

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: Erect dwelling and alter pedestrian access to create gated vehicle access to west boundary (on site of Protected Building).

LOCATION: Sunnycroft Villa Celeste, Grange Road, St. Peter Port.

APPLICANT: Mr/Ms N Blows & J Hill

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: 16/08/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/03/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room: 273/C1A, /C2, ./C3, /C4, /C5, /C6 & /C18.

Application Ref: FULL/2022/0394

Property Ref: A114480000 + A114500000

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 permeable hard surfaces shall not be constructed until a written specification for their construction has been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing and all other sustainable design features shown on the approved drawings and set out in the submitted Design and Sustainability Statement have been installed/completed/made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

5.No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting;
- ii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings, and to provide biodiversity enhancements in accordance with the Strategy for Nature.

6.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

Expiry Date: This permission will cease to have effect on 15/08/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site or any adjoining site.

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/2022/0394
Property Ref: A114480000 + A114500000
Valid date: 18/03/2022
Location: Sunnycroft Villa Celeste Grange Road St. Peter Port
Guernsey GY1 2QH
Proposal: Erect dwelling and alter pedestrian access to create gated
vehicle access to west boundary (on site of Protected
Building).
Applicant: Mr/Ms N Blows & J Hill

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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).

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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.

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Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

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- i) full details of tree and hedge planting;
- ii) planting schedules, noting the species, sizes, numbers and densities of plants;
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Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings, and to provide biodiversity enhancements in accordance with the Strategy for Nature.

6. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

INFORMATIVES

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site or any adjoining site.

OFFICER'S REPORT

Site Description:

The site comprises a building in residential use known as Sunnycroft and associated gardens. The building forms part of the roadside development lining the north side of the Grange and is located between residential properties to the east and west. The gardens to the rear of the site are enclosed by high stone walls and are bounded by the Upland Business Centre to the east, car parking to the west and residential properties to the north, the latter being set at a lower level than the application site.

The site is located within a Conservation Area in the St Peter Port Main Centre as designated in the Island Development Plan. All of the properties located to the north of this section of the Grange, from Upland Road to the east to Lukis House to the west are protected, including the front and west elevations of the existing building at the application site, the façade of Nos 1 & 2 Grange Terrace to the east and the front and side elevations of Delancey House to the west.

Relevant History:

Pre-application advice in respect of the construction of a new dwelling.

Existing Use(s):

Residential Use Class 2

Brief Description of Development:

Permission is sought to erect a new four bed dwelling to the rear of the site. The accommodation would comprise open plan living accommodation, a study, bedroom and integral garage at ground floor and further bedrooms and a storage area at first floor.

The dwelling would comprise a pitched roof structure finished in standing seam zinc to the roof, with the same material and vertical timber cladding applied to the walls.

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

MC2	Housing in Main Centres and Main Centre Outer Areas
GP4	Conservation Areas
GP5	Protected Building
GP8	Design
GP9	Sustainable Development
IP6	Transport Infrastructure and Support Facilities
IP7	Private and Communal Car Parking
IP9	Highway Safety, Accessibility and Capacity

Representations:

Eight letters of representation have been received, three on behalf of the same persons, raising the following points:

- The proposal could better be described as 4/5 bedroom, as the study is of sufficient size for a double bedroom, and would not address current housing need, contrary to MC2;
- The proposal will remove green area, and remove an area for wildlife;
- The building will be architecturally out of context in this area, and with the listed building on the property;
- There is no meaningful analysis of the special interest of the protected building, or of the impact on the setting of that building or other adjoining protected buildings, contrary to GP5 and GP8;
- The building will be obtrusive in scale and design, and a single storey building would be better;
- The existing boundary wall is eroding in places and construction works may cause further damage;
- A waste collection point has not been properly defined, and that indicated is excessively remote from the dwelling and may not comply with the Building Regulations;
- The boundary line adjacent to the access is incorrect, and a waste collection point could not be located in that area, either on the driveway or in the front amenity space of the adjoining property;
- Impacts on neighbour amenity:
 - o Overlooking from a two storey building;
 - o Inter-visibility between the new building and the windows of surrounding properties;
 - o Overshadowing from a two storey building or any tall planting along the boundary.

