

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 1st floor level.

LOCATION: Oriane, Barrow Close, La Villette Road, St. Martin.

APPLICANT: Mr P Moriarty

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: 31/01/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/12/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: North, South East & West Elevations, Ground & First Floor Plan, Block Layout Plan.

Application Ref: FULL/2024/1795

Property Ref: J00998A002

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.Full details of the materials to be used for the roof, fenestration and chimney shall be submitted to the Authority. Only those materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - The information submitted is ambiguous therefore further details are required in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 31/01/2028 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/2024/1795
Property Ref: J00998A002
Valid date: 05/12/2024
Location: Oriane Barrow Close La Villette Road St. Martin Guernsey
GY4 6QA
Proposal: Raise roof ridge height to create accommodation at 1st floor level.

Applicant: Mr P Moriarty

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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4. Full details of the materials to be used for the roof, fenestration and chimney shall be submitted to the Authority. Only those materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - The information submitted is ambiguous therefore further details are required in the interests of visual amenity.

OFFICER'S REPORT

Site Description:

The site is located Outside of the Centres as designated in the Island Development Plan.

The application site, known as 'Oriane' consists of a detached bungalow located to the north of Barrow Close. Barrow Close comprises a small clos serving 4 properties, including the application site.

The property sits slightly off-centre on the plot and is served by a front and rear garden.

The surrounding built development consists of a relatively high density of residential properties in this suburban setting, notably to the east of Rue de la Villette and north of La Rue Des Escaliers. The residential development in the surrounding area comprises a mix of building scales, forms and designs. Agricultural fields lie to the east of this area of suburban development when taking into account the wider context.

The former agricultural land to the north of the application site was granted planning permission in 2011 to use as garden. This land is associated with the dwelling called Homeleigh Cottage.

Relevant History:

FULL/2011/0019 J009980000	Extend domestic curtilage to include area of land to rear (east) of dwelling called Homeleigh Cottage.	Granted
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Existing Use(s):

Residential.

Brief Description of Development:

Planning permission is sought to raise the ridge height of the dwelling to create habitable accommodation at 1st floor level.

As shown on the drawings submitted, it is proposed to create 3 bedrooms, two bathrooms and a study at first floor level.

The proposal includes glazing on all elevations, although the bathroom windows facing east will be obscure glazed.

The proposed ridge height of the dwelling will be approximately 7.3m high (measured at the apex), with the eaves height being 5.5m. The length of the house is approximately 13.5m.

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:

- Whether the design, scale, mass, siting, form and materials of the proposed development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

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.

The principal aim of the Island Development Plan is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely.

Policy GP13 is generally supportive of proposals for domestic extensions, alterations and other such householder development, unless material considerations indicate otherwise or conflicts with other Plan policies or the States strategic objectives are identified.

Design and impact of the development on the character and appearance of the area:

Whilst raising the ridge height of the property will alter the character and appearance of the dwelling, sufficient flexibility exists in both policy GP8 and GP13 to enable such change where it would not have a significant detrimental effect on the character and appearance of the surrounding area, or neighbour amenity. Moreover, GP8 allows a degree of flexibility with regards to design matters.

In this case, the resultant effect would respect the surrounding built form which consists of a mix of building scales, forms and designs.

Overall, the proposed first floor extension achieves a good standard of design by virtue of its scale, form, mass and materials, and would relate well to the surrounding built environment, subject to appropriate conditions.

Whilst it is noted that the applicant seeks to install (3m wide) bi-folding doors on the north elevation which is exempt development, the blocking up of the existing openings does require planning permission. Although, it is not considered necessary or reasonable to impose a planning condition to ensure that the existing window openings and disturbed areas of works are made good given that the proposed area of works do not face onto a public highway and there is not public interest in doing so.

The impact of the development on neighbour amenity:

Careful consideration has been given to the effect of the development on the amenities of neighbouring residents. Due to its close proximity to neighbouring properties, the proposal will inevitably have a degree of overshadowing, overlooking and overbearingness.

