

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 to north (rear) elevation, erect porch to south (front) and alterations to fenestration.

LOCATION: Asturias, Highfield Estate, Upper St. Jacques, St. Peter Port.

APPLICANT: Mr I Simpson

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 18/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTECH Freelance Architecture: IS-23-1147-02A.

Application Ref: FULL/2023/2472

Property Ref: A206780000

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 window hereby approved to the east elevation to serve the kitchen/diner shall have a minimum cill height of 1.7m above finished floor level.

Reason - In the interests of neighbour amenity.

Expiry Date: This permission will cease to have effect on 23/01/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed store (forming the basement of the extension hereby approved) to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

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/2023/2472
Property Ref: A206780000
Valid date: 18/12/2023
Location: Asturias Highfield Estate Upper St. Jacques St. Peter Port
Guernsey GY1 1ST
Proposal: Erect 2 storey extension to north (rear) elevation, erect porch
to south (front) and alterations to fenestration.

Applicant: Mr I Simpson

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. The window hereby approved to the east elevation to serve the kitchen/diner shall have a minimum cill height of 1.7m above finished floor level.

Reason - In the interests of neighbour amenity.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed store (forming the basement of the extension hereby approved) to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a detached bungalow located to the north of Highfield Estate. The site is subject to a change in ground level, decreasing to the rear of the building.

The application site and neighbouring properties along the Estate commonly feature a degree of intervisibility and overlooking between properties, with windows facing towards shared boundaries, sometimes allowing oblique angles between windows and doors.

The site backs onto Courtil St. Jacques Estate, with a car park serving the estate nearest the rear boundary wall of the application site.

The site is located in a Main Centre Outer Area as designated in the Island Development Plan. The property is not protected, nor is it situated within a Conservation Area.

Planning permission is sought to erect a two storey extension to the rear of the property. The extension will be set into the sloping land, with the 'lower ground floor' acting as a basement store, with the 'upper ground floor' running in line with the ground floor of the main house, thus acting as a single storey extension.

The application was deferred as some concerns were raised with regards to overlooking and the general design, layout and use of the proposed extension and the quality of the living environment proposed.

Relevant History:

PAPP/2004/1222	Replace window with a door/window unit	Granted
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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.

The proposed extension represents a modest sized addition to the property, and is subservient and proportionate to the main house. The proposed design is of little relation to that of the main dwelling, of greater width and eaves height than the gable against which it is built and of notable bulk when viewed from the rear. Furthermore the arrangement of the fenestration lacks coherence. The detailing of the roof junction between the extension and the main house has however been justified and the extension is located to the rear of the building and would be of limited visibility within the surrounding area. The quality of the design would not therefore be of sufficient concern to justify refusal given the designation of the site and its surrounding context and limited visibility from Highfield Estate.

By virtue of creating a two storey extension, set into the sloping land, the proposal makes the most effective and efficient use of the site, whilst respecting the relationship of the building to neighbouring properties. This aspect of the development optimises the use of the site, whilst taking into account the rear building forms and scale of other properties on the Estate. Due to its position the proposal will not be visible from a main road, nor will it be highly visible from views on the Estate.

The floor plan of the extension has been amended, including the re-designation of the middle bedroom on the original drawings to a 'box room' to presumably avoid any potential issues with satisfying the requirements of the Building Regulations (2012). Whilst some concerns are retained regarding the proposed layout, in particular the size and layout of certain rooms and the level of daylight enjoyed by each, such as the 'box room', the rooms proposed would be served by at least one window and therefore achieve a basic level in terms of internal amenity.

The agent has clarified that the window located on the east elevation of the proposed extension will be installed no less than 1.7m above finished floor level to respect neighbour amenity. A condition to this effect should be attached to the decision.

Given the overall design and siting of the development, the proposal will not have a detrimental impact on the character of the area, visual amenity, or the amenities of neighbouring residents. Whilst the quality of the accommodation provided doesn't achieve a high standard of design, the proposal would not cause sufficient harm to rebut the general provision in favour of householder development (Policy GP13) and to warrant refusal, particularly when balanced against the positive aspects of the proposal, including the incorporation of an underground store.

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: 19/01/23

