

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: Erect single storey extension to east (rear) elevation and install cabrio rooflights to north (side) elevation.

LOCATION: Vue Du Neuvieme, L'Ancrese Road, Vale.

APPLICANT: Mr N Leale

I refer to the application referred to below received as valid on 18/02/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 23/06/2025

Drawing Nos: Corbeau: LEA-01-01, -02, -04 & -06.

Application Ref: FULL/2025/0230

Property Ref: C01681J000

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. This application would result in significant overlooking from the cabrio rooflights into the neighbour's garden to the north, which, in this instance forms the private amenity space. Therefore the proposals do not comply with policies GP8(d) and GP13(a) of the Island Development Plan.

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/2025/0230
Property Ref: C01681J000
Valid date: 18/02/2025
Location: Vue Du Neuvieme L'Ancrese Road Vale Guernsey GY3 5AS
Proposal: Erect single storey extension to east (rear) elevation and install cabrio rooflights to north (side) elevation.
Applicant: Mr N Leale

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. This application would result in significant overlooking from the cabrio rooflights into the neighbour's garden to the north, which, in this instance forms the private amenity space. Therefore the proposals do not comply with policies GP8(d) and GP13(a) of the Island Development Plan.

OFFICER'S REPORT

Site Description:

The property known as 'Vue du Neuvieme' is a 1960's one and a half storey dwelling which is set back from and faces west onto L'Ancrese Road. There are detached neighbours to the north, east and south, and across the road to the west is L'Ancrese Common and the golf course all of which is designated as a Site of Special Significance. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to erect a single storey extension to the east rear elevation and install two cabrio rooflights adjacent to each other on the west side of the north facing roof slope.

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:

- 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.

There are concerns over the amount of overlooking from the cabrio rooflights into the neighbour's front garden to the north, Bonne Brise.

Generally front gardens are considered to be the more public area of a property, and not where the occupiers sit and spend time, this is usually because the front boundary is open and the public can view the garden as they pass.

Bonne Brise is located on a corner site with Les Clotures Road running along the north boundary, the property is located in the middle of the site with the back garden almost the same size as the front garden. In this instance the roadside boundary of Bonne Brise comprises a high hedge, with a gap for the vehicular entrance on the west boundary and a small gap in the hedge between Vue du Neuvieme and Bonne Brise.

The southern end of the west elevation of Bonne Brise is where the occupiers of the property have their garden furniture, etc, showing that they use this part of the garden as their private amenity space, due to the privacy given from the high boundary hedge.

The cabrio balcony rooflights will overlook this area, with little opportunity to mitigate the overlooking. For this reason the application was deferred to request that the

rooflights were either omitted or changed for normal rooflights with a higher cill level. However, the agent and applicants have not omitted the Cabrio balcony, but instead produced some photos taken through the only two areas in which you can see the front garden from the public footpath. The photos were not sufficient to overcome the concerns regarding the level of overlooking.

The remaining elements of the application, the ground floor extension, are satisfactory however due to overlooking arising from the cabrio rooflights onto what is the private useable garden of the neighbouring property, the application cannot be supported and for this reason is recommended for 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 taken into account 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: 23/06/2025