Overlooking:

With regards to overlooking, the views from the principal habitable rooms (bedrooms) face outwards over the front and rear garden respectively. Beyond this area, the north facing bedroom windows face towards a neighbour's garden (Homeleigh Cottage), which changed use from agricultural land to domestic curtilage in 2001. Whilst this area will be overlooked, the degree of harm is not considered to

be significant to warrant refusal. This decision has been reached when taking into account the distance of this area of garden when viewed in context with the most sensitive part of Homeleigh Cottage, which in planning terms, is typically located immediately adjacent to such property. In this case, the proposed area overlooked would be approximately 22m away from the rear building façade of Homeleigh Cottage. Moreover, the area of garden overlooked, is already overlooked by a west facing window of Fairways, at first floor level.

With regards to the bathroom windows on the east elevation of the first-floor extension, these windows are to be obscure glazed, as shown on the drawings submitted. It is not considered necessary to attach a planning condition to this effect given that the drawings submitted show that these windows will be obscure glazed, thus making any obscure glazing condition unnecessary, and that the land directly overlooked serves a driveway to both Fairways and Greenacre to the east.

Due consideration has been given to the first-floor windows serving the proposed study and hallway on the west elevation. These rooms are not considered as principal rooms (the study is not larger enough to be considered as a bedroom) and therefore are likely to be theoretically less impactful than a bedroom, for example.

When taking into account their size, position, and the footprint of the neighbour's recently constructed extension (Merri-Green), the views achievable of the neighbour's rear garden (the most sensitive part of the dwelling) will be at an oblique angle, and is approximately 10m away from the centre-line of the study window. Taking into account these factors, on balance, coupled with the Exemptions Ordinance (2023) which allows 10metres between new windows and neighbouring properties, leads to the conclusion that these oblique angles and distance would not result in significant harm to justify refusal, despite the neighbouring residents of Merri-Green feeling overlooked, or at least having the feeling of being overlooked (perceived overlooking), when using their rear garden.

Moreover, the existing relationship between Fairways and Oriane gives sufficient weight to this decision given that similar, if not more impactful views, exist between the first floor of Fairways and the rear garden of Oriane given the number of windows and distances involved. It would therefore be unreasonable to require the proposed first floor windows of Oriane to be obscure glazed given the characteristics and relationships of properties on the Clos.

Overshadowing:

Raising the height of the dwelling from a single storey pitched roof bungalow to a two storey dwelling will undoubtedly increase shadowing towards neighbouring properties, in particular to both Merri-Green and Fairways.

Based on the height of the property, together with its form (pitched roof) and distance to neighbouring properties, and the area's most likely to be affected

associated with both properties, the proposal is only likely to affect neighbouring properties during certain times of the day, over the course of the year.

The additional extent of shadowing is generally limited to the early hours of the day (affecting Merri-Green), and the latter parts of the day (affecting Fairways). Whilst it is recognised that the shadowing effect is likely to extend up to the front of Fairways during certain times of the year, when the sun is lower in the sky, the degree of harm is not considered to be unacceptable when taking into account that the 'window for shadowing' (the time when the sun path is to the south of Oriane and moves up towards the north-west corner of the property), is likely to be limited.

On this basis, this would not result in a substantial overshadowing effect that would be significant to reasonably justify refusal under Policy GP8, GP9 or GP13.

Given the distance to the north boundary and the less sensitive nature of the garden area associated with Homeleigh Cottage (as discussed above), the effect on the amenities of Homeleigh Cottage would be negligible.

Overbearing:

The proposed first floor extension is likely to have an overbearing impact, particularly towards Fairways and Merri-Green due to the distance between the first floor extension and the respective boundaries. However, the scale of its dominance and imposition when taking into account; the distance and relationship between the first floor extension and Fairways (approximately 8m), and Merri-Green to the west (7m), the recently constructed extension to the east of Merri-Green, together with the distances and relationships between other properties on the clos; leads to the conclusion that the impact is not considered to cause unacceptable harm in terms of its overbearing effect on neighbour amenity.

Overall, the proposal is likely to adversely impact the amenities of neighbouring properties, although would not lead to significant concerns to result in unacceptable harm, to justify refusal.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Date: 27/01/25

