

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: Create balcony at 1st floor level to west (rear) of dwelling.

LOCATION: Petit Menage, Courtes Fallaizes, St. Martin.

APPLICANT: Charisma Investments Ltd

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: 01/11/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/09/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Birch Renovations - 100 & 102A.

Application Ref: FULL/2024/1459

Property Ref: J014750000

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.Notwithstanding the hearby approved drawings, no use of the terrace shall begin until an additional 400mm northern boundary fence has been installed inside the existing fence and on top of the existing retaining wall. The fence shall be retained thereafter in perpetuity unless otherwise agreed in writing by the Authority.

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 01/11/2027 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/2024/1459
Property Ref: J014750000
Valid date: 03/09/2024
Location: Petit Menage Courtes Fallaizes St. Martin Guernsey GY4 6DH
Proposal: Create balcony at 1st floor level to west (rear) of dwelling.

Applicant: Charisma Investments Ltd

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.

4. Notwithstanding the hereby approved drawings, no use of the terrace shall begin until an additional 400mm northern boundary fence has been installed inside the existing fence and on top of the existing retaining wall. The fence shall be retained

thereafter in perpetuity unless otherwise agreed in writing by the Authority.

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 'Petit Menage' is a pre-1900's two and a half storey dwelling which is sandwiched between two larger properties. The dwelling faces east onto Les Courtes Fallaizes, with the neighbours to the north (at a higher level) and to the south. To the west is part of the northern neighbours land also at a higher level. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

PAPP/2008/1946 - Install decking area on flat roof (retrospective) – Approved August 2008.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to create a balcony at first floor level to the west (rear) of dwelling. This would not entail any changes other than to replace the 0.98m steel handrail with a compliant 1.1m high timber balustrade.

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:

- The decked area had timber decking, a steel balustrade and a staircase from the ground level; however, the current owner has already removed the timber decking and the steel balustrade, despite the Application stating, 'the existing timber decking to remain as existing'.

- The applicant seeks to replace the steel railing with a new timber balustrade and convert the flat roof storage to a domestic balcony and considers the creation of a balcony will not impact upon the surrounding area. We strongly object to the use of the roof for occupation as a terrace/balcony and we do not agree a balcony will have no impact upon the surrounding area.
- The use of the decked roof for domestic purposes does not comply with the existing consent for use and will have an adverse effect upon the residential amenity of the existing property, Moulin Huet House, and should therefore not be permitted.
- Anyone occupying the decking space will not only stand at a level higher than the surrounding retaining wall; but will also overlook into Moulin Huet House, especially the lounge, and adversely impact upon the privacy to which the residents of Moulin Huet House are entitled.
- We cannot see how the proposed domestic use will maintain a good standard of privacy, nor that the noise, disturbance, smells and other harmful effects from the domestic use of the proposed balcony will not have an unacceptable adverse impact on residential amenity and on the reasonable enjoyment of the neighbouring properties.

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 2008 permission was retrospective for the decking above the flat roof, but it was conditioned that it was only to be used for domestic storage and not to be used as a balcony or terrace. Part of the reason may have been because the boundary between Petit Menage and the northern neighbour was only some trellising above the retaining wall which was not appropriate for privacy screening. The history file shows that the neighbour also complained in 2017 about the decking being replaced and the area being used all year round.

Between 2016 & 2019 the neighbour changed the trellising to a 1.8m high close slated fence, which is considered to be a much more appropriate privacy screen.

Had both these properties been at the same ground level the proposed balcony and the neighbours lounge would be at the same level with the balcony being the garden for Petit Menage. As long as overlooking is mitigated then the relevant policies of the Island Development Plan will be considered to be complied with.

To ensure there is no overlooking northward through the slated fence a condition shall be added to ensure the applicants erect a second fence, side the existing fence and on top of the existing retaining wall, to a minimum height of 1.8m from the finished balcony floor level. This will mitigate any harmful overlooking into the neighbouring property.

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.

None of the points made in the final bullet point of the letter of representation issues are considered to be material planning considerations and therefore have not been discussed in this report.

Replacing the decking 'like for like' is considered exempt works.

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: 28/10/2024

