the property is such that it will not result in overshadowing or loss of privacy to the occupiers of the neighbouring dwelling.

The concerns raised regarding loss of privacy have been noted. The application drawings show the first-floor windows in both the north and south elevations to be obscure glazed and this is a matter that can be controlled by planning condition.

The proposed alterations to the existing accesses along with the proposed gates also represent a good standard of design. Vehicles would be able to pull clear of the carriageway but not the pedestrian footway whilst electric gates opened thereby enabling the continuation of the free flow of traffic. There are some reservations regarding pedestrian safety however, given the low number of vehicle movements associated with a single dwelling and that the function of electric gate opening mechanisms may be operated on the approach to the property so that the gates would be opening once a vehicle reached the site entrance means that the risk to pedestrians remains low and would not warrant the refusal of permission.

The determination of a planning application relates only to land within the applicant's ownership and control and does not infer permission outside the application site nor on land that belongs to a third party. The development will need to comply with current Building Regulations which will address a number of concerns raised through the consultation process. The erection of a wall, such as a retaining wall, within the rear garden of the property may represent exempt works not requiring the specific grant of planning permission.

The application was deferred in order to address the comments received relating to site boundaries however, no response was received regarding this matter at the point of determination. No part of the development itself would fall within the disputed boundary area and the submission has been accompanied by a sworn legal

declaration that the information is correct, including site boundaries/land ownership. The impact of the construction of a single-storey flat roof extension, as shown on the application drawings, to the south of Mill House will not have a detrimental impact on the amenities (privacy/overshadowing) of the occupiers of the adjoining dwelling and this assessment and conclusion remains unchanged regardless of the site boundary having regard to the plot layout at Lascaux.

In view of the above it is recommended permission is granted for the proposed development.

### **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 which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

### **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:** 29/11/2023

