

States of Alderney



## APPLICATION FOR PLANNING PERMISSION

BUILDING AND DEVELOPMENT CONTROL  
(ALDERNEY) LAW, 2002, AS AMENDED

*Form for use for works of a minor or  
temporary nature*

For Office Use

FORM A

Ref: PA/2019/083.

Rec'd: 23/07/19

Adv: 25/07/19

Paid: £45

Receipt No: A07327

### PROPOSED DEVELOPMENT

Description

Increase size of rear balcony as approved for Planning from 1.5m to 2.75m.

### APPLICATION SITE

Address

Burhou View, Le Petit. Val Lane

Parcel No (AY N°)

Cadastre Reference (if known)

### APPLICANT'S DETAILS

Name

Burhou Investment Ltd.

Address

Tel

Email

### AGENT'S DETAILS

Name Barrie Pimm-Smith

Address

Tel

Email

### TREES AND HEDGES

Does the proposal involve the removal of trees or hedges?

YES

NO ☒

Please confirm that all trees/hedges to be removed have been indicated on the site plan

☐

Please confirm that the submitted plans identify all trees affected by or close to the proposed development and all works to the tree(s) and any operations within the root area.

☐

### DEMOLITION

Are any buildings / structures (including walls) to be demolished as part of the proposals?

YES

NO ☒

If yes, please confirm that the submitted plans clearly indicate all buildings / structures to be demolished.

☐

P.T.O.

WINDOWS AND DOORS		
How many replacement units are you applying for? Windows <input type="checkbox"/> Doors <input type="checkbox"/>		
	Existing Windows & Doors	Proposed Replacement
<b>TYPE</b> eg: vertical, sliding sash, casement, top hung, tilt & turn		
<b>Design</b> eg: 12 pane, 4 pane		
<b>Glazing</b> eg: single or double glazed		
<b>Material &amp; Finish</b> eg: stained or painted timber, aluminium, uPVC		
<b>Features</b> eg: decorative horns, coloured glass, etc.		

APPLICANT'S / AGENT'S DECLARATION	
I/we hereby apply for planning permission, as described in this form and the accompanying plans / drawings, in accordance with the relevant legislation. I/we declare that to the best of my/our knowledge, all the particulars in this application are correct and confirm that I/we have read and understood the accompanying Guidance Notes.	
I/we agree that any information given in this application may be disclosed to relevant Departments of the States of Alderney, made accessible to the public, published in the local media and on the States of Alderney website	
Name(s) <u>RUBINOW INVESTMENT LTD</u>	Signature(s)
Date <u>22/07/19</u>	

DECLARATION OF OWNERSHIP (please tick relevant box and sign)	
I am the owner of the site	<input checked="" type="checkbox"/>
I enclose written consent of the owner(s) of the land to make this application	<input type="checkbox"/>
Name(s) <u>NIGEL RUBINOW</u>	Signature(s)
Date <u>22/07/2019</u>	

**Please submit this completed form plus fee of £45.00, with 2 sets of each of the following to: The Planning Office, States of Alderney, PO Box 1001, Alderney, GY9 3AA**

- **Location Plan (scale 1:1250)** which shows the location of the property and the position of the proposed work.
- **Details**, including dimensions, materials and appearance of proposed work (in some cases a photograph will be adequate).

**Please Note: -**

It shall be the duty of the person to whom the permit is granted to ensure that the work is carried out in accordance with the approved plan and to comply with any conditions attached by the Committee to the execution of the work.

Under Section 36 of the Building and Development Control (Alderney) Law 2002, any applicant knowingly or recklessly making any false statement is liable on conviction to a fine not exceeding £5,000 and upon application by the Committee, the Court may cancel the permit to which the false statement relates.

Any permission granted as a result of this application is that permission required by the above mentioned laws only, and does not in any way override the rights of any third party.

