

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Install replacement and alterations to windows and doors, internal alterations and install patio area to rear (Protected Building).

LOCATION: 2 Columbia Terrace, Brock Road, St. Peter Port.

APPLICANT: Mr A Luce

I refer to the application referred to below received as valid on 28/04/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 11/10/2022

Drawing Nos: PF+A 7557-01 B1, B2, B3, B4, B5, B6 & B7.

Application Ref: FULL/2022/1030

Property Ref: A115200000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The development if approved would have a significant detrimental effect on the overall special interest of the protected building by virtue of the removal of windows referenced GW1, GW2, FW8, FW10 and SW17 on the drawings submitted and the removal of internal doors at ground and first floor level. The proposal would be contrary to Policy GP5 (Protected Buildings) of the Island Development Plan and to the advice within Guidance Note CN11 - Windows and Doors in Protected Buildings.

OTHER REMARKS:-

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, against a decision to refuse an application for planning permission or outline planning

permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2022/1030
Property Ref: A115200000
Valid date: 28/04/2022
Location: 2 Columbia Terrace Brock Road St. Peter Port Guernsey GY1 1RB
Proposal: Install replacement and alterations to windows and doors, internal alterations and install patio area to rear (Protected Building).
Applicant: Mr A Luce

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The development if approved would have a significant detrimental effect on the overall special interest of the protected building by virtue of the removal of windows referenced GW1, GW2, FW8, FW10 and SW17 on the drawings submitted and the removal of internal doors at ground and first floor level. The proposal would be contrary to Policy GP5 (Protected Buildings) of the Island Development Plan and to the advice within Guidance Note CN11 - Windows and Doors in Protected Buildings.

OFFICER'S REPORT

Site Description:

The application site comprises a mid-terrace property located to the east of Brock Road. The property is recognised as a protected building, for which the whole of the building is included on the listing.

The property lies in a Conservation Area and Main Centre Outer Area as designated in the Island Development Plan Proposals Map.

Relevant History:

None relevant

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to alter and install replacement windows and doors at ground, first and second floor level and install a patio area to the rear. It is noted that similar replacement windows have been installed at No.1 and No.3 Columbia Terrace, however each application must be considered on its own merits.

Concerns were raised in respect of the replacement of a number of windows (ref: GW1, GW2, FW8, FW10 and SW17) to the front and rear of the property. For the avoidance of doubt window FW10 refers to the window serving bedroom No.2 on the existing first floor level.

Despite the justification provided as set out in the Statement of Significance, the windows were considered as being in a good/repairable condition that could be repaired and upgraded accordingly to address the deficiencies as described in the application.

The applicant/agent invited officers of the Planning Service to inspect and discuss the windows in question on site.

No additional information has been submitted to address the concerns raised.

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

Conservation Advice Note 11 (CN11) – Windows and Doors in Protected Buildings

Representations:

None received.

Consultations:

None generated.

Summary of Issues:

- Whether the alterations and replacement window and doors would have a detrimental effect on the fabric of the protected building.
- Whether the proposal would affect the character and appearance of the Conservation Area.

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).**

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.

The principal Island Development Plan policy directly relevant to the assessment of the application in relation to the protected building is Policy GP5 (Protected Buildings). Conservation Advice Note 11 (CN11) – Windows and Doors in Protected Buildings is also relevant to the assessment.

Policy GP5 (protected buildings) states that proposals to extend or alter a protected building will be supported where the development does not have an adverse effect on the special interest of the particular protected building or its setting. Furthermore, 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.

Despite the inspection on site and discussions surrounding the issues associated with the windows causing concern as referenced above, these concerns remain as the windows have the potential to be repaired and upgraded accordingly to address the deficiencies set out in the Statement of Significance. On this basis, the replacement of those windows would not accord with Policy GP5 and Advice Note CN11 as they form part of the historic interest of the property and insufficient evidence has been submitted to demonstrate that they are beyond repair. In this case, the reasonable aspirations of the property owner are not outweighed by the protection afforded to the special interest of the protected building under Policy GP5 and the Law.

With regards to the internal layout changes proposed, the alterations would generally remove modern fabric of the building. However, at ground and first floor level the proposals also include the blocking up two doorways, which will result in the removal of historic doors which would also conflict with Policy GP5.

Overall, the proposal would therefore be contrary to Policy GP5 (Protected Buildings) of the Island Development Plan and to the advice within Guidance Note CN11 - Windows and Doors in Protected Buildings. For the reasons set out above, it is recommended that planning permission is refused.

Date: 11/10/2022

