

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 two-storey extension with terrace at upper ground and first floor level to east (rear), fenestration and internal alterations. (Protected Building).

LOCATION: Hermes House, Sausmarez Street, St. Peter Port.

APPLICANT: Mr J Lewis-Evans & Ms D De Morgan

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: 27/05/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/02/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD Ltd: 3692/CD-01, -02C & -03C.

Application Ref: FULL/2022/0192

Property Ref: A201270000

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 1.8m high obscure glass balustrade to the south side of the upper ground floor terrace shall be glazed with obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent) and shall be installed prior to the terrace being first brought into use. The balustrade shall thereafter be retained at all times.

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

5.The obscure glass balustrade to the north side of the upper ground floor terrace, shall be glazed with obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent) and shall be installed prior to the terrace being first brought into use. The balustrade shall thereafter be retained at all times.

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 26/05/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. It has come to the attention of the Authority that Swifts may be nesting in the building and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société Guernesaise for advice or to arrange a site visit. La Société can be

contacted on 07781 166924 or email societe@cwgsy.net.

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/2022/0192
Property Ref: A201270000
Valid date: 04/02/2022
Location: Hermes House Saumarez Street St. Peter Port Guernsey GY1 2PU
Proposal: Demolish extension, erect two-storey extension with terrace at upper ground and first floor level to east (rear), fenestration and internal alterations. (Protected Building).
Applicant: Mr J Lewis-Evans & Ms D De Morgan

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).

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 1.8m high obscure glass balustrade to the south side of the upper ground floor terrace shall be glazed with obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent) and shall be installed prior to the terrace being first brought into use. The balustrade shall thereafter be retained at all times.

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

5. The obscure glass balustrade to the north side of the upper ground floor terrace, shall be glazed with obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent) and shall be installed prior to the terrace being first brought into use. The balustrade shall thereafter be retained at all times.

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

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. It has come to the attention of the Authority that Swifts may be nesting in the building and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

OFFICER'S REPORT

Site Description:

The property known as 'Hermes House' is a mid-terrace late 18th century five storey dwelling. The attached dwellings are to the north and south. The properties face west directly onto Sausmarez Street and the rear gardens are to the east at a lower level. The property is located within the St Peter Port Main Centre and is within a Conservation Area as defined in the Island Development Plan. The property is a Protected Building.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

The application is to demolish the rear single storey extension and erect a two storey extension with a terrace at first floor level and second floor level, with some internal alterations and some alterations to the fenestration to the rear of the property.

The application was deferred to mitigate the amount of overlooking to the south. The privacy screen was raised to 1.8m, which alleviates the concerns. The privacy screen along the north side of the terrace will also be 1.8m high where it bounds the terrace.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There has been one letter of representation received and the issues are:

- To create the planned ground floor terrace where the footprint reaches out to the existing boiler room, will in effect almost double the length of the existing party wall to the end of the neighbour's patio area. That party wall will be built up to the same height as that of the apex of the current building.
- The proposed installation of a 1500mm high obscure glass balustrade on top of the wall will mean that the view from the neighbour's upper ground floor will also be severely diminished.
- The proposed new terrace will offer a large new outdoor social space at height and any activity will interfere with the quiet enjoyment of both the neighbour's lower ground floor patio area and upper ground floor rooms.
- The glass balustrade will do nothing to mitigate against the noise of any activity that will take place on the proposed new terrace.

A second letter was received in response to the amended drawings, the issues are;

- The objection still relates to the proposal to replace the existing boiler room area at lower ground floor level with a much larger building and to create a terrace on top of it. The current building is a discrete low-level building with a pitched roof and is barely visible from the neighbours patio.

- It appears that the new building will still extend out further than any other building on this side of Sausmarez Street. It sets a precedent. It is simply too big for the plot.
- May your attention be drawn to the fact Swifts nest in the eaves of the existing building. They have just returned, as they do, at about this time of year. Will there be any special arrangements made to secure their future nesting site?

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Policy GP8, amongst other things, expects new development to achieve a good standard of architectural design, to make the most effective and efficient use of land and to respect the character of the local built environment. It highlights that multi-storey buildings are a more efficient use of land than single storey buildings and it states that development proposals should consider a multi-storey design from the outset, unless there are overriding reasons why this design approach would be unacceptable within a particular locality.

The extension is to the rear of the building and although part of the hillside town the rear elevation is not prominent in views from public locations. The proposals achieve a high standard of design, using materials which complement the existing materials. The scale and massing of the new extension is not considered to have a detrimental effect on the character and amenity of the surrounding area. The design of the extensions are considered to comply with Policies GP4 and GP8.

The agent's statement of significance/heritage impact assessment is thorough and compelling and demonstrates that the special interest of the building has been understood. Harm to the special interest is either reasonable as the feature is of low or no significance, or the change is a reasonable expectation of the property owner,

or the harm is mitigated by good design. Therefore the proposals are considered to comply with GP5.

Initially the upper ground floor terrace's eastern balustrade was along the edge of the terrace with a 1.5m high obscure privacy screen along the south elevation. This raised concerns about the potential to overlook into the southerly neighbours garden. Revised plans have subsequently been submitted which include increasing the height of the southern obscure privacy screen to 1.8m and the eastern balustrade has been pulled back by 1m. The revised plans have reduced the potential impact of overlooking of the neighbouring property to an acceptable level.

There is less opportunity to overlook northward, due to high boundary walls and the location of the stairs to the terrace. The proposed height and design of the northern privacy screen is sufficient to prevent undue overlooking whilst minimising the height and massing of the screen along the boundary. Overall the revised proposal is unlikely to have a material adverse effects on the amenities of neighbouring residents.

The extension will provide adequate levels of sunshine and daylight, and give the occupiers more flexible and adaptable accommodation.

The second letter of representation noted that Swifts may be nesting in the eaves of the existing building. An informative will be added to recommend that the buildings are inspected for current or recent use by wildlife by a suitably qualified person prior to any demolition works to reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012.

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.

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 25/05/2022