

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Install external staircase to south (rear) elevation

LOCATION: Lommedalen, Delancey Lane, St. Sampson.

APPLICANT: Mr & Mrs P Sykes

I refer to the application referred to below received as valid on 05/07/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 15/08/2024

Drawing Nos: Turnstone Architecture Ltd - 312-100 P5

Application Ref: FULL/2024/1192

Property Ref: B00553B000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The proposal has not adequately considered the impacts on the neighbouring properties in regards to neighbour amenity and overlooking. The installation of the staircase and the omission in part of the 1.8m privacy screen would have a detrimental impact on the amenity of neighbouring residents by virtue of overlooking and loss of privacy and therefore the proposals do not comply with Island Development Plan Policies GP8(c) and GP13(a).

OTHER REMARKS:-

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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2024/1192
Property Ref: B00553B000
Valid date: 05/07/2024
Location: Lommedalen Delancey Lane St. Sampson Guernsey GY2 4BX
Proposal: Install external staircase to south (rear) elevation
Applicant: Mr & Mrs P Sykes

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposal has not adequately considered the impacts on the neighbouring properties in regards to neighbour amenity and overlooking. The installation of the staircase and the omission in part of the 1.8m privacy screen would have a detrimental impact on the amenity of neighbouring residents by virtue of overlooking and loss of privacy and therefore the proposals do not comply with Island Development Plan Policies GP8(c) and GP13(a).

OFFICER'S REPORT

Site Description:

The property known as 'Lommedalen' is a two and a half storey pre-1900 attached dwelling, which is set back from and faces north onto Pied des Monts. The property had a dower unit added to the west elevation in 2017. The other attached dwelling is to the east, and there are other detached neighbours to the north across the road. Immediately to the south is a small clos of four houses and three garages, Clos de Bachelet.

Relevant History:

FULL/2022/1390 - Create terrace at first floor level to south (rear) elevation – Approved September 2022.

FULL/2022/0033 - Replace and alter roof form to flat roof to south (rear) elevation – Approved February 2022.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to install an external staircase to the south, rear elevation and omit the first-floor door out to the terrace.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

None

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.

The balcony was initially given permission because of the inclusion of the proposed 1.8m high privacy screens to the south and east elevations, which prevented any overlooking into the first-floor windows and neighbouring properties in Clos de Bachelet. The closest neighbour is within 10m and the furthest within 20m.

Allowing an external staircase would mean the removal of one of the 1.8m high privacy screens, which means that when using the staircase or from the upper landing area at the top of the staircase, overlooking of the neighbours will be possible. In addition, this would also result in overlooking into a first-floor bedroom window. This would result in a significant unacceptable loss of privacy to the occupiers of the surrounding properties.

To protect the reasonable privacy of the neighbours it is recommended that this application is refused.

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 Planning and Development (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: 15/08/2024