

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: Raise roof ridge height to create accommodation at second floor level, extend and alter at ground floor and first floor level, infill vehicle access to south of site, alter vehicle access to north of site and associated landscaping.

LOCATION: Poseidon's Postbox, La Miellette Lane, Vale.

APPLICANT: Mr M Marsden

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: 08/05/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/10/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design: 24-1567 PD/01A, PD/02A, PD/03A

Application Ref: FULL/2024/1754

Property Ref: C001940000

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 permeable hard surfacing shall not be constructed until full details of that surfacing, including a written specification for its laying, have been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing has been laid in accordance with the approved details.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

5. The dwelling hereby permitted shall not be occupied until full details of the photovoltaic panels have been provided and those panels have been installed and made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

6. Prior to the first use of the extensions hereby permitted, the first floor living room window in the south elevation shall be fitted with obscured glazing of at least level 3 on the Pilkington scale, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscure glazing and non-opening features shall be retained thereafter.

Reason - In the interests of neighbour amenity and privacy, in accordance with Island Development Plan Policies GP8, GP9 and GP13.

Expiry Date: This permission will cease to have effect on 07/05/2028 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/2024/1754
Property Ref: C001940000
Valid date: 23/10/2024
Location: Poseidon's Postbox La Miellette Lane Vale Guernsey GY3 5EN
Proposal: Raise roof ridge height to create accommodation at second floor level, extend and alter at ground floor and first floor level, infill vehicle access to south of site, alter vehicle access to north of site and associated landscaping.
Applicant: Mr M Marsden

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.

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 permeable hard surfacing shall not be constructed until full details of that surfacing, including a written specification for its laying, have been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing has been laid in accordance with the approved details.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

5. The dwelling hereby permitted shall not be occupied until full details of the photovoltaic panels have been provided and those panels have been installed and made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

6. Prior to the first use of the extensions hereby permitted, the first floor living room window in the south elevation shall be fitted with obscured glazing of at least level 3 on the Pilkington scale, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscure glazing and non-opening features shall be retained thereafter.

Reason - In the interests of neighbour amenity and privacy, in accordance with Island Development Plan Policies GP8, GP9 and GP13.

OFFICER'S REPORT

Site Description:

The site is located on Les Miellette Lane on the east coast and is occupied by a detached two storey dwelling within a fairly spacious plot. The site and the neighbouring houses were developed in the late twentieth century to form a small collection of detached dwellings adjacent to the bay, served by the surrounding narrow low trafficked lanes. The dwelling is currently accessed from La Miellette Lane via two separate vehicular accesses from the shared private drive to the east, and there is an existing single storey garage to the south.

Relevant History:

PAPP/2004/3362- Extend and alter dwelling, create first floor terrace, install timber pergola and lay decking. Refused 19/10/2004. This application was refused for the following reason:

The proposal due to its design, scale and exterior appearance, would increase the bulk and massing of the property to an unacceptable degree and would detract from the character and appearance of the property. The proposal would also have a

detrimental impact in terms of overlooking onto adjacent properties. The proposal is contrary to Policy H1 of Rural Area Plan (Phase 1).

Existing Use(s):

01 Dwellinghouse

Brief Description of Development:

The proposed development includes raising the ridge to create 2nd floor accommodation, and extensions and alterations at ground and first floor levels. The scheme also includes the infill of the southern vehicular access, alterations to the northern access and associated landscaping. The plans have been revised, following Officer concerns raised regarding the proposed roof forms, design and bulk of the extensions, resulting in changes to the design and materials proposed.

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

GP1- Landscape Character

GP8- Design

GP9- Sustainable Development

GP13- Householder Development

Representations:

8 x neighbour representations were received on the original application, with a further 6 x representations received following the re-consultation on revised plans.

