

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 extensions, extend and alter at ground floor and 1st floor levels including 1st floor terrace area to south (rear) elevation. Erect wall and arch to east of property.

LOCATION: Les Tilleuls, St. Jacques, St. Peter Port.

APPLICANT: Mr & Mrs Friel

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: 16/01/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/11/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arch+ - 198-3-301, 302, 303, 304, 305, 306, 307

Application Ref: FULL/2024/1892

Property Ref: A206350000

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 16/01/2028 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/2024/1892
Property Ref: A206350000
Valid date: 12/11/2024
Location: Les Tilleuls St. Jacques St. Peter Port Guernsey GY1 1SP
Proposal: Demolish extensions, extend and alter at ground floor and 1st floor levels including 1st floor terrace area to south (rear) elevation. Erect wall and arch to east of property.

Applicant: Mr & Mrs Friel

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.

OFFICER'S REPORT

Brief Description of the site:

The application site is located to the south side of St Jacques and the existing dwelling is elevated approx. 0.5m above the road due to changes in land levels. Access from the road is shared with the neighbouring property to the west.

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

The proposal is for the demolition of extensions and erection of new extensions and alterations at ground floor level and 1st floor level including a first-floor terrace area to south (rear) elevation. The erection of a wall and arch to the east of the property is also included.

Relevant History:

N/A

Existing Use(s):

01 Residential Dwelling

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

✓
✓
✓
✓

visual amenity acceptable
no material neighbour impact
traffic not affected

✓
✓
✓

Policies considered most relevant:

GP4- Conservation Area

GP8- Design

GP9- Sustainable Development

GP13- Householder Development

Conclusion/Brief comment:

The proposed works to the dwelling include the demolition of the existing rear conservatory, a side extension, the chimneys and front canopy, and the erection of a two-storey extension to the west side elevation, first floor balcony to the rear, new porch to the front and single storey extension to the east side. The two-storey extension extends the existing ridge line and form over and has a projecting gable extension to the rear a separation distance of 1m to the neighbour is retained. The first-floor extension has a lean-to roof and extends closer to the existing garage.

The principal of these extensions is acceptable under Policy GP13 which allows for residential extensions and improvements to dwellings.

The proposed balcony replaces and enlarges a smaller existing balcony to the rear, so it is the change in relationship/impact as a result of the extensions to the balcony which must be considered. The neighbour directly to the south, No 11, is approx. 17.5m away from the proposed balcony. The existing mostly evergreen mature boundary and approx. 1.8m high boundary fence prevents harmful overlooking, although this cannot be relied on in perpetuity particularly as it is within the application sites garden. There is also some deciduous hedge/tree screening within the rear garden of No 11 which would assist in screening views particularly in summer months.

The northeastern section of the neighbour's garden appears to be used predominately as a growing area with raised vegetable beds, indicating that the sensitivity of this area is lower in amenity terms, with the main sitting out area closer to the rear section of the main house in the area which is furthest from both the existing and proposed balcony. In addition, the character of the area is such that separation distances between dwellings vary greatly.

Therefore, on balance, the introduction of the enlarged balcony to the rear of the dwelling is acceptable due to the separation distance of 17.5m which is appropriate in this area, in combination with the existing screening and potential for more direct views into the northeast corner of the garden which is less sensitive.

Some views may be possible into the dwellings to the southeast, but the position of the dwellings offset from direct views, and hedge boundary coupled with a distance of approx. 11-12m into the front gardens which are considered less sensitive in terms of amenity, this is considered acceptable.

The first-floor balcony is enclosed by the projecting gable to the west which prevents direct and harmful views into the neighbours to the west, with views predominantly over the application sites rear garden.

The two-storey extension to the west side will close the visual gap between the dwellings, while this is acceptable in the streetscene it is also unlikely to have a significant impact on amenity as there are no boundary windows which would be affected. The neighbouring dwelling is also set further back, and so the rear extensions are unlikely to have a harmful or overbearing visual impact to neighbours, despite the proximity to the boundary.

In summary, no harmful impact on neighbour amenity is anticipated. The proposal is therefore considered to fulfil the requirements of GP13, GP8 and GP9. In addition, there is considered to be no harmful impact on the Conservation Area setting, and therefore accords with GP4.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

Recommendation:

Grant with Conditions



Date: 16/01/2025

