

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: Raise roof ridge height, extend and alter at 2nd floor level, erect extension and balcony at 1st floor level to west (rear) elevation and alterations to fenestration.

LOCATION: 1 Brock Road, St. Sampson.

APPLICANT: Mr N Misselke

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: 09/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/10/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: NBA Ltd: 31140/01 & /03B

Application Ref: FULL/2023/1783

Property Ref: B002470000

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.

Expiry Date: This permission will cease to have effect on 09/04/2027 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 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/2023/1783
Property Ref: B002470000
Valid date: 23/10/2023
Location: 1 Brock Road St. Sampson Guernsey GY2 4PL
Proposal: Raise roof ridge height, extend and alter at 2nd floor level, erect extension and balcony at 1st floor level to west (rear) elevation and alterations to fenestration.

Applicant: Mr N Misselke

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).

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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.

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.

OFFICER'S REPORT

Site Description:

The property known as '1 Brock Road' is an end of terrace two storey property which is split, with a retail unit/tattooist on the ground floor and a flat above. The property faces east directly on to New Road, the rest of the terrace is attached to the north, and Brock Road runs along the south boundary and there is a Protected Building attached to the west. Across the road to the west is a pub and there is a large residential property to the south across the road. The property is located in the St Sampson Main Centre and Conservation Area as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 2: flat.

Brief Description of Development:

This application is to raise the ridge height alter the rear roof slope to extend, alter and create a second floor with a single catslide dormer on the west roof slope. Erect flat roof extension to the west elevation at first floor, with a balcony and some alterations to the fenestration.

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

GP4: Conservation Areas
GP5: Protected Buildings (Setting)
GP8: Design
GP9: Sustainable Development
GP13: Householder Development

Representations:

There have been two letters of representation from the same neighbour, and the issues are:

- The extension would cover half of our top gable which is an attractive part of the house. There have been damp problems before in the bedroom and would not want the gable wall disturbed.
- When questioning the applicant about extending up to the gable, he said that the wooden structure would be self-supporting, the only connectivity would be the leadwork capping. It will have to be watertight bond on both our properties, & go all around them. That is support isn't it?
- It will not be appropriate to connect a lightweight wooden structure to an ancient stone building & changing the aspect of the house from the road.
- The extension has been brought away from the gable wall by about 18 inches, but there is concern that the gap is too narrow to allow for adequate airflow, and that damp could form between the properties.
- How would the gable be reached for maintenance and/or redecoration?

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

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

Initially the first floor bedroom extension was larger and the south wall of the extension covered quite a lot of the next door gable, which belongs to a Protected Building and is part of the special interest of the building. Therefore the applicants were requested to reduce the size of the bedroom to a single room to allow more of the protected gable to be seen.

The style of windows were also a little different to what is in the surrounding area, so they have now been altered to one over one sash windows to complement the surrounding fenestration.

The proposals are now considered to achieve a good standard of design, using materials which complement the existing materials. The extension and loft conversion will provide adequate levels of sunshine and daylight, and give the occupiers more flexible and adaptable accommodation.

The scale and massing of the proposed works are not considered to have a detrimental effect on the character and amenity of the surrounding conservation area, nor will they have any impacts on either of the immediate neighbours.

The proposals are not going to touch the protected building and the setting of the building is not considered to be affected by the proposals. Since more of the gable is now going to be seen the special interest of the protected building will be preserved.

Concerns raised within the representations in relation to future maintenance and potential issues with damp are private civil matters between the parties concerned and not material planning considerations which would influence a decision on this planning application.

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

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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

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. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 04/04/2024

