

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: Demolish chimney, extend and alter at ground floor and 1st floor level, create balcony at 2nd floor level, install rooflights, solar panels to west (rear) elevation and alterations to fenestration. Demolish existing and erect altered wall/railings to east (front) of property. Erect fence on top of existing wall, demolish section of wall to create additional vehicle access and parking area to west (rear) of property.

LOCATION: Langtoft, Rouge Huis Avenue, St. Peter Port.

APPLICANT: Mr E Machnikowski

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: 04/03/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/11/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTECH Freelance Architecture - EM/24/2202/ 05A, 06B, 07B, 08B & 09.

Application Ref: FULL/2024/1853

Property Ref: A205110000

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.Prior to the first use of the seating area/balcony (however named) hereby approved:
(a) the glazed perimeter screening to demarcate this area shall have been installed in the positions and at the height shown on the approved drawings. This glazing shall be retained as such in perpetuity.

and

(b) the privacy screens to be permanently glazed with obscure glass of a minimum industry standard privacy level 3, shall have been installed in the positions and to the height as shown on the approved drawings. The privacy screens shall be retained as such in perpetuity.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

5.Within three months following the demolition of the existing wall to the front of the premises, the replacement wall and railings shall have been constructed/installed and completed in accordance with the details shown on the approved drawings.

Reason - To secure the satisfactory appearance of the completed development and to ensure that the development does not harm the character of the surrounding Conservation Area in accordance with Policy GP4 of the Island Development Plan.

6.Within four weeks of the new access to the rear of the premises being brought into use, the ends of the new opening shall be finished off using materials and a method

of construction which match the remainder of the wall.

Reason - To secure the satisfactory appearance of the completed development and to ensure that the proposal would not harm the character of the surrounding Conservation Area in accordance with Policy GP4 of the Island Development Plan.

7.No development in connection with the solar panels hereby approved shall begin on site until details of their supporting structure has been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the building is of satisfactory design and does not have any adverse impact on the character of the area.

Expiry Date: This permission will cease to have effect on 03/03/2028 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/2024/1853
Property Ref: A205110000
Valid date: 13/11/2024
Location: Langtoft Rouge Huis Avenue St. Peter Port Guernsey GY1 1RX
Proposal: Demolish chimney, extend and alter at ground floor and 1st floor level, create balcony at 2nd floor level, install rooflights, solar panels to west (rear) elevation and alterations to fenestration. Demolish existing and erect altered wall/railings to east (front) of property. Erect fence on top of existing wall, demolish section of wall to create additional vehicle access and parking area to west (rear) of property.

Applicant: Mr E Machnikowski

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. Prior to the first use of the seating area/balcony (however named) hereby approved:

(a) the glazed perimeter screening to demarcate this area shall have been installed in the positions and at the height shown on the approved drawings. This glazing shall be retained as such in perpetuity.

and

(b) the privacy screens to be permanently glazed with obscure glass of a minimum industry standard privacy level 3, shall have been installed in the positions and to the height as shown on the approved drawings. The privacy screens shall be retained as such in perpetuity.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

5. Within three months following the demolition of the existing wall to the front of the premises, the replacement wall and railings shall have been constructed/installed and completed in accordance with the details shown on the approved drawings.

Reason - To secure the satisfactory appearance of the completed development and to ensure that the development does not harm the character of the surrounding Conservation Area in accordance with Policy GP4 of the Island Development Plan.

6. Within four weeks of the new access to the rear of the premises being brought into use, the ends of the new opening shall be finished off using materials and a method of construction which match the remainder of the wall.

Reason - To secure the satisfactory appearance of the completed development and to ensure that the proposal would not harm the character of the surrounding Conservation Area in accordance with Policy GP4 of the Island Development Plan.

7. No development in connection with the solar panels hereby approved shall begin on site until details of their supporting structure has been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the building is of satisfactory design and does not have any adverse impact on the character of the area.