Consultations:

None undertaken.

Summary of Issues:

Principle of development;

Quality of design;

Impact on the special interest of the protected building;

Impact on the character of the Conservation Area;

Amenity of the proposed dwelling;

Impact on neighbour amenity.

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).**

Principle of development

The spatial strategy of the Strategic Land Use Plan (SLUP) requires the majority of new housing development to take place within and around the Main Centres of St Peter Port and St Sampson/Vale. Drawing from this strategic direction, Policy MC2 (Housing in Main Centres and Main Centres Outer Areas) in the Island Development Plan supports housing development within the Main Centres, subject to meeting stated criteria.

Both the policy and pre-facing text to MC2 identify a requirement for development to provide an appropriate mix and type of dwelling, having regard to the demographic profile of households requiring housing, but only where the development site is able to accommodate a variety of dwellings.

In this case, whilst the proposal is for a four/five bed dwellinghouse, exceeding the identified housing requirement for one, two and three bed dwellings, the proposal is for a single dwellinghouse only and the constraints of the site are such that a development of multiple units would be unlikely to be feasible. The application would not therefore engage the requirement to address housing requirements and, subject to meeting the terms of all other relevant policies, would be in compliance with Policy MC2.

Design, impact on the setting of protected buildings & impact on the character of the conservation area

The purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely.

In respect of this application, Policy GP8 (Design) would be of particular relevance and sets out a number of criteria which development will be expected to address to ensure that a scheme achieves high standards of design which respect the character of the environment. As the site is located within the curtilage of a protected building, and

within the St Peter Port Conservation Area, Policies GP4 (Conservation Areas) and GP5 (Protected Buildings) would also apply, in addition to the statutory requirements of the Law in respect of such designations.

Section 34 of the Law explains the general functions of authorities in respect of protected buildings. This states that:

It is the duty of any department of the States when exercising its functions under this Law –

- (a) to secure so far as possible that the special historic, architectural, traditional or other special characteristics of buildings listed on the protected buildings list (“protected buildings”) are preserved, and
- (b) in particular, in exercising its functions with respect to a protected building or any other building or land in the vicinity of a protected building, to pay special attention to the desirability of preserving the protected building’s special characteristics **and setting** [emphasis added].

Section 38 of the Law explains the general functions of authorities in respect of conservation areas. This states that:

In the exercise, with respect to any building or other land in a conservation area, of any powers under this Law or any other enactment, special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that area.

In respect of these statutory duties, the word ‘preserve’ is taken in its ordinary meaning as set out in Chamber’s dictionary, which is ‘to keep safe from harm or loss’.

In addition to the above, Section 13 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, sets out a number of general material considerations, the following of which are considered to be relevant in this instance:

- (b) the character and quality of the natural and built environment which is likely to be created by the development,
- (c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,
- (d) the likely effect of the development on the character and amenity of the locality in question,
- (i) the likely effect of the development on the reasonable enjoyment of neighbouring properties.

Section 15 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, sets out additional material considerations that apply to protected buildings, referring back to the considerations set out under Section 14 in respect of protected monuments, of which the following is relevant:

c) the opportunity that the development may afford to restore, enhance or improve the protected monument **or its setting** [emphasis added].

The current proposal does not include any alterations to a protected building or feature, however would comprise development within the curtilage of a protected building. In respect of the duties outlined above, the potential impact on the setting of the protected building would therefore be of consideration and material to this application. The setting of a protected building is not defined within the Law, or the Island Development Plan, however can be considered as the surroundings in which the building is experienced, or its context.

