

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 detached garden room to east boundary and conservatory to south boundary. Replace/install balustrade to east (rear) elevation, erect canopy and alter fenestration to west (front) elevation, remove and replant hedge, install vehicle turntable and resurface hardsurfacing, install fencing and a retaining wall.

LOCATION: Camblez House, Queens Road, St. Peter Port.

APPLICANT: Mr & Mrs M Klucznyk

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: 21/02/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arctech - MK-23-1137-03C, 04C & 05C.

Application Ref: FULL/2023/2022

Property Ref: A30654B000

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 removal of any part of the existing hedge along the north boundary, full details of the replacement hedge including the species, size and density of plants at the time of planting, shall be submitted to and approved in writing by the Authority. The hedge shall be planted in accordance with the approved details within one month of the existing hedge being removed. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity.

5.No cladding shall be brought to the site until such time as details of the type, texture and colour of the cladding material(s) to be used have been submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - To secure the satisfactory appearance of the completed development.

6.The area of replacement hardstanding to the front of the premises hereby approved shall be constructed to be permeable and no materials to be used in connection therewith shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - To secure the satisfactory appearance of the completed development.

7.The 1.8m high privacy screen located on the northern edge of the balcony as shown on the approved drawings shall be glazed with obscure glass to a minimum of Level 3 on the Pilkington scale (or equivalent), it shall be installed prior to completion of the replacement balustrade and it shall thereafter be retained as such at all times.

Reason - To protect the amenities of neighbouring residents.

8.The blockwork wall hereby permitted shall be rendered on both sides within 28 days of construction.

Reason - To secure the satisfactory appearance of the completed development.

Expiry Date: This permission will cease to have effect on 20/02/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In relation to condition 6, all hard surfacing should be carried out using porous materials or provision should be made for all run-off water to be taken to a permeable or porous area. Advice about surfacing types and construction methods is contained within a UK Government publication: 'Guidance on the permeable surfacing of front gardens'. This contains useful guidance and can be viewed at www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens.

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/2023/2022
Property Ref: A30654B000
Valid date: 08/11/2023
Location: Camblez House Queens Road St. Peter Port Guernsey GY1 1PS
Proposal: Erect detached garden room to east boundary and conservatory to south boundary. Replace/install balustrade to east (rear) elevation, erect canopy and alter fenestration to west (front) elevation, remove and replant hedge, install vehicle turntable and resurface hardsurfacing, install fencing and a retaining wall.

Applicant: Mr & Mrs M Kluczyk

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 removal of any part of the existing hedge along the north boundary, full details of the replacement hedge including the species, size and density of plants at the time of planting, shall be submitted to and approved in writing by the Authority. The hedge shall be planted in accordance with the approved details within one month of the existing hedge being removed. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity.

5. No cladding shall be brought to the site until such time as details of the type, texture and colour of the cladding material(s) to be used have been submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - To secure the satisfactory appearance of the completed development.

6. The area of replacement hardstanding to the front of the premises hereby approved shall be constructed to be permeable and no materials to be used in connection therewith shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - To secure the satisfactory appearance of the completed development.

7. The 1.8m high privacy screen located on the northern edge of the balcony as shown on the approved drawings shall be glazed with obscure glass to a minimum of Level 3 on the Pilkington scale (or equivalent), it shall be installed prior to completion of the replacement balustrade and it shall thereafter be retained as such at all times.

Reason - To protect the amenities of neighbouring residents.

8. The blockwork wall hereby permitted shall be rendered on both sides within 28 days of construction.

Reason - To secure the satisfactory appearance of the completed development.

INFORMATIVES

In relation to condition 6, all hard surfacing should be carried out using porous materials or provision should be made for all run-off water to be taken to a permeable or porous area. Advice about surfacing types and construction methods is contained within a UK Government publication: 'Guidance on the permeable surfacing of front gardens'. This contains useful guidance and can be viewed at www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens.

OFFICER'S REPORT

Site Description:

The application site comprises a traditional two storey end terraced property situated to the east of Queens Road and to the north of Les Petites Fontaines. Surrounding the site, the area comprises residential properties in all directions. The property to the north (Camblez House) is a protected building.

