

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: Demolish conservatory, erect 2-storey extension to west (rear) elevation and alterations to fenestration.

LOCATION: Floreat Park, Richmond Avenue, St. Peter Port.

APPLICANT: Mr J Brewer & Mr/Ms E Lim

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: 10/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Chescoe Chartered Surveyors: 3374-00, 06G, -07H, -08H, -09F, -10H & -11F.

Application Ref: FULL/2024/0563

Property Ref: A308520000

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 first floor window in the north elevation shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent), and shall be fixed shut and thereafter be retained at all times. No changes shall be made to these windows.

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 10/05/2027 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/2024/0563
Property Ref: A308520000
Valid date: 22/03/2024
Location: Floreat Park Richmond Avenue St. Peter Port Guernsey GY1 1QQ
Proposal: Demolish conservatory, erect 2-storey extension to west (rear) elevation and alterations to fenestration.

Applicant: Mr J Brewer & Mr/Ms E Lim

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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.

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4. The first floor window in the north elevation shall be glazed with obscure glass to a

minimum level 3 on the Pilkington scale (or equivalent), and shall be fixed shut and thereafter be retained at all times. No changes shall be made to these windows.

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

OFFICER'S REPORT

Site Description:

The property known as 'Floreat Park' is a two storey detached early 20th century dwelling which is set back from and faces east onto Richmond Avenue. The site is a corner plot with Le Vauquiedor running along the south boundary. There is a close neighbour to the north and other neighbours to the west beyond the garden at a lower level and across the roads to the south and east. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to demolish the existing rear conservatory and kitchen extension and erect a two storey extension in their place on the west elevation, plus some alterations to the fenestration. The proposals house a larger kitchen/diner at ground level and two bedrooms at first floor level.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There has been one letter of representation and the issues are:

'At the moment there are no windows on the North elevation. We do not have any issues with the ground floor windows, however, we have concerns over the first floor windows. The reason for our concern is the loss of privacy to a bedroom and a

bathroom located on our first floor for which these windows will have direct line of sight into the rooms.

In the covering letter it is explained our neighbours are mindful of overlooking our property and as such the windows will have glazed elements to obscure the bottom sash to mitigate the overlooking.

However, we are concerned that this is not enough to retain our privacy especially when you

consider the minimal distance between the properties. Whilst we welcome obscuring the windows, it is only the bottom sash that is being obscured and also the windows can be opened at any time rendering the obfuscation redundant.'

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

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 as set out in 2 below.

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

Initially the drawings showed two first floor windows on the north elevation, which would be very close to an existing first floor windows on the neighbours property. The application was deferred and the drawings altered, the first floor ensuite bathroom window has been omitted and the bedroom window has now been fixed shut and has obscure glazing, which is considered to mitigate the previous concerns.

The property sits in the northeast corner of the site, which has an enormous amount of mature planting around the boundaries, the property cannot be seen from La Vauquiedor road and the rear garden slopes down to the west.

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

The scale and massing of the new extension is not considered to have a detrimental effect on the character and amenity of the surrounding area, and the new rear first

floor windows are not considered to overlook the neighbouring property because they will only look over the neighbours single storey roof extension rather than into any private amenity space. Therefore, on balance, the proposals are not considered to have any impacts 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.

3 - General material considerations set out in the General Provisions Ordinance.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 03/05/2024