OFFICER'S REPORT

Site Description:

The application site comprises an end terraced three storey traditional property situated to the west of Rouge Huis Avenue. Surrounding the site the area comprises residential properties to the south, north and east with garage blocks to the west and residential properties further west. Immediately to the south of the property is a track that provides access to the garages and rear garden areas to the rear of the site.

The site is situated in a Main Centre Outer Area and Conservation Area as designated in the Island Development Plan.

Relevant History:

FULL/2020/2267	Install replacement windows to east (front) and west (rear) elevation.	Granted 05/01/2021
PAPP/1997/4184	Install rooflights, alter dwelling and re-build boundary wall	Granted 25/11/1997
PAPP/1997/2712	Install rooflights, alter dwelling, construct conservatory at first floor level and re-build boundary wall	Granted 09/09/1997

Existing Use(s):

Residential – Use Class 1

Brief Description of Development:

Planning permission is sought to demolish an existing chimney, extend and alter at ground floor and first floor level, to create a balcony at second floor level, and to install rooflights in the west facing roof elevation of the property. To the front of the building an existing wall will be demolished and replaced with the railings reinstated, and a section of boundary wall to the rear of the premises will be demolished to create a vehicle access and car parking area. A fence is also proposed to be erected on top of the existing boundary wall along the south elevation to the rear of the premises.

During the course of consideration, the application was deferred to address overlooking issues from the proposed balcony into the garden areas of neighbouring properties. Revised plans were submitted which included the erection of an obscure glazed privacy screen to be erected above the existing parapet wall along the full extent of the south elevation of the two-storey extension.

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

Island Development Plan Policies:

- GP4: Conservation Areas;
- GP8: Design;
- GP9: Sustainable development;
- GP13: Householder Development;
- IP7: Private and Communal Car Parking;
- IP9: Highway Safety, Accessibility and Capacity

Representations:

Two letters of representation were received from the occupiers of neighbouring properties. The grounds for objection are summarised as follows:

- The inclusion of a second floor balcony of any design will overlook the back gardens of the neighbouring properties to the south;
- Views from the balcony will extend into the second floor bathroom of the neighbouring property Le Reposoir affecting privacy;
- There have been other unsuccessful applications by a close neighbour for a two storey balcony;
- Over the years all of the neighbours in this area have refrained from building any kind of balconies to the rear of their houses to respect one another's privacy;
- The construction of a balcony as proposed should not be allowed as an exception;

Please note following the receipt of the revised plans, the consultation period was extended to allow the representors the opportunity to view and comment on these plans. The summary provided above includes the representations received on the initial application submitted and as revised.

Consultations:

None

Summary of Issues:

- Design, form, scale and massing of the proposed development and its impact on the character of the surrounding Conservation Area;
- Impact of the development on the amenity of people living in the area; and
- Whether the proposal would negatively impact on highway safety.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

Design, form, scale and massing of the proposed development and its impact on the character of the surrounding Conservation Area;

The site is within a Conservation Area. It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting Conservation Areas, to secure so far as possible that the special historic, architectural, traditional, or other special characteristics are preserved. This is reflected in Policy GP4 which supports development that conserves, and where possible, enhances the special character, architectural or historic interest and appearance of the Conservation Area.

Within Conservation Areas, Policy GP8 seeks to ensure that new development achieves a particularly high standard of design whilst making effective and efficient use of land and respecting the character of the local built environment or the open landscape concerned. Development should also consider the amenities of occupiers and surrounding neighbours, provide soft and hard landscaping where this reinforces local character or mitigates the development.

As part of the proposal the existing two storey extension will be extended to project a further metre (west) into the garden area of the property. A balcony with appropriate privacy screening is proposed to be added to a small section of the flat roof of this two-storey extension. The eaves of the single storey outbuilding to the rear of the premises will be raised from 2.3m to 3.3m and the pitched roof replaced with a flat roof. Ten solar panels will be installed on this flat roof. These alterations are of an appropriate scale, mass and form so as not to detract from the openness of the surrounding area. The design and the materials to be used are appropriate and in-keeping with the host dwelling and would not negatively impact on the character of the surrounding Conservation Area.

