

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 (FULL/20220/2256) to erect four semi detached dwellings with associated car parking and alterations to access - Install dormer window to west (rear) elevation of all units (1-4).

LOCATION: Land Rear of, St Mary Anthony, Carriere Lane, Vale.

APPLICANT: Shire Limited

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: 15/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Ltd - 20-1168 WD/02C, WD/03C, WD/04B & WD/05B

Application Ref: FULL/2024/0467

Property Ref: C01145B000

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 09/04/2021, issued under planning application reference FULL/2020/2256, and subject to the terms and conditions thereof.

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

5. The large rear dormers shall only have 1.8m wide windows inserted. The window for unit 1 will have obscure glazing, to a minimum level 3 on the Pilkington scale (or equivalent), and be fixed shut with two small top hung opening lights.

Reason: 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 15/05/2027 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/2024/0467
Property Ref: C01145B000
Valid date: 11/03/2024
Location: Land Rear of St Mary Anthony Carriere Lane Vale Guernsey
GY3 5QJ
Proposal: Variation to previously approved plans (FULL/20220/2256) to erect four semi detached dwellings with associated car parking and alterations to access - Install dormer window to west (rear) elevation of all units (1-4).
Applicant: Shire Limited

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 09/04/2021, issued under planning application reference FULL/2020/2256, and subject to the terms and conditions thereof.

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

5. The large rear dormers shall only have 1.8m wide windows inserted. The window for unit 1 will have obscure glazing, to a minimum level 3 on the Pilkington scale (or equivalent), and be fixed shut with two small top hung opening lights.

Reason: To minimise the effect of the development on the privacy and amenities of nearby residents.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises land formerly associated with the dwellinghouse located to the north, known as St Mary Anthony, and now under development to construct four residential properties. The land is bounded by residential properties in all directions and the boundaries are formed by fencing to the west and south, a low wall and planter to the east and a wall topped with fencing to the north. St Mary Anthony is no longer a protected building, as of 23/05/2023. The site is located within the St Sampson Main Centre Outer Area in the Island Development Plan.

Relevant History:

FULL/2020/2256 - Erect four semi-detached dwellings with associated car parking and alterations to access. (Protected Building). Approved 09/04/2021

FULL/2024/0215 - Variation to previously approved plans to erect four semi-detached dwellings with associated works - Remove hedge and erect fence to west boundary. Approved 05/03/2024

Existing Use(s):

Development site.

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

MC2 Housing in Main Centres and Main Centre Outer Areas
GP8 Design
GP9 Sustainable Development

Conclusion/Brief comment:

This application is a variation to the previous approval for development of the site, altering one of the previously approved rooflights to the rear (west) roof slope to a dormer window on all four new build properties. The internal first floor layout would also alter, enabling the creation of a box room.

Initially the proposed rear dormers were to be 3.2m wide with 2.7m wide windows. The distance to the boundary is between 9-10m, which is just about acceptable in terms of possible overlooking, given the Main Centre location and back-to-back separation distance of 18m between the new dwellings and the existing detached neighbours directly to the west.

The application was deferred to request the size of the windows to be reduced to minimise the feeling of being overlooked without compromising the internal size of the room. The dormers remain 3.2m wide, but with 1.8m wide windows. The agent sent an email agreeing to this with the amended west elevation, a condition shall be added to ensure the smaller window is fitted.

In addition, the application was also deferred due to concerns regarding the possible overlooking from the southernmost rear dormer window of Unit 1, into the rear garden of the adjacent dwelling to the south west. There was potential for direct views of the most sensitive area of amenity space, immediately adjacent to the rear of the dwelling, at approx. 13m. Revised plans have been submitted which show the dormer window has been fitted with obscure glazing with two small top hung opening lights and a small gable window has also been added for additional light.

The proposals achieve a good standard of design, using materials which complement the existing materials. The dormers will provide adequate levels of sunshine and daylight, and give the occupiers more flexible and adaptable accommodation.

The scale and massing of the new dormers, now the window size has been reduced, are not considered to have a detrimental effect on the character and amenity of the surrounding area, nor will they much impact on any of the immediate neighbours.

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.

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.

Recommendation:

Grant with Conditions



Date: 13/05/2024