**DESIGN STATEMENT**  
**in support of a**  
**PLANNING APPLICATION**  
**for the**  
**CONSTRUCTION OF A BALCONY**  
**at**

**BURHOU VIEW, LE PETIT VAL LANE, ALDERNEY GY9 3UU**

**Relevant Planning History**

A planning permission, reference PA/2019/056, was issued on the 30<sup>th</sup> May 2019 and approved the construction of a balcony and the formation of a new ground floor window opening. The submitted application had indicated a balcony across the rear wall of the property and measuring 3.5m wide. However, the permission granted was conditioned as follows:

*Condition:*

*The width of the balcony is only 1.5m maximum.*

*Reason:*

*To comply with policy IW12, to alleviate any overlooking into the neighbours' gardens adjoining the east and west boundaries of the subject property.*

**Planning Policy**

Policy IW12 states the following:

*Development proposals should take into account any impact on amenity and the reasonable enjoyment of the development, the adjoining properties and the surrounding area, including overshadowing, overlooking and disturbance during construction, operation and (where relevant) decommissioning.*

It is to be noted that IW12 does not impose any prescriptive design standards for the width of a balcony. Nor does it in any way preclude the construction of a balcony. Indeed, the permission granted under PA/2019/056 clearly demonstrates that rear balconies represent reasonable development, and this is amplified in numerous other similar balconies (of varying widths) approved and/or constructed on the Island in the recent past.

In planning policy terms, therefore, it is a subjective judgement as to the extent that any proposed balcony design adequately takes into account the matters raised in IW12 and which should determine the acceptability or otherwise of any proposal.

### **Design Principles**

The design of the proposed balcony which is the subject of this application reflects a proposed width of 2.75m which is a significant reduction in width on the balcony proposed in PA/2019/056 but wider than the limited width (1.5m) conditioned within that planning permission.

This application contains further design information which was not submitted with PA/2019/056 and it is hoped that this will assist in the Building and Development control Committee's further consideration of the design principles involved.

The conditioned balcony width of 1.5m appears to have been determined arbitrarily (there is no special planning policy guidance to indicate design standards). This width limitation to 1.5m seems to be unreasonable given the numerous balconies of greater widths which have previously been approved for construction. Indeed, neighbouring properties to both the east and west of the application property have a terrace (to the east) and a flat roof garden terrace (to the west), both of which are significantly wider than 1.5m. These terraces on the adjacent properties are both shown on application drawing no. TU07A and it can be clearly seen that they are both constructed beyond the building line of the proposed balcony, i.e. both these adjacent terraces extend back into gardens beyond the line proposed by the subject balcony.

Three particular points in respect of the proposed design should be made:

Firstly, it is the applicant's contention that a limit on balcony width to 1.5m renders the balcony virtually pointless in terms of the amenity it will offer but does not, in any material restrictive planning sense, offer any appreciable advantage. In proposing a width of 2.75m it is contended that the degree of *overshadowing, overlooking and disturbance during construction* (IW12) of a 2.75m wide balcony varies to no material degree to that generated by a 1.5m balcony.

This design point is illustrated on application drawing numbers BV202 and TU07A where the fields of vision from the proposed 2.75m balcony (*in red*) are compared to those of the already approved 1.5m balcony (*in blue*). It can be clearly seen that, objectively, a person standing at the extremities of balconies of either width would have virtually identical fields of vision.

Secondly, regarding overlooking (of neighbour's gardens) the application drawings show that the gardens of both neighbouring properties are screened to a significant degree by existing, high, mature hedging and fall away significantly from as-built finished ground floor levels. Application drawing no. BV202 and the photographs on application drawing no. BV203 show clearly that these physical characteristics have the effect that the neighbours' gardens are, in fact, adequately screened from the line of vision of users of the proposed balcony.

The combination of these two material factors (sloping ground and high hedge screening) therefore support the contention that the development proposals have taken fully into account the potential impact upon adjoining properties, that the impact upon amenity is minimal and the proposed development is not at all unreasonable.

Thirdly, both adjoining properties already have rear balconies constructed and the proposed balcony configuration is not at all inconsistent with the current configuration of properties in this general location.

With regard to disturbance during construction, all works will be undertaken within the confines of the application property and during normal working hours. No heavy duty or otherwise special and/or excessively noisy plant will be required.

Thus, the proposed balcony, as designed, satisfies the requirements of IW12, having taken into account *any impact on amenity and the reasonable enjoyment of the development, the adjoining properties and the surrounding area and disturbance during construction.....*'