

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: Install captains dormer window and alter cat-slide dormer to west (front) elevation, repair roof covering, and internal alterations (Protected Building).

LOCATION: The Willow, 74 Hauteville, St. Peter Port.

APPLICANT: Mr & Mrs Davies

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: 15/09/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/03/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JG Architecture - 2159 02.01B & 02.02.

Application Ref: FULL/2022/0359

Property Ref: A407690001

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.Prior to removal of the existing, large scale drawings (1:20 elevations; 1:5 sections) of all new and replacement internal and external doors and windows shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - to ensure that the special interest of the protected building is preserved.

5.Prior to removal of the existing spiral staircase, details of the proposed replacement shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - to ensure that the special interest of the protected building is preserved.

6.Prior to installation, details of the design and appearance of all new and proposed vents and extractors shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - to ensure that the special interest of the protected building is preserved.

7.For the avoidance of doubt, no consent is conferred for replacement of any windows of the rear (south-east) elevation, or for alterations to the rear (south-east) dormer windows.

To avoid any ambiguity as to what the permission entails, and to ensure that the special interest of the protected building is preserved.

8. For the avoidance of doubt, permission is conferred to strip back the existing roof covering to allow repair works and shall thereafter be re-covered with the existing roof tiles. Should any original tiles break and require replacement, this should only be undertaken once a sample of the new tiles to be used have been submitted to and agreed in writing by the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - in the interests of preserving the special interest of the protected building.

Expiry Date: This permission will cease to have effect on 14/09/2025 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/2022/0359
Property Ref: A407690001
Valid date: 03/03/2022
Location: The Willow 74 Hauteville St. Peter Port Guernsey GY1 1DJ
Proposal: Install captains dormer window and alter cat-slide dormer to west (front) elevation, repair roof covering, and internal alterations (Protected Building).

Applicant: Mr & Mrs Davies

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. Prior to removal of the existing, large scale drawings (1:20 elevations; 1:5 sections) of all new and replacement internal and external doors and windows shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - to ensure that the special interest of the protected building is preserved.

5. Prior to removal of the existing spiral staircase, details of the proposed replacement shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - to ensure that the special interest of the protected building is preserved.

6. Prior to installation, details of the design and appearance of all new and proposed vents and extractors shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - to ensure that the special interest of the protected building is preserved.

7. For the avoidance of doubt, no consent is conferred for replacement of any windows of the rear (south-east) elevation, or for alterations to the rear (south-east) dormer windows.

To avoid any ambiguity as to what the permission entails, and to ensure that the special interest of the protected building is preserved.

8. For the avoidance of doubt, permission is conferred to strip back the existing roof covering to allow repair works and shall thereafter be re-covered with the existing roof tiles. Should any original tiles break and require replacement, this should only be undertaken once a sample of the new tiles to be used have been submitted to and agreed in writing by the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - in the interests of preserving the special interest of the protected building.

OFFICER'S REPORT

Site Description:

The application site comprises a terraced property and forms the corner between Hauteville and Havelet. The property is located in a Main Centre Inner Area as defined in the Island Development Plan (IDP).

The property was subdivided a number of decades ago, with part of the ground floor and first floor in different ownership.

Despite the subdivision, the whole of No.74 Hauteville comprises a protected building, with the exception of the single storey extensions to the rear of the property.

Relevant History:

None germane to this application.

Existing Use(s):

Residential

Brief Description of Development:

Planning permission was originally sought to install a Captains dormer window to west (front) elevation, repair the roof covering, replace the fenestration and to make internal alterations to the Protected Building.

A Statement of Significance and Impact Statement has been submitted in support of the application.

The application was deferred as concerns were raised with regards to the design of the proposed Captain's dormer window, together with the replacement windows as well as seeking clarification on other matters such as the alterations to the roof, stairs and ground floor vent.

The agent has provided further information and revised drawings in attempt to overcome the concerns raised.

Despite the additional information received, concerns still remained over the replacement windows in which the agent has agreed to retain as existing. The replacement windows have therefore been omitted from the scheme.

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:

None received.

Consultations:

None generated.

Summary of Issues:

- Whether the proposal would have any detrimental impacts on the special interest of the protected building, or its setting.
- Whether the proposal would have any detrimental impacts on the Conservation Area and character and appearance of the area.
- Whether the proposal would have any detrimental impacts on the amenities afforded to the occupiers of neighbouring properties.

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).**

Policy and legal context:

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings and Conservation Areas, to secure so far as possible that the special historic, architectural, traditional or other special characteristics are preserved. This duty is reflected in Policy GP4 (Conservation Areas) and GP5 (Protected Buildings) of the IDP.

Dormer windows:

The size, form and position of the proposed dormer window is centrally located and proportionate to the roof plane of the property. Whilst there will be some impact on the special interest of the protected building in terms of a proportion of roof timbers being removed, the degree of harm will be offset by the high standard of design of the dormer window and the reasonable aspirations of the property owner to create a 2nd floor shower room (Policy GP13). In light of the amendments secured, the proposed captain's dormer consists of 4-over-4 and 6-over-6 of pane windows which reflect those of surrounding properties within the Conservation Area.

Consequently, the alterations to the smaller cat-slide dormer window are considered to have a negligible effect on the special interest of the protected building and Conservation Area as the works will mimic the cat-slide dormer on the opposite side of the front roofslope and will incorporate glazing bars to reflect the fenestration on the façade of the main building.

No works appear to be proposed to the rear dormer windows but a note on the second-floor plan reads "Material of dormer cheeks TBC". It is reasonable to attach a condition to avoid any ambiguity to ensure that no consent is granted for alterations to the rear dormers.

Other alterations

Replacement of the second-floor partitions, doors and ceilings would have a major impact on those structures with a limited adverse effect on overall special interest. The reason for these alterations is for fire safety which, in this instance, is a reasonable aspiration of the householder that outweighs the adverse effect (Policy GP5).

The existing spiral staircase is regarded as being a modern feature. Its replacement is therefore supported under policy as this is likely to enhance the protected building, subject to appropriate condition.

Replacement of the through-window vent with a through-wall vent raises no concerns, subject to condition.

The proposed alterations to the roof have been amended and the revised drawing states that the roof is to be stripped for repair work and recovered with existing tiles. Any roof coverings that require replacement would need to be agreed in writing with the Authority and may require the submission of a further application.

It is reasonable to attach appropriate conditions to ensure that full details of the replacement fenestration, spiral staircase and new extractor vent, at an appropriate scale, are submitted to and agreed in writing by the Authority prior to the removal of the existing.

The proposal will not have a detrimental effect on the character and appearance of the Conservation Area, nor the amenities of neighbouring residents.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

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.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 06/09/22

