

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Install replacement windows and doors to south-east (rear) of property (Protected Building).

LOCATION: 84 Victoria Road, St. Peter Port.

APPLICANT: Mr L Leavey

I refer to the application referred to below received as valid on 09/03/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 14/11/2022

Application Ref: FULL/2022/0226

Property Ref: A303700000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1.The development if approved would have a significant detrimental effect on the overall special interest of the protected building and would be contrary to Policy GP5 (Protected Buildings) of the Island Development Plan and to the advice set out in Guidance Note CN11 - Windows and Doors in Protected Buildings.

OTHER REMARKS:-

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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning

Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2022/0226
Property Ref: A303700000
Valid date: 09/03/2022
Location: 84 Victoria Road St. Peter Port Guernsey GY1 1JB
Proposal: Install replacement windows and doors to south-east (rear) of property (Protected Building).
Applicant: Mr L Leavey

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The development if approved would have a significant detrimental effect on the overall special interest of the protected building and would be contrary to Policy GP5 (Protected Buildings) of the Island Development Plan and to the advice set out in Guidance Note CN11 - Windows and Doors in Protected Buildings.

OFFICER'S REPORT

Site Description:

The application site, No. 84, comprises a mid-terrace property located to the east of Victoria Road. The property is recognised as a protected building, for which the whole of the building is included on the listing.

The property lies in a Conservation Area and Main Centre Inner Area as shown on the Island Development Plan Proposals Map.

Relevant History:

None germane to this application.

Existing Use(s):

Residential.

Brief Description of Development:

Planning permission is sought to install replacement PVCu windows and doors to the south-east (rear) of the property.

The application was deferred to request additional information in relation to demonstrating an understanding of the special interest of the protected building.

Concerns were also raised with regards to the windows numbered, 2, 3, 4 & 5 as these were considered to make a positive contribution to the overall special interest of the protected building, and replacement PVCu windows would have a detrimental effect on the fabric of the protected building. These windows comprise timber sliding sashes in a combination of 6-over-6, 3-over-6 and 3-over-3 pane configurations.

The applicant has provided a statement from a carpenter in relation to the condition of the windows. The statement notes that all of the windows at the rear of the property need extensive renovation and although repairable would let draughts into the property. Window rebates, draught gaskets and secondary glazing are also discussed. It is suggested that due to the high cost of new double glazed timber windows the sensible choice is to allow PVCu replacement windows.

The carpenter/joiner has noted that the landing window (no.3) is not repairable and needs replacing, and the double doors (no.1) serving the dining room have had extensive repair works in the past and now require replacement.

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

Supplementary Planning Guidance:

Conservation Advice Note 11 (CN11) – Windows and Doors in Protected Buildings

Representations:

None received.

Consultations:

None generated.

Summary of Issues:

- Whether the alterations and replacement windows and doors would have a detrimental effect on the fabric of the protected building.
- Whether the proposal would affect the character and appearance of the Conservation Area.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

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.

The principal Island Development Plan policy directly relevant to the assessment of the application in relation to the protected building is Policy GP5 (Protected Buildings). Conservation Advice Note 11 (CN11) – Windows and Doors in Protected Buildings is also relevant to the assessment.

Policy GP5 (protected buildings) states that proposals to extend or alter a protected building will be supported where the development does not have an adverse effect on the special interest of the particular protected building or its setting. Furthermore, it is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings, to secure so far as possible that the special historic, architectural, traditional or other special characteristics (including setting) are preserved.

Having regard to the carpenter/joiner's statement, given that windows are repairable it would not be acceptable to allow replacement of the existing timber windows in PVCu as this would have a significant detrimental effect on the special interest of the protected building. In this instance, the reasonable aspirations of the property owner do not outweigh the protection afforded to the special interest of the protected building.

Overall, allowing traditional timber windows to be replaced in PVCu, would be contrary to overarching aims and objectives of Policy GP5 and the Law which seeks to preserve the special characteristics of the protected building. The proposal would not accord with the Conservation Advice Note 11 (CN11) – Windows and Doors in Protected Buildings.

For the reasons set out above, it is recommended that planning permission is refused.

Date: 14/11/2022