

**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 lean-to extension and erect single storey flat roof extension and install rooflight on south (rear) elevation, install dormer window on north (front) elevation, replace and alter fenestration and internal alterations (Protected Building).

**LOCATION:** 36 Hauteville, St. Peter Port.

**APPLICANT:** Ms C Cherry

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:** 05/11/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 09/08/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Laurence Deane: 202001 200 P.a., 201 P.a., 202 P.a., 203 P.a., 204 P.a., 205 P.a., 206 P.a., 209 P.a., 210 P.a., 211 P.a., 212 P.a., 212 P.a., & 213 P.a.

**Application Ref:** FULL/2021/1509

**Property Ref:** A407090000

**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 commencement of any work in connection therewith details of:  
a)Replacement windows to include cill, head, jamb, glazing bar and meeting rail (1:20 scale elevations and 1:5 scale details); and  
b)French doors to include threshold/door bottom rail, head, jamb and door stile (1:20 scale elevations and 1:5 scale details)  
shall be submitted to and agreed in writing by the Authority. None of the replacement windows installed in the front/north elevation of 36 Hauteville shall be obscure glazed. 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 development is of satisfactory design and does not have any adverse impact on the special interest of the Protected Building and character of the Conservation Area.

**Expiry Date: This permission will cease to have effect on 04/11/2024 unless development is commenced by that date.**

**ADVICE AND OTHER REMARKS:-**

The applicant's attention is drawn to the fact that planning permission will be required for any new vents to be installed in the external walls of the Protected Building.

Should any amendments be proposed that deviate from the approved plans please provide further details to the Planning Service prior to the commencement of such works on site.

**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](http://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](mailto: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/2021/1509  
**Property Ref:** A407090000  
**Valid date:** 09/08/2021  
**Location:** 36 Hauteville St. Peter Port Guernsey GY1 1DG  
**Proposal:** Demolish lean-to extension and erect single storey flat roof extension and install rooflight on south (rear) elevation, install dormer window on north (front) elevation, replace and alter fenestration and internal alterations (Protected Building).

**Applicant:** Ms C Cherry

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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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 commencement of any work in connection therewith details of:

- a) Replacement windows to include cill, head, jamb, glazing bar and meeting rail (1:20 scale elevations and 1:5 scale details); and
- b) French doors to include threshold/door bottom rail, head, jamb and door stile (1:20 scale elevations and 1:5 scale details)

shall be submitted to and agreed in writing by the Authority. None of the replacement windows installed in the front/north elevation of 36 Hauteville shall be obscure glazed. 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 development is of satisfactory design and does not have any adverse impact on the special interest of the Protected Building and character of the Conservation Area.

## **INFORMATIVES**

The applicant's attention is drawn to the fact that planning permission will be required for any new vents to be installed in the external walls of the Protected Building.

Should any amendments be proposed that deviate from the approved plans please provide further details to the Planning Service prior to the commencement of such works on site.

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## **OFFICER'S REPORT**

### **Brief Description:**

The application relates to the demolition of the existing extensions and construction of a single-storey extension to the rear/south elevation of 36 Hauteville. Furthermore, the application proposes the installation of a dormer to the front roofslope, rooflight to rear roofslope, replacement windows, replacement of windows with French doors and internal works.

The application has been accompanied by a Design and Access Statement which includes a Statement of Significance and a Structural Report. To repair and paint the rear elevation represents exempt development under Class 3 of The Land Planning and Development (Exemptions) Ordinance.

The site is located in the Main Centre, Conservation Area and Archaeological Area as designated in the Island Development Plan.

**Relevant History:**

Pre-application advice was sought in this case.

**Existing Use(s):**

01 dwellinghouse

**Assessment:** *(Tick as appropriate)*

|                     |                                     |                              |                                     |
|---------------------|-------------------------------------|------------------------------|-------------------------------------|
| no representation   | <input checked="" type="checkbox"/> | visual amenity acceptable    | <input checked="" type="checkbox"/> |
| accords with policy | <input checked="" type="checkbox"/> | no material neighbour impact | <input checked="" type="checkbox"/> |
| within curtilage    | <input checked="" type="checkbox"/> | traffic not affected         | <input checked="" type="checkbox"/> |
| design acceptable   | <input checked="" type="checkbox"/> |                              |                                     |

**Policies considered most relevant:**

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable development

GP13: Householder development

**Representation:**

One letter has been received regarding the application and makes the following points:

- Delighted that the property will be renovated and occupied
- Would like to ensure that any work undertaken will not alter Victor Hugo's House (renovated in 2018-19)
- Any interventions or deliveries or removal of materials should not hinder access to Hauteville House particularly during the 2022 tourist season, which is expected to revive local tourism
- Request:
  - a photographic Condition Survey be made prior to the commencement of work on the adjoining parts of 36 Hauteville and Hauteville House
  - to be notified of any major demolition work that may affect the structure of Hauteville House (internal and external)
  - to be assured that no scaffolding will be erected on the facades or gable of Hauteville House
  - to be informed of a schedule of deliveries and interventions throughout the construction period in order to adapt the operating schedule of Hauteville House if necessary

**Conclusion/Brief comment:**

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings and Conservation Areas, to secure so far as possible that the special historic, architectural, traditional or other special characteristics (including setting) are preserved.