The prefacing text to Policy GP5 sets out an expectation, when designing a development relating to a protected building, for applicants to demonstrate an understanding of the particular special interest of the related protected building. Accordingly, a Statement of Significance has been submitted as part of the current application. The submitted Statement, whilst setting out a brief description of the protected building, however fails to identify how the site of the proposed development contributes to the setting of the building or how the proposed development might affect that setting.

As set out in the Site Description above, the listing of the building at the application site, and of the adjacent properties to either side, is however restricted to the front and, in the case of the application site and the building to the west, the side elevations of the buildings. Taking into account the position of the proposed new development relative to the listed parts of the adjacent protected buildings, and due to the grain and layout of existing development in this locality, the proposed new development could not be viewed in the context of the listed elements of the buildings, and would not therefore have any significant impact on the context, or setting, of those elements. The proposal would not therefore affect the special interest for which the protected building at the application site, or those at the adjoining properties, was listed. In this case therefore there is sufficient information to conclude that the proposal would comply with Policy GP5, and that the statutory duty in respect of protected buildings would be met, and it would be unreasonable to seek further information from the applicant.

The application site is located within the St Peter Port Conservation Area, and forms part of the distinctive development along La Grange, historically characterised by substantial Georgian buildings with relatively large gardens. Whilst, as recognised by the limitations in the protected building listings, the roadside façades remain predominantly intact and makes a significant contribution to the character of the locality, the spaces to the rear have been significantly eroded by modern development. It is acknowledged that the current proposal would further obscure the grain of the historic development, however the proposal would retain the historic walls of the property and the proposed building would be an obviously modern insertion, allowing the historic property layout to be readily discerned. Furthermore, the rear gardens are not visible from public vantage points within the Conservation Area and their contribution to the special character of the Conservation Area is

therefore limited. The pre-facing text to Policy GP4 identifies that, whilst the Island's heritage is an irreplaceable resource, it is important to conserve and enhance it in an appropriate way which recognises areas of special value whilst accommodating development in other, less special, areas.

In this case, the proposal would not alter the character of the Conservation Area as experienced from key viewpoints, namely along La Grange, and would maintain the contribution that the existing building makes to that character. The proposal is therefore found to conserve the special character of the Conservation Area, in accordance with GP4 and meeting the statutory duty in respect of Conservation Areas.

The proposed building espouses a contemporary design approach, utilising a form and materials which differ from the more traditional palette generally found in this locality. Policy however allows for such a design approach, where it achieves a high standard of design in its own right, and where there is no adverse impact on the special interest of a protected building or character of a Conservation Area. The latter points have been addressed above, and the proposed form and materials are of sufficient quality to meet the requirements of Policy GP8.

The proposal would result in a reduction in green space, in an area that is otherwise generally relatively densely developed with a high proportion of hard ground surfaces. The green space is not however protected under Plan policy and is not designated as of particular biodiversity value. A landscape scheme should however be required under condition to ensure planting undertaken within the remaining garden areas provides appropriate biodiversity enhancement.

The building would include appropriate circulation space, with provision of ground floor WC and bedroom facilities. All internal walls have been designed to be non-load bearing to provide adaptable space and, where appropriate, will be lined to provide fixings for retrofitting of accessibility features, eg stair lift, grab rails, etc. The proposed building is therefore accessible for people of all ages and abilities, and has been designed to be adaptable to changing needs over time.

Amenity provision

The proposed dwelling would be served by adequate external amenity space, and the arrangement of the site and nature of the boundary treatments would prevent any significant overlooking of that space. All rooms would benefit from adequate daylight provision, with good outlook from the primary living spaces at ground floor on to the associated amenity space. Outlook from the upper floor would be poor, with fenestration facing onto car parking in both directions, however the upper floor accommodation is limited to sleeping, dressing and bathing accommodation and this would not significantly impact on the overall amenity of the property.

