

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 and alter at ground floor level and alterations to fenestration to east (rear) elevation (Protected Building).

LOCATION: Richmond House, Queens Road, St. Peter Port.

APPLICANT: Mr & Mrs Holbrook

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: 21/12/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton 2135 03. 101, 102, 103, & 104.

Application Ref: FULL/2022/0957

Property Ref: A306410000

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.For the avoidance of doubt, no permission is granted whatsoever to remove or replace the existing window FW01 at first floor level serving an en-suite shower room as shown on drawings 03.102 & 103.

Reason - The window is considered to be an older style window based on its age and appearance and is considered to make a positive contribution to the special interest of the protected building.

5.Prior to removal of the existing, large-scale drawings (1:20 elevations; 1:5 sections) of all new and replacement 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 - The information submitted is not sufficiently detailed. The additional information will ensure that the special interest of the protected building is preserved.

6.Prior to installation, specifications of the proposed paving for the terrace shall be submitted for the written agreement of the Authority. The work shall be completed in accordance with the agreed details.

Reason - The information submitted is not sufficiently detailed. The additional information will ensure that the special interest of the protected building is preserved.

Expiry Date: This permission will cease to have effect on 20/12/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, no permission is granted for a home-based business on site as indicated on the approved plan. Any use in connection with a trade or business would require a separate grant of planning permission.

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/2022/0957
Property Ref: A306410000
Valid date: 22/04/2022
Location: Richmond House Queens Road St. Peter Port Guernsey GY1 1PU
Proposal: Extend and alter at ground floor level and alterations to fenestration to east (rear) elevation (Protected Building).
Applicant: Mr & Mrs Holbrook

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.

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replace the existing window FW01 at first floor level serving an en-suite shower room as shown on drawings 03.102 & 103.

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INFORMATIVES

For the avoidance of doubt, no permission is granted for a home-based business on site as indicated on the approved plan. Any use in connection with a trade or business would require a separate grant of planning permission.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a mid-terrace property located to the east of Queens Road. The property consists of a protected building and is situated in a Conservation Area and Main Centre Outer Area as designated in the Island Development Plan.

The whole of the exterior of Richmond House is protected, together with the roadside railings to Queens Road. The interior of the building is not protected.

Planning permission is sought to extend and alter the property at ground floor level and make alterations to the fenestration to the east (rear) elevation.

The application was deferred as concerns were raised with regards to the replacement of windows to the east elevation of the main house when taking into account the limited justification submitted, together with the appearance of the windows based on information available.

The agent provided an opportunity to visit the property internally in order to fully assess the condition and age of each window.

The submitted plans indicate possible business use of the lower floors. For the avoidance of doubt, this permission does not confer any consent for a business use at the premises and there is no evidence of a change of use having been sought or granted. A separate application would therefore be required to operate a business from the premises.

Relevant History:

HAPP/2009/1368	Replace conservatory roof with slate roof, install 5 rooflights and minor alterations to fenestration.	Granted
PAPP/2009/1366	Replace conservatory roof with slate roof, install 5 rooflights and minor alterations to fenestration.	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:

GP4 Conservation Areas

GP5 Protected Buildings

GP8 Design

GP9 Sustainable Development

GP13 Householder Development

Conclusion/Brief comment:

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.

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. This duty is reflected in Policy GP5 of the IDP.

Under Section 38 of The Land Planning and Development (Guernsey) Law, 2005 the Authority has a duty to pay *“special attention to the desirability of preserving and enhancing the character and appearance”* of Conservation Areas. This duty is encapsulated in Policy GP4 (Conservation Areas) which states that *“proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.”*

The understanding of the special interest of the building provided is not extensive, although the agent has demonstrated a level of understanding that is proportionate to the works proposed, in accordance with Policy GP5.

Extension:

The building has been extended and altered over the years, and the design of the replacement extension is not considered to have a significant detrimental effect on the fabric of the protected building, nor its setting. The extension is considered to achieve a high standard of design for the purposes of Policy GP8 due to the scale, mass, form, materials, and detailing.

Windows:

Following an internal site visit to the property, the vast majority of the windows appeared to be in good condition, although appeared to be modern replacements when taking into account the thickness and design of the frames and style of glazing. It is therefore considered a reasonable aspiration of the householder to replace modern timber windows on a like-for-like basis as proposed. This is considered to have a neutral effect on the special interest of the protected building.

It is also noted that one window comprised of PVCu and therefore replacing this window in timber would represent an enhancement to the building.

The age and appearance of the en-suite shower room window (FW01) at first floor level however appeared to be older than the remaining windows and therefore it would not be appropriate to replace this window with a modern timber windows as this would detract from the special interest of the protected building. The agent was informed of these concerns and has later confirmed that this window can be omitted from the application in an attempt to overcome the concerns raised.

Whilst a generic replacement window has been provided, specific details of each window type are required. It is therefore recommended that conditions be attached

to the decision to require full details of the replacement fenestration at an appropriate scale and of the terrace area, and to omit the first-floor window serving the en-suite.

For the purposes of Policy GP5, the proposal is considered to preserve the special interest of the building and setting of adjoining protected buildings.

The proposal is to the rear of the dwelling and therefore will not be prominent in public views. The development is considered to conserve the character and appearance of the Conservation Area, for the purposes of Policy GP4.

The proposal will not adversely affect the amenities of neighbouring residents.

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

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: 06/12/22