

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 balcony at first floor level, install rooflights and retractable awning to south (rear) elevation and install swim spa to south west boundary.

LOCATION: La Maison Florentine, St. Jacques, St. Peter Port.

APPLICANT: Mr & Mrs M Newman

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: 17/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Create Ltd: 959-3-001B, 002B, 003B & 004.

Application Ref: FULL/2024/0382

Property Ref: A206260000

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. Notwithstanding the information submitted, on completion of, or prior to the first use (whichever is the sooner) of the first floor balcony hereby approved a 1.8m high privacy screen (measured from the finished floor level of the balcony) glazed with obscure glass to a minimum of Level 3 on the Pilkington scale (or equivalent) shall have been installed along the west elevation as shown on the approved drawing (ref 959-3-003 B). The privacy screen shall be retained as such in perpetuity.

Reason - To ensure that the privacy screen is appropriately installed in a timely manner to minimise the effect of the development on the privacy and amenities of nearby residents.

Expiry Date: This permission will cease to have effect on 17/05/2027 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/2024/0382
Property Ref: A206260000
Valid date: 27/03/2024
Location: La Maison Florentine St. Jacques St. Peter Port Guernsey
GY1 1SP
Proposal: Erect balcony at first floor level, install rooflights and retractable awning to south (rear) elevation and install swim spa to south west boundary.
Applicant: Mr & Mrs M Newman

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. Notwithstanding the information submitted, on completion of, or prior to the first use (whichever is the sooner) of the first floor balcony hereby approved a 1.8m high privacy screen (measured from the finished floor level of the balcony) glazed with obscure glass to a minimum of Level 3 on the Pilkington scale (or equivalent) shall have been installed along the west elevation as shown on the approved drawing (ref 959-3-003 B). The privacy screen shall be retained as such in perpetuity.

Reason - To ensure that the privacy screen is appropriately installed in a timely manner to minimise the effect of the development on the privacy and amenities of nearby residents.

OFFICER'S REPORT

Brief Description of the site:

The site comprises a traditional semi-detached property located to the south of St. Jacques. The property is located in a Conservation Area and Main Centre Outer Area as designated in the Island Development Plan.

Planning permission is sought to erect a balcony at first floor level served off an existing bedroom, install roof lights and a retractable awning to the south (rear) elevation and install swim spa to the south west boundary. It is also proposed to remove the existing and install a new paved terrace, and cut back a section of the existing hedge along the east boundary to allow for a new low wall.

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.

The proposal adopts a good standard of design in terms of the balcony, roof lights, retractable awning and swim spa and will not have a detrimental impact on the character of the area or visual amenity.

The proposed balcony has adopted a 1.8m high obscure glass screen along the western edge and therefore will direct views towards the rear of the garden and away from the neighbouring property to the west of the site. Furthermore, a window exists at first floor in the rear elevation towards the western aspect of the balcony. The proposed glazed privacy screen will reduce overlooking from this window and although, the balcony is likely to result in oblique views towards the neighbouring property, the resultant impact is not considered to be significant.

The balcony is located circa. 14m from the east boundary. At this distance, and given the high density of residential properties in this part of town and the existing overlooking relationship between this semi-detached property, and adjacent terrace properties to the east, the degree of harm on the amenities of neighbouring residents is not considered to be 'significant' to rebut the general support in favour of householder development.

All other alterations are acceptable. It is considered that the combination of the existing fence and doglegged section of fence will be suffice to protect the amenities of neighbouring residents.

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: 16/05/24