The proposal would retain communal external amenity space for the residential uses within the existing building at the site.

Provision of access and parking

The site would be accessed across the adjacent car park, through an enlarged aperture in the boundary wall. The car park itself is accessed via an existing driveway through the roadside building. The addition of vehicular traffic from a single dwellinghouse would not significantly increase vehicular movements through the car park or access point on to the Grange and would not therefore raise additional road safety concerns. Whilst the high boundary walls would limit visibility when entering the car park from the application site, the layout of the car park would reduce any potential conflict with vehicles using the car park. The proposed access would be likely to limit emergency vehicle access to the site, however there are options to address this under the Building Regulations. The proposal would accord with Policy IP9 (Highway Safety, Accessibility and Capacity).

The application must also accord with Policy IP7 (Private and Communal Car Parking) and with the requirements of the Parking Standards. The Parking Standards set out a maximum parking provision of 3 parking spaces per dwelling of the size proposed under this application. The plans indicate 2 parking spaces within the integral garage, with a reasonable extent of external hardsurfacing. The majority of that surfacing would however be required for on site turning and the proposals are in accordance with the Parking Standards

Cycle storage could be provided within the integral garage, in accordance with IP6 (Transport Infrastructure and Support Facilities).

Impact on neighbour amenity

The property is bounded by residential properties to the south, lining the north side of the Grange, and to the north, set at a lower level and fronting on to Monument Gardens to the north. The site is enclosed by high stone walls.

The position of the building on the site, relationship with and nature of property boundaries, together with the design of the building, would limit any overshadowing or overbearing impacts on adjacent residential properties.

The windows proposed to the west and east elevations would overlooking adjacent commercial property/parking areas.

A single obscured glazed window is proposed at first floor level in the north gable. Taking into account the distance to the boundary, height of the boundary wall and lower level of the adjacent properties to the north, views of the adjacent properties would be prevented, even if the window was not obscurely glazed.

No fenestration is proposed to the south gable.

Overall the proposal would not result in any significant impacts on the reasonable enjoyment of neighbouring property.

Sustainable development

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and the current Building Regulations in accordance with Policy GP9 (Sustainable Development). The proposal includes the installation of a heat recovery ventilation system, an electric vehicle charging point is identified within the proposed garage and solar PV panels are proposed to the garage roof. All new paving is proposed to be permeable. The decision should be conditioned to ensure the implementation of the cited sustainability measures.

Other matters

The applicant has provided copies of the property deeds demonstrating that the boundary lines as shown on the submitted plans are correct. Sufficient space would therefore be retained at the roadside for a waste collection point and it has been confirmed that the waste collection point will be located on that land, within the applicant's ownership. The notation indicating a waste collection point on the front amenity space of the adjacent property has therefore been amended to indicate the area within the applicant's ownership. The approval would not confer any use of land on adjacent property without the consent of the owner of that property.

The proposed dwelling would be set away from the boundary wall to the north, limiting any direct impacts on the structural integrity of that wall. It would not therefore be reasonable to require any improvements to that wall as a condition of the current application.

In respect of either point, the grant of permission would not override any existing third party rights and privileges.

Conclusion

The proposed development is for a single dwellinghouse within the Main Centre, and would not engage the stipulation to address housing requirements in respect of Policy MC2 (Housing in Main Centres and Main Centre Outer Areas).

On balance, whilst the proposed dwelling has a comparatively large footprint relative to plot size and does introduce a contemporary form of design outside of the traditional development pattern in this area, the detailed design accords with Policies GP4 (Conservation Areas), GP5 (Protected Buildings), GP8 (Design), GP9 (Sustainable Development), IP6 (Transport Infrastructure and Support Facilities), IP7 (Private and Communal Car Parking) and IP9 (Highway Safety, Accessibility and Capacity), as set out above, and consequently it is recommended that the application be approved, subject to the identified conditions.

Date: 02/08/2022

