

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: Demolish extensions/outbuildings, erect two-storey extension and dormer window, with terrace at first and second floor levels to east (rear) elevation, install dormer window to west (front) elevation, alterations to fenestration and install replacement pillar and railings.

LOCATION: Uplands House, 1 Upland Road, St. Peter Port.

APPLICANT: North Star Limited

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: 20/12/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/05/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD Architects: 3698/CD01E, /CD02C, /CD03D, /CD04D & /CD06A.

Application Ref: FULL/2022/0958

Property Ref: A114180000

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.Notwithstanding the details shown on the approved drawings, the obscure glazed privacy screens (to Pilkington Level 3 or equivalent) situated along the south facing edge of the first floor and second floor balconies shall be 1.8m in height from the finished floor level of the balcony. The balconies hereby approved shall not be first used until this and all other obscure glazed screens have been positioned in accordance with the approved drawings. The obscure glazed screens shall be retained as such in perpetuity.

Reason - To secure the satisfactory appearance of the completed development and in the interests of the amenities of the adjoining residents.

5.The replacement wall and railings hereby approved shall be installed within 2 months of the existing wall being demolished.

Reason - In the interests of conserving and enhancing the character and appearance of the Conservation Area and to ensure the works are carried out in a timely manner.

6.The roof surface to the front of the house, where disturbed, shall be made good in materials to match as closely as possible to the existing roof surface within two months of the existing dormer window being demolished.

Reason - To ensure the development is completed in a timely manner and in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 19/12/2025 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/2022/0958
Property Ref: A114180000
Valid date: 24/05/2022
Location: Uplands House 1 Upland Road St. Peter Port Guernsey
Proposal: Demolish extensions/outbuildings, erect two-storey extension and dormer window, with terrace at first and second floor levels to east (rear) elevation, install dormer window to west (front) elevation, alterations to fenestration and install replacement pillar and railings.

Applicant: North Star Limited

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. Notwithstanding the details shown on the approved drawings, the obscure glazed privacy screens (to Pilkington Level 3 or equivalent) situated along the south facing edge of the first floor and second floor balconies shall be 1.8m in height from the finished floor level of the balcony. The balconies hereby approved shall not be first used until this and all other obscure glazed screens have been positioned in accordance with the approved drawings. The obscure glazed screens shall be retained as such in perpetuity.

Reason - To secure the satisfactory appearance of the completed development and in the interests of the amenities of the adjoining residents.

5. The replacement wall and railings hereby approved shall be installed within 2 months of the existing wall being demolished.

Reason - In the interests of conserving and enhancing the character and appearance of the Conservation Area and to ensure the works are carried out in a timely manner.

6. The roof surface to the front of the house, where disturbed, shall be made good in materials to match as closely as possible to the existing roof surface within two months of the existing dormer window being demolished.

Reason - To ensure the development is completed in a timely manner and in the interests of visual amenity.

OFFICER'S REPORT

Brief Description of the site:

The application site, known as Uplands House, comprises a 2.5 storey traditional, end of terrace property located to the east of Upland Road. Whilst the property comprises part of a small terrace of 4 houses, the property is read as a 'semi-detached property' in the street scene.

The property contains a small garden to the front, bounded with roadside wall, and an enclosed rear garden, accessed by a pathway to the side (north) of the property.

The site is located in a Main Centre Inner Area and a Conservation Area as designed in the Island Development Plan.

Planning permission is sought to demolish extensions/outbuildings and to erect a replacement two-storey extension and dormer window, with a terrace at first and second floor level to the rear elevation. Towards the front, permission is sought to install a dormer window to the west (front) elevation, make alterations to the fenestration, and install a replacement wall and railings.

It is understood that the application site is currently being investigated by Enforcement as being a House in Multiple Occupation. It is understood that the property will revert to its recognised use class (Dwelling-house – Residential Use Class 1) as part of this application.

The application was deferred as concerns were raised with regards to the dormer to the front and the two terrace areas to the rear of the property with regards to design and neighbouring impacts.

The agent has provided further justification for the changes proposed and has reduced the extent of the first-floor terrace in attempt to overcome the concerns raised.

Relevant History:

None germane to this application.

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
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.

Policy GP4 (Conservation Areas) 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. This duty is reflected in the Law.

Some concerns were raised with regards to the loss of a traditional pitched dormer window together with the position and type of dormer window to the front of the property when viewed in context with other second floor fenestration. Although, the reasons set out in the agent's letter of 5th December 2022 and e-mail of 25th August 2022, confirms that the existing roof construction would prevent the dormer from being positioned further north in order to centralise the dormer, and that a Captains dormer would need to be positioned off centre more than the proposed flat roof dormer.

In addition, the second-floor fenestration along this small terrace is not identical in terms of the size of the existing Captains dormers and therefore adding a degree of scope for the proposed flat roof dormer. No. 2 Upland comprises a featureless roofscape to the front, and therefore would not be directly comparable to the adjoining property with regards to second floor fenestration.

The replacement wall and railing is considered to be an enhancement to the Conservation Area as it would reinstate the traditional detailing to the front of the property. Overall, the works to the front of the property would conserve the character and appearance of the Conservation Area for the purpose of Policy GP4 when weighting up the slight negative of the replacement dormer window, and the positive effect of the roadside railings.

Towards the rear of the property, demolition of the existing extensions and outbuilding would not cause concern when taking into account the scale, form, size, position, materials and detailing of the replacement two storey extension. Due to its position towards the rear of the property, which is flanked by neighbouring properties, the proposal will not be highly visible in public views and therefore would not adversely affect the character and appearance of the Conservation Area.

The agent has provided sufficient justification for the incorporation of a second floor terrace to the rear of the property when viewed in context with other terraces/balconies to the rear of Upland Road. The projection of the terrace, coupled with its limited size, privacy screen, and distance from the east boundary, would ensure that overlooking would be limited and would be not uncommon for this area.

In light of the amendments secured, the agent has reduced the size of the terrace at first floor level and has setback the terrace from the east boundary by approximately 4.8m. Whilst this distance alone is not considered to respect the amenities of neighbouring residents, when taking into account that an outbuilding lies directly behind the east boundary on neighbouring land, and that is 3.5m wide, coupled with the change in ground level on the neighbouring land, would lead to a satisfactory relationship that would not lead to an undue level of overlooking to cause unacceptable harm. In addition, the distance between the eastern edge of the proposed terrace and the rear elevation of the neighbouring property most affected, Malvern House, would be at approximately 11m. For this area of Town, this would

not be so substantial to justify grounds for refusal, despite recognising that there would be an overlooking impact.

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: 15/12/22