The existing chimney attached to the south gable is in a poor condition and although its demolition is regrettable an existing chimney will remain on the northern aspect of the property that will continue to provide a feature within the Conservation Area. Any impact on the character of the Conservation Area in this instance would not be so substantial to warrant the refusal of planning permission.

The demolition and replacement of the boundary wall to the front of the premises will result in the loss of existing pillars and the introduction of a bell mouth feature to the wall. This is proposed to improve access into the narrow alleyway immediately to the south of the building. The existing railings are proposed to be reinstated. Although the loss of the pillars is regrettable, the improvement to the access would outweigh any harm to the character of the Conservation Area. Furthermore, the boundary wall to the property directly opposite (Westview) has been altered in a similar way.

The section of wall to be demolished to the rear of the property forms part of a block-built wall that adds little contribution to the character of the Conservation Area and its removal is therefore acceptable. The fence to be erected on the wall to the rear of the property will be limited in terms of its height and scale (400mm above the existing wall) and situated to the rear of the property would not cause harm to the character of the Conservation Area.

For the reasons referred to above it is considered that overall, the proposal would not cause harm to the character or appearance of the surrounding Conservation Area and the scheme complies with Policies GP4, GP8, GP9 and GP13 in this respect.

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. Criterion (b) of policy GP9 requires a scheme to demonstrate that the scheme would not have unacceptable impacts on the amenities of neighbouring properties or an adverse effect on the special interest of Conservation Areas, protected buildings or protected monuments.

Concerns have been raised through the public consultation process regarding the impact of the development on privacy due to views from the proposed balcony extending into the garden areas and rear windows of the neighbouring properties to the south. The comments from the representors have been noted.

During the course of consideration and following a visit to the site, the application was deferred to address issues relating to overlooking and loss of privacy. Revised plans have been submitted which include the erection of a 1m high obscure glazed privacy screen to be erected above the existing parapet wall along the full extent of the southern elevation of the two storey extension. A cross section drawing has been submitted, which demonstrates that this privacy screen will prevent any views from the balcony extending into the garden areas of the neighbouring properties to the south. Although the direction of view from the balcony will be towards the rear elevations of these neighbouring properties, as the cross section drawing demonstrates, the separation distances involved would be more than sufficient to prevent any undue harm occurring, particularly in an central urban location such as this where the pattern of surrounding development comprises terraced type properties, where a degree of mutual overlooking is common.

To the north a 1.8m high obscure glazed screen will be erected along part of the north boundary to prevent harm to the neighbouring property in this direction. Overall, although the scheme will alter the relationship of the host dwelling to those dwellings in the immediate area, provided that the measures proposed to prevent overlooking are installed (which can be controlled by planning condition), the scheme would not cause undue harm with regards to the privacy afforded to the occupiers of the neighbouring properties. The windows proposed in the south facing gable are high level windows (with a cill height above 1.7m from the internal finished floor level) and no overlooking would occur from these windows.

The alterations/extensions proposed are limited in terms of their overall scale and additional harm resulting from the development proposed with regards to overshadowing or light loss, would not be so substantial to warrant the refusal of planning permission. The scheme therefore accords with Policies GP8, GP9 and GP13 in this respect.

Whether the proposal would negatively impact on highway safety.

The removal of the pillars to the front of the property and the introduction of a wall with a bell mouth radii, will improve access into the narrow track immediately to the south of the dwelling which in turn will improve highway safety. The demolition of the wall and the creation of a vehicle access to the rear of the property as proposed would not cause harm to highway safety and would comply with policies IP7 & IP9 of the IDP.

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 effect of the proposed which the site could be put without further planning permission; 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 adverse impact on protected trees, buildings or sites and for the reasons contained within this report it is recommended that planning permission is granted.

Date: 27/02/2025

