

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: Convert outbuilding to dwelling (residential use class 1) (Protected Building).

LOCATION: Eversley, 6 Victoria Terrace, Les Petites Fontaines, St. Peter Port.

APPLICANT: Mr & Mrs P Wickham

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: 14/02/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/11/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Floor plan (08/10/21) Block plan (12/11/21)
Annotated photographs (All 27/01/22)

Application Ref: FULL/2021/2311

Property Ref: A305050000

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 use or occupation of the new residential unit the boundary privacy screen shall be installed between the two terraces, and shall be obscure glazing to a minimum of Level 3 on the Pilkington Scale (or equivalent). The screens shall be retained thereafter in perpetuity unless otherwise agreed in writing by the Authority.

Reason: To minimise the effect of the development on the privacy and amenities of nearby residents.

5.The two first floor windows in the northeast elevation shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent), which shall thereafter be retained at all times. The bottom sash of both windows is to be fixed shut. No changes shall be made to these windows nor shall any additional windows be inserted in this elevation.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

Expiry Date: This permission will cease to have effect on 13/02/2025 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/2021/2311
Property Ref: A305050000
Valid date: 12/11/2021
Location: Eversley 6 Victoria Terrace Les Petites Fontaines St. Peter
Port Guernsey GY1 1JA
Proposal: Convert outbuilding to dwelling (residential use class 1)
(Protected Building).

Applicant: Mr & Mrs P Wickham

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).

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Reason: To minimise the effect of the development on the privacy and amenities of nearby residents.

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Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Eversley' is a mid-terrace three and a half storey mid 1800's town house, which is now a basement flat and two and a half storey maisonette. The building is protected. The property is slightly set back from and faces northeast onto Victoria Terrace. The neighbouring properties are to the northwest and southeast. To the rear is a two terraced garden with an outbuilding, associated with the maisonette, which faces directly onto Valnord Road.

The property is located within the St Peter Port Main Centre and within the Conservation Area 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.

Assessment: *(Tick as appropriate)*

no representation

X

accords with policy

X

within curtilage

X

design acceptable

X

visual amenity acceptable

X

no material neighbour impact

X

traffic not affected

X

Policies considered most relevant:

MC2: Housing in Main Centres and Main Centre Outer Areas

GP4: Conservation Areas

GP5: Protected Buildings (setting)

GP8: Design

GP9: Sustainable Development.

Conclusion/Brief comment:

This application is for a change of use of the rear outbuilding to become a separate unit of accommodation (residential use class 1: dwelling house).

At present the outbuilding consists of a single garage, kitchen and bathroom at ground floor level facing southwest directly onto Valnord road and a lower level studio room facing northeast onto the upper terrace of the garden. The lower terrace serves the ground floor (Victoria Terrace) of the maisonette.

At present, the lower level studio room has opaque glazing and the rear ground floor windows above are clear glass. There are two windows at ground floor level facing southeast from the kitchen and bathroom, which are clear and opaque respectively, they look out onto the neighbour's car parking area.

For the outbuilding to become a separate dwelling unit the possible overlooking into the maisonette must be addressed to ensure privacy for both units. The proposal is to create the boundary between the two terraces – the maisonette utilising the lower level for amenity space and the outbuilding utilising the upper level. The existing steps will be removed and a 1.8m opaque glass privacy screen will be installed to ensure there is no overlooking from each unit.

The upper ground floor windows of the outbuilding will also be changed to opaque glazing to prevent overlooking and the existing lower ground floor doors and windows will be changed to clear glazing, as they serve the living space of the unit which require daylight and views. However, due to the 1.8 boundary opaque screen privacy will be retained.

The accommodation provided in the outbuilding is above the minimum requirements for a studio apartment and is over two floors, and includes off street parking in the form of the garage.

The change of use does not require any development of the existing unit and therefore, since the overlooking has been addressed, the proposals are unlikely to impact on the special quality and appearance of the conservation area, nor will they have any detrimental effects on the neighbours' amenity.

The proposal will not have a detrimental impact on the setting of the Protected Building.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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.

Recommendation:

Grant with Conditions



Date: 09/02/2022