The main concerns raised have been summarised below:

- Scale
 - Three storey design is not characteristic of area where most dwellings are bungalows and 3x two storey dwellings
 - Imposing height- visually and physically prominent and overbearing. Dominant structure surrounded by bungalows.
 - Footprint is overly large for plot, cramped form of development which is now close to site boundaries on all sides.
 - Impact on coastal views and skyline.
- Overlooking
 - Proximity of adjacent bungalow and loss of privacy to habitable rooms.
 - Balconies and large windows at first and second floor will reduce privacy of neighbours.
 - Rear balcony is unnecessary
- Overshadowing

- Loss of light to primary rooms of neighbouring bungalow due to 3 storey height.
- Noise, disturbance and disruption during construction.
 - Difficulties with narrow access road
 - Small public parking area is likely to be lost to construction traffic during development.
 - Noise from scaffolding tower and flapping plastic wrap.
 - Additional noise from balconies
- Fails to respect character of the area due to scale, bulk, mass and height.
 - Simple roof forms are characteristic not the complicated variety of gables/slopes/turrets/styles proposed.
- Loss of views from neighbouring properties and loss of sale of neighbouring property due to this planning application
- Revisions and changes are insufficient and have not overcome concerns raised.

Consultations:

N/A

Summary of Issues:

- Principle of development
- Design and impact on the character of the area
- Impact on amenity
- Traffic and Highways
- Other issues

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 set out in 2 below.

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

The principle of the proposed extensions

Policy GP13 of the IDP supports the extension of existing dwellings within the residential curtilage provided that:

- a) There are no significant adverse effects on the amenities of neighbouring properties; and
- b) The design, scale, mass and form would not detract from the open character of open locations; and

- c) The do not adversely affect the special interest of a Conservation Area or Area of Biodiversity Importance or protected building or protected monument.

For these reasons it is considered that the principle of extensions and raising the roof is acceptable but subject to the following additional considerations.

A previous application for extensions and alterations at this site was refused in 2004, however this was considered against the previous policies of the Rural Area Plan. This application falls to be considered against the relevant policies of the Island Development Plan.

Design, form, scale and massing of the proposed development and its impact on the character of the surrounding area

Policy GP13: Householder Development sets out a number of criteria that should be satisfied. The preceding text to Policy GP13, paragraph 19.14.6 states:

Proposals for development will not be obliged to replicate the character or form of surrounding development, or, for example, to be constrained by nearby building heights unless not doing so would adversely affect the amenities levels of adjoining properties or have an unacceptable visual impact.

Policy GP8: Design seeks to ensure that development respects the quality of the physical environment, recognising that good design can contribute to the creation of a cohesive built environment that enhances the experience of the Island whether that is for living, working or visiting. In this regard Policy GP8 supports development that achieves good design that respects the local character but demonstrates an effective and efficient use of land and uses soft and hard landscape where appropriate to help mitigate and/or assimilate a scheme within its setting. The policy recognises the importance of development of a residential nature to allow for flexibility and adaption to suit needs whilst also assuring that proposals have addressed the health and well-being of the future occupiers and neighbours.

The application site is not within a Conservation Area or close to any Protected Buildings. There is a variety of building forms and styles in the surrounding area. Paragraph 19.9.5 of the IDP which forms the preceding text to Policy GP8 states that: *'In other, less sensitive areas' (not within Conservation Areas, Sites of Special Significance and Protected buildings), 'a good standard of design will be expected, however the Island Development Plan adopts a supportive position with regard to building design in these areas to enable the property owner to exert personal choice in design matters. This adopts the flexible and proportionate approach that underpins the Plan Objectives of the Island Development Plan.'*

The concerns raised through the public consultation process, along with Officer concerns regarding the design of the proposal resulted in the deferral of the application to address this. Concerns were raised regarding the scale and mass of the proposed dwelling and particularly the complex, unresolved roof form, use of

materials and the potential for an unacceptable visual impact which fails to respect the character of the area.

The revised plans have lowered the previously proposed ridge height by 0.4m, and simplified the roof form and projections, reducing the three-dimensional form of the development. The materials palette has also been reviewed substituting a lighter coloured cladding at first floor to reflect the white and light render finishes of surrounding buildings, softening the design which sits more comfortably within its context. Other alterations to fenestration, doors, and rooflights have been made, and the 'evening' balcony to the west elevation has also been reduced in size.

