

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: Change of use of agricultural land to domestic garden (50sqm), demolish extension, erect single storey extension to south (side) elevation and erect south boundary wall (protected building).

LOCATION: Queens Lodge, Queens Road, St. Peter Port.

APPLICANT: Mr & Mrs M Strachan

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: 07/03/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 31/01/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design drawing no: 17-951-P2 PD/01

Application Ref: FULL/2022/0154

Property Ref: A306380000

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 06/03/2025 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/2022/0154
Property Ref: A306380000
Valid date: 31/01/2022
Location: Queens Lodge Queens Road St. Peter Port Guernsey GY1 1PU
Proposal: Change of use of agricultural land to domestic garden (50sqm), demolish extension, erect single storey extension to south (side) elevation and erect south boundary wall (protected building).
Applicant: Mr & Mrs M Strachan

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.

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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:

Queens Lodge is the end dwelling in a terrace fronting Queens Road and work has commenced on the recent permissions to extend and alter the building. A single-storey garage to the side/south of the dwelling has been demolished. The south boundary is marked by a painted wall. Land to the south of the wall is at a higher level and in this respect acts as a retaining wall.

The house is two storey with accommodation in the roof space. There is a large garden to the east sloping steeply away from the road. Queens Lodge and the remainder of the houses in the terrace are all Protected Buildings. The exterior and roadside railings only at Queens Lodge are protected. The adjoining Government House, together with the associated roadside walls, is also protected. The property is located within the Main Centre and Conservation Area as designated in the Island Development Plan, and the land immediately to the south is designated Important Open Land and that land does not comprise domestic land.

The application relates to the demolition of part of the south boundary wall, the change of use of this land (Important Open Land) to domestic garden and the erection of a single-storey flat roof garage with scallop detail to the front and roof lantern over.

The application has been accompanied by a GP9 statement and Statement of Significance which sets out that the 1960's garage is a construction consisting of white painted timber framing incorporating single glazed (glasshouse style) timber windows), assumed to be of low architectural importance. The windows and doors are in poor condition and in urgent need of repair. The boundary wall to the south has been poorly constructed and is in need of reconstruction but does have features worthy of retention (brick capping to the front/west side of garage) and domed brick capping to the rear (east side of garage). The garage has a flat roof covered in dark grey felt roof in need of total replacement.

Relevant History:

FULL/2010/2400 – Demolish existing extension and erect part single and part two storey extension to rear, replace existing dormer windows and install balconies to first and second floor levels (east elevation). Install rooflights and dormer window to front of property and install lantern rooflight and solar panels on flat roof (protected building) - refused

FULL/2013/1685 - Demolish existing extension at rear and erect replacement two storey and three storey extensions; install two glazed balustrades to create a balcony

and terrace at first floor level. Install two dormers to rear and a dormer and four rooflights to front - Protected Building – granted

FULL/2019/0497 - Demolish extension and garage, erect 2 storey flat roof extension to east (rear) elevation, install dormer windows and rooflights to east (rear) and west (front) roof slopes (Protected Building) – granted

FULL/2020/0463 - Variations to plans previously approved to demolish extension and garage, erect 2 storey flat roof extension to east (rear) elevation, install dormer windows and rooflights to east (rear) and west (front) roof slopes - Reposition 'A' frames, remove ceiling collars, remove and replace roof finish to roadside elevation (Protected Building) – granted

FULL/2022/0126 - Variation to previously approved plans to demolish extension and garage, erect two storey flat roof extension to east (rear) elevation, install dormer windows and rooflights to east (rear) and west (front) roof slopes (Protected Building) - Install replacement dormer windows, rooflight and alteration to fenestration - granted

Pre-application advice was sought in this case.