The existing extension and conservatory to the rear of the building detracts from the special interest of the Protected Building and therefore its removal accords with Policy GP5.

The scheme proposes the removal of a wall between the conservatory and the main house would include the removal of historic windows and the removal of a structural wall between the existing workshop and living room. The extent of work in this case represents an alteration to, not demolition of, a Protected Building. The walls do not contain features that contribute to the historic interest of the building and the retention of part of the wall between the workshop and living room ensures that the original plan form can be read. The effect of these works on the overall special interest of the building would be low, which would also be outweighed by the reasonable aspirations of the property owner.

The windows to the ground and first floor of the north elevation are to be removed due to their very poor condition. The windows are not capable of being repaired and their removal is accepted. Although the application sets out that the replacements will be like for like it is appropriate to impose a condition regarding the details of the new windows to be installed to ensure these are appropriately designed and detailed. Subject to the detail of the replacement windows, this alteration would have a large effect of the overall special interest of the building, but due to their condition this is outweighed by the reasonable aspirations of the property owner in accordance with Policy GP5. The replacement windows will not have a detrimental impact on the character and appearance of the Conservation Area or the amenities of surrounding occupiers in accordance with Policies GP4, GP8, GP9 and GP13 of the Island Development Plan.

Although the application drawings do not show obscure glass to the first floor bathroom windows, the location of the bathroom facing the public road may lead occupiers to use obscure glass which would have a substantial effect on the architectural composition of the elevation and appearance of the Protected Building and should, instead, be achieved by a blind or shutter behind the window. Again, this can be controlled by way of condition.

Two windows are proposed to be replaced with double glazed timber French doors. The windows form part of a 20<sup>th</sup> Century extension to 36 Hauteville and have a low value. Their removal and replacement, subject to detail, would have a low effect of the overall special interest of the building, which is outweighed by the reasonable aspirations of the property owner in accordance with Policy GP5. The works will not

result in harm to the Conservation Area or residential amenity in accordance with Policies GP4, GP8, GP9 and GP13 of the Plan.

The proposed dormer has been designed to match the scale and appearance of the two existing dormers in the front roofslope of the dwelling and represents a high standard of design that respects the character and appearance of the Conservation Area having regard to Policies GP4 and GP9 of the Island Development Plan. A rooflight is also proposed in the rear roofslope. The effect of these alterations on overall special interest would be low and is outweighed by the reasonable aspirations of the property owner in accordance with Policy GP5. The works will not significantly alter the relationship and potential for overlooking and loss of privacy to surrounding dwellings in accordance with Policies GP8, GP9 and GP13 of the Island Development Plan.

The application also proposes the erection of a single-storey flat roof extension to the rear of the dwelling, in the area of the existing extension and conservatory to be demolished. The size, siting and design, including external materials, would have a low effect on the overall special interest of the Protected Building, outweighed by the reasonable aspirations of the property owner and will not result in harm to the amenities of adjoining occupiers. The modest extension will not result in harm to the character and appearance of the Conservation Area and the scheme meets the aims of all relevant policies in the Island Development Plan.

The scheme also proposes internal alterations to the building:

- Alterations of the internal layout, which includes relocating the kitchen from the first floor to the ground floor, introducing en-suite bathrooms;
- Central heating
- Upgrading of electrics and plumbing, which will involve removal of lathe and plaster
- Repairing/replacing existing rotten beams and joists
- Lifting and reusing (where possible) existing tiles
- Retaining floor boards (where possible)

These works relates to secondary fabric of the building (e.g. joists) and normal fabric (e.g. standard tiles), which have relatively low value to the overall special interest of the protected building. Therefore the effect of their removal would be moderate, which is outweighed by the reasonable aspirations of the property owner in accordance with Policy GP5.

The scheme also proposes bathrooms facing the public road (Hauteville) and new ventilation of these bathrooms via the roof rather than through the external walls. The roof vents proposed are acceptable and will not result in harm to the fabric and special interest of the Protected Building. The introduction of wall or alternative means of ventilating the bathrooms could have a greater impact on the overall special interest of the building but would require permission as 36 Hauteville is a Protected Building.

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

The comments and concerns raised through the public consultation process have been noted however they would not meet the tests in place regarding the imposing of planning conditions on a planning permission. These are private, civil matters that will need to be discussed and resolved by the two parties concerned.

In view of the above it is recommended that planning permission is granted for the proposed development.

**Recommendation:**

Grant with Conditions



**Date:** 05 November 2021