

**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:** Variations to previously approved plans to demolish dwelling and erect replacement dwelling and create vehicle access (revised scheme) - Omit external staircase, alter and extend floor area and balconies on lower ground floor, ground floor and 1st floor level and alterations to rooflight and fenestration.

**LOCATION:** Aquarius, Rue Des Monts, St. Sampson.

**APPLICANT:** Urban Construction 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:** 03/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** A7 Design Ltd - 22-1433 WD/01C, WD/02D, WD/03D & WD/04B

**Application Ref:** FULL/2024/0697

**Property Ref:** B005670000

**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 on or before 17/04/2026.

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 18/04/2023, issued under planning application reference FULL/2023/0497, and subject to the terms and conditions thereof.

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

**Expiry Date: This permission will cease to have effect on 17/04/2026 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](http://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](mailto: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/2024/0697  
**Property Ref:** B005670000  
**Valid date:** 24/04/2024  
**Location:** Aquarius Rue Des Monts St. Sampson Guernsey GY2 4HR  
**Proposal:** Variations to previously approved plans to demolish dwelling and erect replacement dwelling and create vehicle access (revised scheme) - Omit external staircase, alter and extend floor area and balconies on lower ground floor, ground floor and 1st floor level and alterations to rooflight and fenestration.  
  
**Applicant:** Urban Construction 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 on or before 17/04/2026.

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 18/04/2023, issued under planning application reference FULL/2023/0497, and subject to the terms and conditions thereof.

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

---

## **OFFICER'S REPORT**

### **Site Description:**

Aquarius, Rue Des Monts occupies a sloping site to the south of Rue Des Monts at the junction of Rue Des Monts, Pied Des Monts and Delancey Park. The existing dwelling has been demolished following the grant of permission to redevelop the site for a replacement dwelling.

The site provides views across the roofs of the lower, single-storey properties and garage block in Les Sejours Au Pied towards Les Bas Courtils Road and the sea views beyond. A granite wall marks the east site boundary adjacent to a large site currently being redeveloped, Les Bas Courtils. The south and west boundaries are marked by a rendered wall approximately 1.5-1.8m high.

Residential development surrounds the site in Pied Des Monts to the west, Rue Des Monts to the north and Les Sejours Au Pied to the south.

The site is located in the Main Centre Outer Area as designated in the Island Development Plan. Delancey Park is an Area of Biodiversity Importance and a Conservation Area. The Housing Allocation Site to the east and southeast contains a number of Protected Buildings.

### **Relevant History:**

FULL/2023/0497 - Demolish dwelling and erect replacement dwelling and create vehicle access – granted

FULL/2023/1123 - Variation to previously approved plans to demolish dwelling and erect replacement dwelling and create vehicle access (revised scheme) - Increase/alter floor area at lower ground, ground floor level include additional balcony, alterations to fenestration to south (rear) elevation, garden extended, erect wall to west and south boundary - granted

### **Existing Use(s):**

01 Dwelling houses

**Brief Description of Development:**

The application seeks to make alterations to the previously approved scheme by altering the size and shape of the lounge and master bedroom balconies with associated changes to walls and roofs, changes to lower ground floor fenestration and omitting a staggered wall at this, garden level. An external stair link to the garden from the lounge (east elevation) is also shown to be omitted.

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

Island Development Plan policies:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

**Representations:**

None.

**Consultations:**

None.

**Summary of Issues:**

The key issue in this case is effect of the revisions to the approved development on residential amenity having regard to overlooking.

**Assessment against:****1 - Purposes of the law.**

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

As outlined in the Planning History above, the principle of the replacement dwelling (incorporating balconies) has previously been established and this application will not revisit this matter which is assessed in full as part of the permission granted earlier in 2023, details of which are publicly available online.

As outlined as part of the permission to redevelop this single dwelling there is scope to erect a larger replacement dwelling, even where it may have a greater impact on

the openness of the area concerned, provided all other relevant policies are satisfied. Furthermore, a comparison should not be made between the impacts of the existing dwelling compared with the impact of the new.

There are no changes proposed to the front/north elevation of the building with the focus of change being to the rear of the site with the lounge and master balconies having been 'squared off' from their original more triangular design with associated works to the adjoining walls/buttresses adjusted accordingly and the roof over the master bedroom also adjusted having regard to the change in balcony shape/size. The south elevation of bedroom 2 (lower ground floor) would also have a step/stagger omitted to provide a south elevation in a single plane. The external stair link to the garden from the lounge area have been omitted so that the lounge balcony does not wrap around to the east of the dwelling. Alterations are also proposed to the garden level fenestration to the south of the dwelling.

- Master bedroom balcony (first floor level from Rue Des Monts/second floor level to rear of site) increase floor area from 7.2m to 10.7m
- Lounge balcony (ground floor level from Rue Des Monts/first floor level to rear of site) change from 8.2m to 6.8m but with eastern section omitted and balcony spanning the entire south elevation of the lounge.

Overall, the design and appearance of the dwelling would not substantially change, and it remains the case that the scheme represents a good standard of architectural design that has been designed to have regard to accessibility and flexibility. The revised scheme would not have a detrimental impact on the character and appearance of the locality particularly given that the development will be viewed in the context of existing surrounding built development and the varied scale and mass of the building.

The height of the development will not alter as a result of the proposed changes. Being situated to the north of adjoining properties in the neighbouring Clos the revised scheme will not result in overshadowing or loss of light to these properties or the approved development to the east at Les Bas Courtils (Barn B).

The principle of balconies across the south elevation of the dwelling has previously been established and the adjustments to their size and shape will not significantly alter the relationship with adjoining properties in Les Sejours Au Pied. Views from the approved dwelling and balconies will be across the access driveway and frontage area of this and the neighbouring properties. The proposed changes will not result in unacceptable overlooking and loss of privacy to any properties within the clos.

The alterations to the lower ground floor fenestration will have the effect of reducing the area of glazing and will not have a detrimental impact on privacy and residential amenity.

In view of the above it is recommended the proposed variations are granted permission.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no adverse impact on protected trees, buildings or sites.

**Date:** 28/05/2024

