

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: Extend and alter at 1st floor level, alterations to fenestration, erect raised terraced areas to east (rear) of property, and raise boundary wall to south-east boundary.

LOCATION: Longwood, 45 York Way, Fort George, St. Peter Port.

APPLICANT: Mr K & Mrs L Accott

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: 14/10/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/08/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects - 1265_9 to 16B, 18 to 21 & Appendix 02.

Application Ref: FULL/2024/1454

Property Ref: A41110A045+A41110A46A

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.

Expiry Date: This permission will cease to have effect on 14/10/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

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/2024/1454
Property Ref: A41110A045+A41110A46A
Valid date: 28/08/2024
Location: Longwood 45 York Way Fort George Fort George St. Peter
Port Guernsey GY1 2SY
Proposal: Extend and alter at 1st floor level, alterations to fenestration,
erect raised terraced areas to east (rear) of property, and
raise boundary wall to south-east boundary.

Applicant: Mr K & Mrs L Accott

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.

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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.

INFORMATIVES

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

OFFICER'S REPORT

Site Description:

The property known as 'Longwood' is a 1970's bungalow which has been altered and extended over the years. The dwelling sits in the middle of a small plot, it is set back from and faces west onto York Way. There are neighbouring dwellings on the same level to the north, south and across the road to the west, and to the east at a much lower level runs Princes Close with neighbours to the east of the road. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2024/0658 - Remove hedge, erect wall and pillars to existing gated vehicle access to west boundary – Approved May 2024.

FULL/2024/0346 – Remove and replace hedge to southeast boundary – Approved March 2024.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to extend and alter at first floor level, alteration to the fenestration, erect raised terraced areas to the east of the property and the pool. Initially the proposal was to also add a 1.8m high granite wall along the whole of the southeast boundary with Princes Close.

The 1.8m high wall was deemed unnecessary along this boundary of the property and after a deferral it has since been lowered to a 500mm high granite wall behind which a native hedge will be planted (as per the previous application FULL/2024/0346).

Drawing 16b shows the lower wall, which does not require planning permission as it is under 0.9m high. Therefore it will not be assessed in this report.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There have been four letters of representation and the issues are:

- The dominant extension/terrace would protrude out over an elevated "green" bank in front of the property. This unsightly development (as seen from the East) would directly overlook Princes Close and a number of properties situated therein.
- The proposal to build a tall 1.8 metre high wall along the Eastern boundary, (extending down a major portion of Princes Close, in place of the approved native hedging submitted earlier in the year) would have a substantial visual impact on the overall appearance of Princes Close, which would be significant.
- There are objections to the inevitable overlooking and loss of privacy the proposals would bring about in its current form, including a direct line of sight from the proposed first floor windows into the neighbours living room.
- It seems clear from the description and drawings that the floating terraces would be highly visible and overly prominent in relation to neighbouring dwellings in Princes Close and people walking along the street. The existing street scene and character of Princes Close is relatively private, secluded, and not significantly overlooked. The terrace - as currently proposed, elevated above the sloping landform - is effectively a viewing platform for views, but this would also mean views onto Princes Close and directly onto the private amenity spaces of the dwellings there. These floating terraces are most definitely not in keeping with the current environment of Princes Close.
- Approving a 1.8m wall would seem inconsistent with previous decisions and would result in a rather 'hard edge' boundary treatment.
- Due to a 1972 covenant there are objections to the first floor extensions to this property.
- The proposed development is fundamentally incompatible with the established character of Princes Close and the broader Fort George neighbourhood. It's imposing and modern design would dramatically disrupt the neighbourhood's ambiance. Its height, mass and materials would create an incongruous and visually jarring presence.
- There are concerns that approving this development could set a precedent for future, less desirable projects in the area. By granting permission it would lead to a gradual erosion of the neighbourhood's character and quality of life.

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 property already has a first floor level albeit within the existing roof, with a dormer and two recessed balconies. The proposals are to extend the first floor accommodation eastward with larger flat roof dormers and a first floor extension over the existing east 'wing'.

To the east of the existing pool will be the proposed raised terraced areas, a dining area, an outdoor kitchen area and a firepit area, they will be set at slightly different levels jutting out over where the land falls away to the east, with granite piers holding them up.

The outdoor areas are at least 40m away from the neighbouring properties that are at a much lower level to the east, and the first floor bedroom windows are at least 47m away from the closest neighbouring property. In Guernsey there are no recognised separation distances, as suggested by one of the letters of representation, therefore there are no minimum distances. However, the fact that the shortest distance between the properties is 40m, which is considered to be an ample distance to mitigate overlooking. Plus the area which will be seen are the front of the neighbours properties, front gardens and driveways, which are not considered to be private amenity spaces. Therefore, there are no concerns about overlooking from any of the proposals.

The front of Longwood will remain as it is, the changes will be to the rear when viewed from the lower Princes Close, however, many of the houses within the lower area of Fort George have been modernised, so the changes are not considered to have any detrimental impacts on the character and appearance of the area.

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: 10/10/2024