

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: Replacement windows to south (front) elevation (Protected Building).

LOCATION: 72 Victoria Road, St. Peter Port.

APPLICANT: Mr J Armstrong & Mr M Johnson

I refer to the application referred to below received as valid on 21/06/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 30/08/2022

Drawing Nos: Drawing Nos: VR-001B & VR-004 and Statement of Significance and Other Matters for consideration dated 12/04/2022

Application Ref: FULL/2022/1315

Property Ref: A303760000

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 proposed development, if permitted, would result in the loss of five windows to the front of 72 Victoria Road. The windows are features which contribute to the special interest of the Protected Building and their loss would be severely detrimental to the character and appearance of the Protected Building contrary to Policy GP5 of the Island Development Plan.

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/2022/1315
Property Ref: A303760000
Valid date: 21/06/2022
Location: 72 Victoria Road St. Peter Port Guernsey GY1 1JB
Proposal: Replacement windows to south (front) elevation (Protected Building).
Applicant: Mr J Armstrong & Mr M Johnson

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed development, if permitted, would result in the loss of five windows to the front of 72 Victoria Road. The windows are features which contribute to the special interest of the Protected Building and their loss would be severely detrimental to the character and appearance of the Protected Building contrary to Policy GP5 of the Island Development Plan.

OFFICER'S REPORT

Site Description:

72 Victoria Road is a terraced property situated to the north of the one-way road. On-street parking exists along the length of Victoria Road. The building is three and a half-storeys in height (including basement flat) with a pitched slate roof. Pitched roof dormers exist in the front and rear roofslopes. The front windows are decorative Victorian gothic sliding sash, small paned timber windows with ornate upper glazing panels and blue glass spandrels and are likely to be original to the building. These windows match those of numbers 72, 76, 78 and 80 which were constructed in the mid-19th century as part of a designed terrace. The front elevation also incorporates a cornice detail and a six panel front door. PVCu windows have been installed to the rear of the property.

The site is located in the Main Centre and Conservation Area as designated in the Island Development Plan. 72 Victoria Road is a Protected Building.

Relevant History:

FULL/2019/0073 - (Formerly Basement Flat) Le Creux, 72 Victoria Road - Alterations to fenestration, remove section of external render and interior alterations (Protected Building) – granted

FULL/2021/0964 - Re-roof main dwelling and rear lean-to roof, re-render dwelling and demolish and rebuild chimney stacks (east and west), install replacement windows, front door, fascia to rear and rainwater goods to front. Internal alterations. (Protected Building) – granted.

(The replacement of the multi-pane windows at the front of the property was omitted from this scheme).

Existing Use(s):

- 01 Dwellinghouse
- 02 Flat

Brief Description of Development:

The application relates to the replacement of five windows and two dormer windows (not the replacement of the dormer structures) to the south/front elevation of the dwelling. The windows are to be replaced recreating the gothic lined beading style, including the use of blue glazing in the top segments but incorporating draught proofing measures.

The application has been accompanied by a Statement of Significance that sets out that 72 Victoria Road is a fairly typical St Peter Port townhouse from the mid-19th Century and is a dwelling over four floors. The unusual ornamentation that creates the architectural interest is the Gothic revival style of the building.

The applicant is keen to retain and enhance original features that remain at the building and the key characteristics of the house are recognised as the high gothic accents, the rustication in the underlying render of the street façade, the full set of cast iron railings, the roofline with two chimney stacks and pots and the flight of steps and bridging over the basement floor leading to the main entrance door. Nonetheless, these have suffered either due to inappropriate work in the past, neglect and deterioration but “a key aspect of the planning proposal is the intention to have approval for a high quality improvement to a property that has suffered extensive poor quality alterations over the last 20 – 30 years”.

The plan is to ensure a balance between the conservation style, the aspects of the exterior of the house and achieving a sustainability that is consistent with Policy GP9 having regard to a proportionate response in terms of the costly outlay for a domestic home.

A RICS qualified surveyor undertook a building survey and commented that the front windows have not been maintained over time with extensive signs of timber decay and the dormer windows require immediate replacement. The majority of the sash windows were described as needing urgent decorative repair and minor timber patching in the near future. A number of sash cords were noted to be threadbare. The conclusion of the assessment was “these timber windows are very high maintenance and if left to decay further, they will be beyond repair and will need urgent replacement”. The surveyor also noted that the timber windows at the front of the property offered poor thermal

insulation. The application notes that wood fillers have been applied and painted but this is considered to be simply delaying the problem and retaining poor energy efficiency.

The application does not, in this case, include a schedule of works setting out the problems specific to each window.

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

Island Development Plan policies:

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the impact of the replacement windows on the special interest of the Protected Building and the character and appearance of the Conservation Area and having regard to sustainable development.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

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.

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.

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’.

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. Relevant policies will be addressed below in assessing the key issues.

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,

Section 15 Part IV of The Land Planning and Development (General Provisions) Ordinance clarifies that the considerations referred to in paragraphs (b) and (c) of section 14 also apply to protected buildings.

The value of elements of the building will be assessed against the magnitude of impact of the works to establish the effect of the development on the overall special interest of the protected building. The matrix on page 16 of BS 7913:2013 is a useful tool for this purpose.

Excluding the dormers in the front elevation of 72 Victoria Road the existing windows in the principal façade are of very high value to the Protected Building and the replacement of these windows as proposed would have a major impact, the resultant effect on the overall special interest of the protected building being very large (BS 7913:2013).

Whilst the applicant has put forward an argument that the replacement of windows would improve the thermal, and acoustic, performance of the windows there would be other means by which these matters could be addressed without replacing the existing windows and, in some cases, could be carried out without the specific grant of planning permission.

An assessment of the five front windows has been undertaken which concludes that some parts of the lower rails are deteriorating and repairs to sills and frames are evident. Putty is in need of work and the paint is flaking, in some places badly. On the whole however, the condition is fair-good and the units would appear to be repairable. The proposal would not represent development which would constitute the reasonable aspiration of the property owner where this would outweigh the harm to the overall special interest of the building that would result from the works. The replacement of these windows as proposed would not therefore, comply with the aims of Policy GP5.

The windows of the dormers have been assessed as being of low value and their replacement would have a major impact. The application proposes the replacement of the dormer windows with timber, double glazed units and in a style to match the main windows. The result of the works would be to have a slight/moderate effect on overall special interest and would be positive. This aspect of the scheme would comply with Policy GP5, subject to conditions relating to the joinery and construction of the replacement windows. Although as the scheme is not satisfactory in its entirety permission is not granted, however an application for the dormer windows only would be considered in light of this assessment.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees or sites.

Date: 30 August 2022