The proposal does not result in the loss of any specific distinctive features which contribute to the wider landscape character of the area. However, the greater bulk, mass and height of the building than the existing will have some impact in short range views, but in mid- and long-range views, as the site is in a low-lying bowl, it is largely read amongst the backdrop of residential development when viewed from the public roads and coastline to the north and north-east. Therefore, and on balance, the proposal is not considered to have an unacceptable impact on the open landscape character of the area. This complies with Policy GP1.

In summary, the proposal is of a contemporary design, and as the site is not located within a Conservation Area, the policies allow for development with a greater visual impact if the design is of a high standard. The revised scheme does not replicate the scale of surrounding development but has on balance an acceptable visual impact and does not adversely impact on amenity, in accordance with Policies GP1 and GP13. The design is of a good standard in terms of architectural design, efficient use of land and character of the area, which means that it complies with GP8 a, b and c.

Impact of the development on the amenity of people living in the area

GP8: Design indicates that new development will be supported where it is demonstrated that it will not have an unacceptable impact on neighbouring amenity and considers the health and well-being of the occupiers.

Although the form of the proposal has an increased bulk and longer ridgeline than the existing dwelling, overshadowing or loss of light to principal rooms of any of the surrounding dwellings is also not anticipated due to the orientation to the north-east of the nearest neighbour and the separation distances between the proposal and other neighbouring dwellings.

The proposed south-western corner of the dwelling is approx. 2.5m to the shared boundary and 3.5m to the neighbouring single storey Northern Lights. This is fairly close proximity, although Northern Lights appears to have been constructed on the shared boundary, and the proposed windows to western elevation would overlook the front garden area of the neighbours, which is considered to be less sensitive in terms of amenity, and the south elevation first floor window closest to the boundary is approx. 6m from the shared boundary which is sufficient to require this window to be obscure glazed and fixed shut. Other windows on this elevation are at least 10m

away from the boundary, with a more oblique angle which limits the extent of any overlooking.

The balcony proposed to the west elevation is acceptable in terms of neighbouring amenity. The balcony has been reduced in size and is a sufficient distance from the boundary with Northern Lights, and neighbours front garden which again is less sensitive. The recessed balcony to the east elevation is also positioned and designed so that overlooking is not a significant concern, and the 'morning' balconies do not raise any concerns due to their orientation towards the road and less sensitive front gardens. The potential for additional noise to be created from the use of balconies is not considered to be significantly different from the general residential use of the garden and the associated noise.

The scheme has been designed to provide for the future occupiers of the dwelling with multiple aspect, flexible and adaptable living accommodation, off-road parking and private amenity space which will provide access for all occupants and will enable future occupiers to remain in the property for longer. The plans include a ground floor bedroom and bathroom which would appear to be suitable for accessible use.

The scheme will alter the relationship of the property to neighbouring dwellings in the immediate area due to the increase in scale, however it will not result in unacceptable harm to the amenities of surrounding residential occupiers and the scheme accords with Policies GP8, GP9 and GP13 in this respect.

The comments received regarding the loss of the sale of the property and loss of views are noted however this is not a material planning consideration and cannot be taken into account as part of the assessment of a planning application.

Parking and access issues

The existing vehicular access to the garage/outbuilding is to be closed, with all parking relocated to the enlarged northeastern driveway with sufficient parking for 3-4 cars. Turning onsite would be possible if there are not a number of cars parked, and this is considered acceptable as the road is not busy road, and traffic speeds are low.

Sustainable Development

Regarding Policy GP9: Sustainable Development, the proposal includes the application of insulated render, new solar panels to the roof and it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

Other issues

With regard to concerns raised by neighbours regarding the noise and disturbance during construction works, these are considered to be short term in nature and would not warrant the refusal of the application.

In view of the above, it is recommended that planning permission is granted for the proposed development subject to necessary planning conditions.

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; the likely effect on roads and other infrastructure, traffic and essential services; any possible fall-back position by way of extant planning permissions or exempt development; and 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 impact on protected trees, monuments or buildings.

It is concluded that the scheme accords with the aims of Policies GP1, GP8, GP9 and GP13 of the Island Development Plan and it is recommended that the application is approved.

Date: 08/05/2025