

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 extension, erect 2 1/2 storey and single storey extension to the north (rear) elevation.

LOCATION: Liberte, Mount Durand, St. Peter Port.

APPLICANT: Mr R Staples

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: 20/12/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/11/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Martel Design Ltd drawing no's: 21-1044 02E

Application Ref: FULL/2021/2364

Property Ref: A305660000

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.

Expiry Date: This permission will cease to have effect on 19/12/2024 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/2021/2364
Property Ref: A305660000
Valid date: 18/11/2021
Location: Liberte Mount Durand St. Peter Port Guernsey GY1 1EB
Proposal: Demolish extension, erect 2 1/2 storey and single storey extension to the north (rear) elevation.

Applicant: Mr R Staples

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.

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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.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Liberte' is a mid-terrace late 1800's two and a half storey town house, which is located directly facing south onto Mount Durand, close to the junction with Valnord Road. The attached properties, which are Protected Buildings are to the east and west, and the land falls away to the north. The property is situated in an elevated position when viewed from the north. The property is located in the St Peter Port Main Centre and Conservation Area as defined in the Island Development Plan. The property is surrounded by Protected Buildings.

Relevant History:

FULL/2016/2082 - Demolish single storey flat roof extensions and erect 2.5 storey and single storey extension at rear of dwelling – Approved April 2016.

Existing Use(s):

Residential use class 1: dwelling house.

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

GP4: Conservation Areas
GP5: Protected Buildings (setting)
GP8: Design
GP9: Sustainable Development
GP13: Householder Development

Conclusion/Brief comment:

This application is to demolish the existing extension and erect a two and a half storey extension to the north rear elevation. Planning permission was granted for the same scheme in 2016 however, this has never been built and the permission has since expired. Although the situation has remained the same on site, the planning

policy position has changed and the proposal now falls to be considered under the relevant Policies of the Island Development Plan.

The demolition of the existing modern flat roof extension, of no architectural merit, is considered acceptable as it has no features worthy of retention.

The proposed extension will be attached to the rear elevation of the property and at ground floor level would create a kitchen, dining room and living room. At first floor level the proposal will create an additional bedroom, with an attic room in the roofspace above.

The rear of the premises is visible in long range views within the Conservation Area however the proposal is in-keeping with this aspect of the property and would not affect the special quality of the surrounding conservation area, nor are they thought to impact on the setting of the adjacent protected buildings.

The proposed two storey extension is of an appropriate scale, mass and form so as not to detract from the openness of the surrounding area. A flat roof section is proposed at the centre of the extension at first floor level, to create the required headspace in the attic room. Although in design terms this is not ideal, and flat roofs at second storey level are not usually encouraged, the proposal shows the flat roof section lowered to the front of the property with a higher ridge detail to the rear, to ensure that it is not visible from public vantage points within the street scene and the surrounding Conservation Area.

Furthermore, given the terraced nature of the property the roof detail would not be visible from public vantage points to the side and it is also worth noting that a similar extension with a flat roof element at first floor level exists on the neighbouring property to the south (43 Mount Durrand).

The materials to be used will match the existing dwelling and the drawing states that PVCu conservation style sliding sash windows are proposed which is a common feature within the surrounding area.

With regard to overshadowing, the property faces south and the proposed extension at first floor level would extend only 1.8m further than the rear elevation of the neighbouring property to the west and at this distance any overshadowing would not be so substantial to warrant the refusal of planning permission.

The property the subject of this application and the neighbouring property to the east are both smaller properties built between much larger three storey properties that continue the terrace to the east and west. To the west the properties are built at a higher level and overshadow the rear elevations of the application site and the neighbouring property to the east. Any additional overshadowing as a result of the proposal on the neighbouring property to the east would therefore not be so substantial to warrant the refusal of planning permission.'

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.

Therefore, 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: 20/12/2021

