

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: Alter roof to create roof terrace and install rooflight to west (side) elevation.

LOCATION: George Lodge, George Road, St. Peter Port.

APPLICANT: Ms J Steel

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: 24/01/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design: 23-1504/WD/01, /02 & /03.

Application Ref: FULL/2023/2407

Property Ref: A408460000

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 23/01/2027 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/2023/2407
Property Ref: A408460000
Valid date: 04/12/2023
Location: George Lodge George Road St. Peter Port Guernsey GY1 1BD
Proposal: Alter roof to create roof terrace and install rooflight to west (side) elevation.

Applicant: Ms J Steel

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.

OFFICER'S REPORT

Brief Description of the site:

The application site known as George Lodge consists of a 2.5 storey detached dwelling-house and forms the corner plot between Colborne Road and George Road. The application site is not a protected building, nor is it situated in a Conservation Area.

The extension located to the west of the house and the 1.5 storey garage to the rear (north of the property) was built sometime between 1990 and 1996.

A private road exists to the north and west boundary of the site, separating the property and the neighbouring properties, known as Rosebud Cottage, Pres du Sommet and Les Godaines.

Planning permission is sought to alter a ground floor extension in order to create a roof terrace and install a roof lantern, to the west of the property.

The roof terrace will broadly encompass the entire width and length of the ground floor extension and will be accessed via two first floor bedrooms.

Relevant History:

None germane to this application.

Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

✓
✓
✓
✓

visual amenity acceptable
no material neighbour impact
traffic not affected

✓
✓
✓

Policies considered most relevant:

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Conclusion/Brief comment:

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

Policy GP13 (Householder Development) states that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported 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 affect the special interest of Conservation Area, Area of Biodiversity Importance, protected building or protected monument. In this instance Policy GP8 (Design) is also relevant.

With regards to its design, the proposed terrace adopts a good standard of design which does not detract from the main house in terms of its proportion, detailing and materials. Despite being visible from public vantage points, the proposal will not have a detrimental effect on visual amenity, nor will it adversely affect the character of the area or visual amenity.

Careful consideration has been afforded to the effect of the development on the amenities of neighbouring residents. When taking into account the finished floor level of the terrace and the relationship of the existing 1.5 storey garage to the rear of the property, the vast majority of the terrace will be screened by the garage and therefore would not unduly affect neighbours to the north.

Whilst it is recognised that a small section of the terrace would enable views towards the neighbouring property to the north (Pres du Sommet), the degree of harm on the neighbour's amenity space would not be sufficient to justify refusal, or deferral, given the oblique angle afforded as a result of the ridge height of the garage and the relationship of the main house, which in turn will restrict views. In addition, a degree of overlooking and intervisibility already exists between the main house and neighbouring properties, and vice-versa, therefore any additional overlooking would be negligible when taking into account the overlooking relationship from first and second floor level from George Lodge towards Pres du Sommet.

Attention is drawn to the effect of the development on the amenities of the residents of Les Godaines, located to the west of the site. George Lodge already features two windows at first floor level on the west elevation of the house, and therefore already enables views out towards Les Godaines. Equally, Les Godaines features a large gable window at first floor level which appears to overlook the rear garden of George Lodge.

The distance between the proposed terrace and the neighbour's (east) boundary is approximately 15m, with the distance increasing towards the most sensitive area of the neighbour's external amenity space. At this distance and taking into account; the existing overlooking relationship, the high density built environment of this area

of Town, and that the terrace will be accessible by two bedrooms, leads to the reasonable conclusion that the proposal will have an additional overlooking effect, although the degree of harm is not considered so substantial to rebut the general support in favour of householder development (Policy GP13), to justify refusal. Moreover, the balustrading of the terrace is such that, once seated, views out towards Les Godaines would be further interrupted.

It is also noteworthy that the west boundary of the application site and the rear garden of the neighbour's property already features mature landscaping, therefore the views towards the neighbouring property from the terrace are likely to be interrupted and therefore would further diminish the likely overlooking effect. It is however acknowledged that landscaping is subject to change and therefore can only be used as mitigation and not relied upon, and does not alone justify the application being supported.

Overall, the additional degree of overlooking is not considered to be substantial enough to warrant refusal when taking into account; the distance and relationship of the terrace to neighbouring properties, as well the existing level of overlooking and intervisibility between properties.

All other alterations are acceptable.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 24/01/24

