

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Create balcony at 1st floor level to east (rear) elevation.

LOCATION: L'Etacq, 8 Sandy Lane, St. Sampson.

APPLICANT: Ms K Bishop

I refer to the application referred to below received as valid on 27/01/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 26/02/2025

Drawing Nos: Jason Hobbs Architectural Services Ltd - 6391/A/8

Application Ref: FULL/2025/0131

Property Ref: B01690G000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The proposed balcony by virtue of its position and proximity would cause harm to the reasonable amenities of neighbouring residents by reason of overlooking and overbearing impact. The degree of harm to neighbour amenity is sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met (Policy GP13). The development would be contrary to Island Development Plan Policies GP8 and GP13.

OTHER REMARKS:-

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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2025/0131
Property Ref: B01690G000
Valid date: 27/01/2025
Location: L'Etacq 8 Sandy Lane St. Sampson Guernsey GY2 4RT
Proposal: Create balcony at 1st floor level to east (rear) elevation.
Applicant: Ms K Bishop

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed balcony by virtue of its position and proximity would cause harm to the reasonable amenities of neighbouring residents by reason of overlooking and overbearing impact. The degree of harm to neighbour amenity is sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met (Policy GP13). The development would be contrary to Island Development Plan Policies GP8 and GP13.

OFFICER'S REPORT

Site Description:

The property known as 'L'Etacq' is a mid-terrace pre-1900 one and a half storey dwelling which is set back from and faces west onto Sandy Lane. The attached neighbours are to the north and south and there are detached neighbours to the east beyond the garden and west across the road. The property is located in the L'Islet Local Centre as defined in the Island Development Plan.

Relevant History:

FULL/2023/2439 – Erect first floor extension to east rear elevation (Revised) – Approved January 2024.

FULL/2023/1504 - Erect extension at 1st floor level to east (rear) elevation – Refused October 2023.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to create a first-floor balcony to the east rear elevation of the property.

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

Island Development Plan Policies:-

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There have been two letters of representation from neighbouring properties and the main issues raised are:

- The balcony will look straight into a neighbour's garden, house, sunroom and take away privacy.
- There are concerns over the loss of privacy, noise and light pollution. The balcony would lead to an erosion of amenity, and the enjoyment of neighbouring property.
- The low east balustrade would offer no privacy to all who are eastward of the balcony.
- A balcony would not be in keeping with the style of the host cottage.

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 row of cottages along Sandy Lane are small and densely developed which means there is already overlooking from the first-floor windows into each other's gardens.

Adding a balcony would exacerbate this issue, both in terms of actual overlooking and the perception of being overlooked.

The recent extension on this property positions the rear first floor further out than the attached neighbours, and a balcony with 1.8m high screening on either side will increase the bulk of the first floor even further. The proposed privacy screens would not prevent overlooking from the lower east balustrade over the neighbour's gardens and into the gardens to the east. As the gardens are relatively small, all the garden is private amenity space for the occupiers where further overlooking would be detrimental to the amenity reasonably expected to be enjoyed.

In this instance there is not considered to be a solution which would prevent overlooking or the perception of being overlooked, and the additional bulk the privacy screens would give to the already large first floor extension is not considered to be good design.

The proposed balcony by virtue of its position and proximity would cause harm to the reasonable amenities of neighbouring residents by reason of overlooking and overbearing impact. The degree of harm to neighbour amenity is sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met (Policy GP13). The development would be contrary to Island Development Plan Policies GP8 and GP13.

The recommendation for this application is one of a refusal.

3 - General material considerations set out in the General Provisions Ordinance.

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 considered 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: 25/02/2025