

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: Infill first floor window to south (rear) elevation and internal alterations (revised plans) (Protected Building).

LOCATION: Mesnil Brock, Grange Road, St. Peter Port.

APPLICANT: Mr & Mrs G Tostevin

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: 21/04/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/02/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Torode Architects: 6207-01B, -02, -03A, -04B, -05A & -06 and Schedule of Joinery ref:- 6207 (dated 5th April 2022).

Application Ref: FULL/2022/0190

Property Ref: A306910000

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. The works hereby approved are to be undertaken in accordance with the Schedule of joinery and finishes within 'Mesnil Brock' (ref:- 6207 (dated 5th April 2022)), unless otherwise agreed beforehand in writing by the Authority.

Reason - To ensure the retention of historic fabric, to ensure that the special interest of the protected building is preserved.

Expiry Date: This permission will cease to have effect on 20/04/2025 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/2022/0190
Property Ref: A306910000
Valid date: 08/02/2022
Location: Mesnil Brock Grange Road St. Peter Port Guernsey GY1 1RQ
Proposal: Infill first floor window to south (rear) elevation and internal alterations (revised plans) (Protected Building).
Applicant: Mr & Mrs G Tostevin

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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4. The works hereby approved are to be undertaken in accordance with the Schedule of joinery and finishes within 'Mesnil Brock' (ref:- 6207 (dated 5th April 2022)), unless otherwise agreed beforehand in writing by the Authority.

Reason - To ensure the retention of historic fabric, to ensure that the special interest of the protected building is preserved.

OFFICER'S REPORT

Brief Description of the site:

The application property comprises a nineteenth century 2 ½ storey mid-terrace house with basement, set back on the south side of The Grange behind railings and a gravelled drive, and located within the Main Centre and Conservation Area under the Island Development Plan.

The application relates to internal alterations and the infilling of a window to the rear of Mesnil, Brock Road. The application was deferred in order for further information to be submitted relating to the proposals and their potential impact on the special interest of the Protected Building. A Schedule of Joinery was provided to offer further clarification regarding the building and scheme.

The whole of the building together with the front railings are protected. The site is located in the Main Centre and Conservation Area as designated in the Island Development Plan.

Relevant History:

FULL/2017/2140 - Demolish existing extension and erect single storey orangery to rear (south) of dwelling, alter existing and provide new windows and doors, install dormer windows, alter driveway, install replacement roof to existing lean-to and internal alterations to form dower unit (protected building) – granted (23/02/2018)

FULL/2021/1481 - internal alterations - refused

Existing Use(s):

01 dwellinghouse

Assessment: *(Tick as appropriate)*

no representation

☒

accords with policy

☒

within curtilage

☒

design acceptable

☒

visual amenity acceptable

☒

no material neighbour impact

☒

traffic not affected

☒

Policies considered most relevant:

Island Development Plan policies:

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

Conclusion/Brief comment:

Planning permission has previously been granted for internal works to this Protected Building and at that time ambiguities were noted in terms of the extent of works, specifically with regard to internal joinery. It was concluded as part of the 2017 application that the matter could be managed by planning condition:

4. Unless explicitly shown or noted on the plans or the Schedule of Joinery and Finishes determined as part of this application, permission is not granted to remove or destroy any internal joinery or floor boards. Any internal joinery or floor boards removed as part of the development hereby approved shall be stored on the application site in a secure weather and water-tight location. Any internal joinery or floor boards so removed shall be reinstated in their original position within the building, unless first having been agreed otherwise in writing by the Authority.

Reason - To ensure the retention of historic fabric, to ensure that the special interest of the protected building is preserved.

This planning permission expired on 22 February 2021.

The current application (application form) sets out that the application relates to variations to the previously approved scheme. Although the above planning condition (condition 4) would remain in force in relation to the 2017 permission it would not relate to the areas of work for this current scheme. Where the 2021 application was lacking information this current proposal, as amended, has incorporated additional information that satisfactorily demonstrates that the scheme accords with the aims of Policy GP5 with regard to the special interest of the Protected Building. It is appropriate however, to impose a planning condition relating to the Schedule of Joinery to ensure that work is carried out in strict accordance with the information contained in this document in order to preserve the special interest of the property.

The infilling of a single window to the rear of the building would not have an adverse impact on the character and appearance of the Conservation Area nor on residential amenity in accordance with Policies GP4, GP8, GP9 and GP13 of the Island Development Plan. The loss of a window from the Protected Building, having regard to the proposed internal layout and bringing this redundant building back into active use represents the reasonable aspiration of the property owner and will not have an

unacceptable impact on the special interest of the Protected Building having regard to Policy GP5.

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: 21 April 2022