The site is situated within a Main Centre Inner Area and Conservation Area as designated in the Island Development Plan.

Relevant History:

PAPP/2008/2485	Erect a garage	Refused 10/11/2008
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Existing Use(s):

Residential – Use Class 1

Brief Description of Development:

As originally submitted part of this application included a detached garage/games room to the front of the premises along the northern boundary of the site. Following a visit to the site it was determined that a garage in the position shown to the front of the premises would have a detrimental effect on the character and appearance of the surrounding Conservation Area and the application was subsequently deferred. Following deferral, the applicant's agents has requested that all reference to the garage is omitted from the planning application and revised plans have been submitted accordingly.

Planning permission is now sought for the remainder of the scheme as originally applied for including replacement balustrade, a detached garden room, a conservatory, and replacement fencing to the rear of the premises and to remove and replant a hedge, to install a vehicle turntable, hardstanding, retaining wall and landscaping to the front of the premises.

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

Island Development Plan Policies:

- GP4: Conservation Areas;
- GP8: Design;
- GP9: Sustainable Development;
- GP13: Householder Development;

Representations:

Two letters of representation were received both objection to the scheme as originally submitted (with the garage included). The grounds for objection are summarised as follows:

Impact on the character of the area

- The plans as submitted cover a significant part of the site which until recently was covered in mature shrubs and trees, no mention of removal of these trees is made on the application form. The scheme would affect the landscape quality of the area;
- Within 7m of Queens Road, and at over 5m high, it would be impossible to screen the building from the surrounding area;
- The garage would have a significant adverse impact on Queens Road which is mainly residential in character with well stocked gardens and mature trees;
- The removal of the hedge will make the garage more visible from Queens Road and shadows from the garage would impact the ability for any landscaping to establish;
- The garage would result in a significant overdevelopment of the site and would cover 40% of the total length of the garden;
- There are no similar structures located in this part of Queens Road. The application letter refers to another oak framed garage in Queens Road, but this is to the front of a detached house as opposed to the terrace of housing.
- It would set an unwanted precedent for other properties on Queens Road to follow;
- The summer house and glasshouse combined would represent an overdevelopment of the site;
- The paving proposed would result in the loss of greenspace.

Impact on Neighbours

- The garage would be 12m from the front of the adjacent protected building which would impact privacy and enjoyment of the property;
- Due to the height views from the upper floor of the garage and the external staircase into the bedroom and bathroom on the upper floors of the Camblez House would be possible, impacting privacy and enjoyment of the property;
- The garage could be used for other uses and could cause noise disturbances;
- Although no measurements are provided on the drawings, the summerhouse will be a significant structure extending the full width of the garden area;

- The scheme will have an adverse effect on neighbours despite the claims of the architect;

Consultations:

None

Summary of Issues:

1. Design and any impact of the development on the appearance and character of the surrounding Conservation Area; and
2. The impact of the development on the amenity of people living in the area, taking into account the policies set out above;

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 set out in 2 below.

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

Design and any impact of the development on the appearance and character of the conservation area

Within Conservation Areas Policy GP8 seeks to ensure that new development achieves a particularly high standard of design whilst making effective and efficient use of land and respecting the character of the local built environment or the open landscape concerned.

The Authority has a duty under Section 38 of The Land Planning and Development (Guernsey) Law, 2005 to pay *“special attention to the desirability of preserving and enhancing the character and appearance”* of Conservation Areas. This duty is encapsulated in Policy GP4: Conservation Areas of the IDP which states that *“proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.”*

As referred to above in the description of development, as initially submitted concerns were raised regarding the scale and position of the garage as proposed to the front of the premises. In particular, the negative impact that this would have on the character and appearance of either side of this part of Queens Road which comprises large historic dwellings set back from the roadside with no garages or outbuildings (belonging to the principal address) forward of the front elevations of the main dwellings. The application was deferred to address this impact and the revised plans submitted have omitted all reference to the garage from the application. It is worth

noting that planning permission was previously refused for a small one bay garage at this site in 2008 in a similar position as that recently proposed, due to impact on the surrounding Conservation Area. Although this was considered under the relevant policies of the Development Plan at that time (which have since been superseded by IDP policies) the statutory duty as now incorporated within the 2005 Law regarding Conservation Areas has remained the same.

