

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 extend at lower ground and ground floor level, install dormer window and balcony at first floor level to south east (rear) elevation. Erect two storey dower unit with link to north east (side) elevation, install rooflight, and install raised walkway bridge to front of dwelling - omit spiral staircase, carport and parapet, alter bridge link, external steps and planting to front and erect link bridge and terrace to rear, alter rooflights and fenestration, remove north boundary hedge.

LOCATION: 79 The Citadel, Hautes Falaises, Fort George, St. Peter Port.

APPLICANT: Mr G Kaye

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: 15/12/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arch+: 160-3-301, 302A, 303A, 304, 305

Application Ref: FULL/2023/1997

Property Ref: A41110A079

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 the original permission, see condition 4.

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 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 29/09/2021, issued under planning application reference FULL/2021/1477, 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 28/09/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

1. For the avoidance of doubt, this decision would like to emphasize that the Dower unit is to be used as an integral part of and incidental to the principal dwelling presently known as 79 The Citadel. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

2. 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, including any boundary ownerships.

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/2023/1997
Property Ref: A41110A079
Valid date: 15/11/2023
Location: 79 The Citadel Hautes Falaises Fort George Fort George St.
Peter Port Guernsey GY1 2SX
Proposal: Variation to previously approved plans to extend at lower ground and ground floor level, install dormer window and balcony at first floor level to south east (rear) elevation. Erect two storey dower unit with link to north east (side) elevation, install rooflight, and install raised walkway bridge to front of dwelling - omit spiral staircase, carport and parapet, alter bridge link, external steps and planting to front and erect link bridge and terrace to rear, alter rooflights and fenestration, remove north boundary hedge.

Applicant: Mr G Kaye

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 the original permission, see condition 4.

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 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 29/09/2021, issued under planning application reference FULL/2021/1477, and subject to the terms and conditions thereof.

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

INFORMATIVES

1. For the avoidance of doubt, this decision would like to emphasize that the Dower unit is to be used as an integral part of and incidental to the principal dwelling presently known as 79 The Citadel. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

2. 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, including any boundary ownerships.

OFFICER'S REPORT

Site Description:

The property known as '79 The Citadel' is a 1970's dwelling built into a hillside, from the front it looks like a hipped roof bungalow, from the lower garden level it is a two storey dwelling. The house faces northwest looking over a private garden and Haute Falaises road, there are neighbouring properties on the same level to the southwest and north and other properties at a lower level to the northeast and east. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2021/1477 - Extend at lower ground floor and ground floor level, install dormer window and balcony at first floor level to south east (rear) elevation. Erect two storey dower unit with link to north east (side) elevation. Rebuild chimney, install rooflight, flues and external insulating render system and install raised walkway bridge to front of dwelling – Approved September 2021.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is a variation to the previously approved application FULL/2021/1477, the variations are to omit the spiral staircase, carport and parapet, alter the front bridge link and steps to the northwest elevation, and erect a bridge link and terrace to the rear southeast elevation. Plus, alter roof lights and fenestration and remove a hedge along the north boundary at the front of the property.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There has been one letter of representation received and the issue is;

- The extra-large windows and the balcony in roof on the rear of the property will look directly into our garden and also the kitchen and rear conservatory. This will reduce our privacy by 100%.

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.

All the proposals to the actual building, omission of the spiral staircase and alterations to the fenestration will not make any design changes to the dwelling and therefore are each considered to be minor changes.

The new rear bridge link to the upper part of the garden is not considered to have any impacts on the amenity spaces of the neighbouring properties, the proposed terrace is located close to the south end of the southwest boundary, close to the existing glazed privacy screen installed by the neighbour.

With the glazed privacy screen to the southwest boundary and extensive mature planting along the southeast boundary, the terrace is considered to be in the right location where it will not impact on any of the neighbours.

The proposals at the front of the building are all considered appropriate and acceptable and will not impact on the character of the area.

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: 12/12/2023