

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: Extend at basement and ground floor level with raised terrace area to east (side) elevation. Remove section of wall at ground floor level to west elevation, fenestration and internal alterations. Erect covered garden area and roadside wall, infill existing vehicle access to west boundary (Protected Building).

LOCATION: En Facade, Cordier Hill, St. Peter Port.

APPLICANT: Mr & Mrs K Acott

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: 01/07/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room: 276 D1, D2, D3, D4

Application Ref: FULL/2022/0945

Property Ref: A303250000

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 stone to be used in the construction of the new granite wall along the west boundary of the site hereby permitted shall match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone, in accordance with the approved details on drawing nos. 276 D3.

Reason - in the interests of visual amenity and to conserve the character and appearance of the Conservation Area.

5.For the avoidance of doubt, this decision permits the creation of habitable accommodation for a 'house keeper' which shall be used as an integral part of and ancillary to the principal dwelling presently known as (En Facade) in accordance with the agent's letter of 28th June 2022 and for no other purpose. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

Reason - Reason - To ensure that the use of the dwelling-house remains within residential use class 1 and to ensure that the habitable accommodation created does not become self-contained and/or independent from the main-house.

Expiry Date: This permission will cease to have effect on 30/06/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the housing status of the individual using the habitable accommodation is a separate matter that requires consideration under separate legislation and does not fall under the remit of the Development and Planning Authority.

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/2022/0945
Property Ref: A303250000
Valid date: 19/04/2022
Location: En Facade Cordier Hill St. Peter Port Guernsey GY1 1NJ
Proposal: Extend at basement and ground floor level with raised terrace area to east (side) elevation. Remove section of wall at ground floor level to west elevation, fenestration and internal alterations. Erect covered garden area and roadside wall, infill existing vehicle access to west boundary (Protected Building).

Applicant: Mr & Mrs K Acott

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 stone to be used in the construction of the new granite wall along the west boundary of the site hereby permitted shall match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone, in accordance with the approved details on drawing nos. 276 D3.

Reason - in the interests of visual amenity and to conserve the character and appearance of the Conservation Area.

5. For the avoidance of doubt, this decision permits the creation of habitable accommodation for a 'house keeper' which shall be used as an integral part of and ancillary to the principal dwelling presently known as (En Facade) in accordance with the agent's letter of 28th June 2022 and for no other purpose. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

Reason - Reason - To ensure that the use of the dwelling-house remains within residential use class 1 and to ensure that the habitable accommodation created does not become self-contained and/or independent from the main-house.

INFORMATIVES

For the avoidance of doubt, the housing status of the individual using the habitable accommodation is a separate matter that requires consideration under separate legislation and does not fall under the remit of the Development and Planning Authority.

OFFICER'S REPORT

Brief Description of the site:

The application property is a protected building which is situated on the corner between Vauvert, La Couperderie and Cordier Hill.

The whole of En Façade House, together with the railings bordering La Couperderie and Cordier Hill are protected. The southern extensions are not protected. The property is located within a Main Centre and a Conservation Area as defined by the Island Development Plan.

Planning permission is sought to:

- Extend the property at basement and ground floor level and incorporate a raised terrace area to east (side) elevation.
- Remove a section of wall at ground floor level to west elevation, and make internal alterations and to the fenestration.
- Erect a covered garden area and a roadside wall by infilling the existing vehicle access to west boundary.

Relevant History:

FULL/2018/2844	Erect detached double garage and install replacement entrance gate (Protected Building).	Granted
FULL/2016/0156	Extend and alter dwelling, remove chimney stack and install flue (east elevation), alter and install fenestration (all elevations) and install rooflight. (Protected Building)	Granted
FULL/2013/1690	Re-instate boundary wall, construct new access and create additional parking area (Protected Building).	Granted

Existing Use(s):

Residential

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:

GP1 Landscape Character and Open Land
GP4 Conservation Areas
GP5 Protected Buildings
GP8 Design
GP9 Sustainable development
GP13 Householder Development
IP7 Private and communal parking

Conclusion/Brief comment:

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.

A Statement of Significance and Impact Statement has been submitted in support of the application. It is understood that the western wing, was present by 1898, a small extension to the south was built by 1938, the east wing and garage by 1979, and the southern extension over the garage was under construction in 2006. Since then the building has been thoroughly renovated.

The proposed development, including the extension, internal alterations and changes to windows and doors relate to mid-20th century parts of the building and are all reasonable aspirations that are considered to outweigh any harm to the overall special interest (Policy GP5), as is also the case for removal of the outbuilding.

The outdoor kitchen would not adversely affect the protected building or its setting. Alterations to the roadside wall (not protected) would, subject to it matching the existing in material, colour and method of laying of stonework, have no adverse effect on the protected building or its setting and would conserve the Conservation Area. It is however recommended that a condition be attached to ensure that the proposed boundary wall matches as closely as possible to the existing wall. Sufficient parking provision remains at the front of the site.

Given that the proposed fenestration is not directly affecting the special interest of the protecting building or its immediate setting, together with the incorporation of similar style windows throughout the modern extensions of the building, it is not considered necessary to require further details of the proposed fenestration via a condition.

The proposed extension to the east of the dwelling is subservient and adopts a scale, mass and form that is respectful to the original property. The level of detailing is also appropriate despite the change in fenestration when 'read' against the façade of the property. The extension is considered in keeping with the built form of the surrounding area and due to its position the proposal will not be highly visible in the Conservation Area. Despite the extent of glazing and size of the elevated ground floor terrace, the proposal would not lead to any significant neighbour amenity issues.

All other alterations set out in the description of the development are acceptable under policy.

Despite the inclusion of habitable accommodation being provided within the existing garage and to be used by a 'house keeper', the agent has provided assurances that the use of the site would still remain as residential use class 1 and would not create a self-contained unit of accommodation. Given the extent of the facilities provided, it is reasonable and necessary to attach a condition to ensure that the accommodation created remains integral to the main house.

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.

Recommendation:

Grant with Conditions



Date: 29/06/22