To the front of the premises permission is now sought to replace the current gravelled area/lawned area with brick paviours, to erect a 1.8m high blockwork wall on the property boundary, to install a bin store along part of the southern boundary of the site, to erect a canopy above the front door, to install a vehicle turntable, alterations to the fenestration and to remove and replace a section of hedge.

Although usually under Class 1(15) of the Land Planning and Development (Exemptions) Ordinance 2023, the creation or resurfacing of hard surface areas with brick paviours as proposed would not require planning permission, in this instance a small part of the hard-surfacing would be situated more than 30m from the dwellinghouse and therefore requires planning permission. The property is set within an urban location and the surrounding Conservation Area is characterised by large dwellings with large areas of hardstanding situated to the front of the premises. Provided that appropriate brick paviours are used (details of which can be controlled by planning condition) their use to the front of the site and the creation of the car turntable (which would be set within the ground) would not cause harm to the character of the Conservation Area.

The alterations to the fenestration, the construction of the rendered blockwork wall and the installation of a canopy above the front door as proposed are in-keeping with the traditional character and appearance of the host building and would not harm the character of the Conservation Area.

Although reference has been made with regards to the loss of trees to the front of the site, the trees are not subject to a protection order (i.e. are not TPO) and planning permission is not required for their removal. Existing trees are however shown to be retained along the southern section of the site and a hedge will separate the property from the neighbouring property to the north. Details of the replacement hedge have not been provided and it is recommended that a condition is included to ensure that a suitable replacement is used.

To the rear of the site the proposed garden room will measure 2.6m in height, 7.5m in length and 3.6m in width, and will be constructed with vertical composite timber cladding, powder coated doors and a grey GRP roof. The majority of the building will be hidden from view by the replacement 1.8m high boundary fence to the east and a tall granite wall to the south, and would not cause significant harm to the character of the Conservation Area. However, to ensure that the cladding is of an appropriate quality and finish, it is recommended that a condition is included for details to be approved in writing by the Authority.

The proposed conservatory would be positioned against the existing boundary wall along the southern boundary of the site and would be largely screened from view from public vantage points within the surrounding area and would not harm the character of the Conservation Area.

The replacement glazed balustrades to the rear of the property at both ground and first floor would not harm the character of the host building or the character of the surrounding Conservation Area.

The impact of the development on the amenity of people living in the area

Policy GP8 requires *inter alia* that proposals for new development will be expected to consider the health and well-being of the occupiers and neighbours of the development by means of providing adequate daylight, sunlight and private/communal open space.

Policy GP13 of the Island Development Plan is generally supportive of proposals for domestic extensions, alterations and other such householder development where: there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and, they do not adversely affect the special interest of a Conservation Area, Area of Biodiversity Importance, protected building or protected monument.

Representations have been received with regards to the impact of the development on the neighbouring properties to the north. Reference is made to the garage which has been omitted from the scheme, but concerns relating to the development to the rear of the site are also raised.

The existing terrace to the rear of the property allows a degree of overlooking of the garden area of the neighbouring property to the north. This is a common characteristic of properties within urban areas which are generally built at higher densities and at closer distance. However, the proposal intends to replace the existing balustrade with a glazed alternative, and on the north elevation a 1.8m high obscure glazed panel will be included for the full width of the balcony. This will prevent views from the balcony back towards the rear windows of the neighbouring property in that direction.

The proposed garden room and the conservatory are of an appropriate scale for their setting and despite comments received from objectors do not represent an overdevelopment of the site. At single storey level and given their position no undue harm with regards to overshadowing or loss of light would occur to any neighbouring properties. Views from the windows would be contained within the site by existing boundary screening and sufficient separation distance between the structures and any windows present in any neighbouring properties exists to maintain a good level of privacy.

Based on the above any harm to the amenities afforded to the occupiers of neighbouring properties resulting from the development, would not be so substantial to warrant the refusal of permission. The proposal complies with Policy GP8 and GP13 in this respect.

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.

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 scheme as proposed would not impact on the setting of the protected building to the north of the site, or impact on any protected trees, monuments or SSS's.

Date: 19/02/2024