Existing Use(s):

01 dwellinghouse
28 agriculture

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

x
x
x

visual amenity acceptable
no material neighbour impact
traffic not affected

x
x
x

Policies considered most relevant:

Island Development Plan policies:

MC1: Important Open Land in Main Centres and Main Centre Outer Areas
OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas
Outside the Agriculture Priority
GP4: Conservation Areas
GP5: Protected Buildings
GP8: Design
GP9: Sustainable Development
GP13: Householder Development
GP15: Creation and Extension of Curtilage
IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representation:

La Societe Guernesiaise - La Societe remains concerned over the reclassification of agricultural land to domestic curtilage. However, as the Island Development Plan currently permits such applications, we seek to optimize ecological gains in such cases wherever possible.

La Societe note that the area of agricultural land is small. However the applicant has not provided measures to enhance biodiversity as part of this application as required by the Planning Service. It is possible that such commitments are not considered feasible for an application of this scale although we would welcome ecological enhancements wherever possible.

La Societe would be able to assist with such measures, for example to arrange surveys of the existing site and to provide suitable recommendations on how the land could be enhanced in terms of its ecological value by appropriate native planting and ongoing maintenance.

Conclusion/Brief comment:

Policy OC5(B) makes provision for development unrelated to an agricultural holding where the scheme accords with all other relevant policies in the Island Development Plan which offers a gateway for the development proposed at Queens Lodge.

The small area of land is well associated with the existing dwelling, Queens Lodge, is adjacent to Queens Road but screened from it by the walls and landscaping at Government House. The site is not located within an Agriculture Priority Area nor Area of Biodiversity Importance. The existing south boundary is rendered and is not protected. It does not make an outstanding contribution to the character and appearance of the building environment and Conservation Area. The proposed south boundary is not currently defined as it forms part of the grounds of Government House. A new granite boundary wall is shown to be constructed to mark the boundary between Queens Lodge and Government House to the south which represents a high standard of design that will conserve the character and appearance of the Conservation Area (GP4). The proposal will not result in harm to the setting of any surrounding Protected Building.

With regard to the impact on neighbouring properties, the proposal involves a change of use of an area of land to be included and managed as part of the residential curtilage and given the location of the land in relation to neighbouring residential properties and the proposed boundary wall, the change of use would not of itself have an adverse impact on or affect their amenities.

It is considered that the change of use would accord with Policy GP15 a)- e) and provided that the proposal accords with all other relevant policies of the IDP, the

principle of change of use to domestic garden is considered to be acceptable in this particular location.

Within areas identified as Important Open Land (IOL), development will only be supported in specific circumstances. The application relates to the extension and alteration of an existing building with is supported through MC1.

Planning permission was granted in 2019 for the demolition of the garage to the south of the dwelling therefore the principle of its removal has previously been established through Policy GP5 (garage of negligible value and the resultant effect on overall special interest, slight). The scheme relates to the erection of a single-storey extension that only marginally encroaches onto the adjoining IOL to the south. The development would not have a significant adverse impact on the open character, visual quality or landscape character of the IOL in accordance with Policy MC1.

The change of use of land in this case has been kept to a minimum in order to accommodate the proposed development and revised boundary wall position. As a result the impact on the Important Open Land, with its own biodiversity value, will be very limited and there would not be the opportunity to incorporate biodiversity enhancements into this development when considering the Strategy for Nature, 2020.

The extension represents a high standard of design that is subservient to and set back from the main façade of Queens Lodge. The extension will conserve the character and appearance of the Conservation Area and will not result in harm to the amenities of any surrounding residential occupiers in accordance with Policies GP4, GP8, GP9 and GP13 of the Island Development Plan.

The extension will not have an adverse impact on the fabric and special interest of the Protected Building and meets the aims of Policy GP5.

The proposal would offer replacement and enhanced off-road parking and storage (cycle storage) to serve an existing dwelling in line with the aims of Policy IP7 and the existing access arrangements would not alter as a result of the development in line with Policy IP9.

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.

In view of the above, it is recommended planning permission is granted for the proposals.

Recommendation:

Grant with Conditions



Date: 07 March 2022

