

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: Convert and extend existing garage to create dwelling, alterations to parking area and erect bin store.

LOCATION: Beaumont House, Havelet, St. Peter Port.

APPLICANT: Ms K Bach

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: 30/08/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/07/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects - 1133-13A, 14, 15A, 16, 17, 18, 19A, 20.

Application Ref: FULL/2022/1420

Property Ref: A407380000

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. No development, including site works, shall begin on site until details of existing and proposed levels, including ground levels, finished floor levels of the building and a number of sections across the site (these sections to extend to land and buildings adjoining the application site), have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the details agreed under the terms of the above condition.

Reason - To make sure that the development is carried out in a way which is in character with its surroundings.

5. No materials to be used on the exterior of the buildings shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - In the interests of visual amenity and the character and appearance of the Conservation Area.

6. The stone to be used in the construction of the new retaining wall hereby permitted shall match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone.

Reason - In the interests of visual amenity and to preserve the character and special interest of the Conservation Area.

7. Prior to the commencement of any work in connection therewith, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

i) planting schedules, noting the species, sizes, numbers and densities of plants of the dividing boundary hedge along the west site boundary; and

ii) the precise location, height and appearance of the screen fence proposed to the west boundary.

The fence approved under ii) above shall be installed prior to the first occupation of the dwelling hereby approved and the landscaping scheme shall be fully completed, in accordance with the details agreed under the terms above, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - For the avoidance of doubt and to ensure that an appropriate landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and having regard to residential amenity.

8. The development hereby permitted shall be constructed in accordance with the details set out in the Sustainability Statement, and there shall be no occupation of the dwelling until the solar panels have been installed and made operational.

Reason - In the interests of sustainable development.

Expiry Date: This permission will cease to have effect on 29/08/2025 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/2022/1420
Property Ref: A407380000
Valid date: 22/07/2022
Location: Beaumont House Havelet St. Peter Port Guernsey GY1 1BA
Proposal: Convert and extend existing garage to create dwelling, alterations to parking area and erect bin store.
Applicant: Ms K Bach

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Authority. The development shall be carried out only in accordance with the details agreed under the terms of the above condition.

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Reason - In the interests of sustainable development.

OFFICER'S REPORT

Site Description:

The site is located in the Main Centre and Conservation Area as designated in the Island Development Plan. The site is also close to a known area of archaeological importance (north of the site).

Relevant History:

CLU/2019/2005 - Regularise use of property as 1 dwelling (residential use class 1) - Granted

Pre-application advice was sought in this case. The advice drew attention to the need for the proposal to achieve a high standard of sustainable design, offering flexible and adaptable accommodation and having regard to the neighbour amenity and buried archaeology.

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

The application relates to the extension and conversion of an existing garage at Beaumont House, Havelet to create a unit of residential accommodation. The scheme proposes the retention of the garage on the ground floor and the erection of a pitched and flat roof extension above to provide two bedrooms and an open plan living, kitchen, dining area and a courtyard and terraced garden on the first floor. The scheme proposes the use of grey render to the ground floor with timber cladding above and a zinc roof along with solar panel to the east roofslope.

Part of the existing retaining wall adjacent to Beaumont House is to be removed and excavation works carried out with associated replacement retaining wall in order to enlarge the parking and turning area. A bin store is proposed adjacent to the south/roadside boundary.

The application includes a Response to Relevant Policies document which includes comment on Policy GP9 and a separate Sustainability Checklist has been supplied. The application addresses accessibility and flexibility by setting out that the existing site levels make it impossible to provide practical ramped access to the main living level so instead a wide internal stair is proposed which could have a stairlift fitted if required thereby providing full accessibility to the main level. In terms of flexible

accommodation it is noted that the building has an open plan layout and the bedrooms could also be put to alternative uses such as a study. Internal walls are not to be loadbearing which would also allow for future adaptation if necessary.

The application was deferred in order to seek clarification regarding access from the proposed dwelling to its terraced garden area. The scheme was amended and an access door proposed in the west elevation along with stepped access to the garden north of the proposed dwelling. The revised plans also showed that the common boundary between the existing and proposed dwelling will be defined by planting.

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

Island Development Plan policies:

MC2: Housing in Main Centres and Main Centre Outer Areas

GP4: Conservation Areas

GP8: Design

GP9: Sustainable Development

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

One letter of representation has been submitted raising the following points:

- The proposed materials would be unsympathetic to the neighbouring area and Conservation Area where the adjoining properties are constructed in a conservative mix of granite, brick or render with a tile or slate roof
- The combination of materials proposed is an architectural folly and the zinc would be completely out of keeping in the locality
- Planning should be cognisant of ensuring that the building sits naturally within an area of historic charm
- It is accepted that there is sufficient space to build however, from a street profile/visual perspective the high gable roof design would be incongruous with the hip profile of the roofs of the adjacent properties
- The gable pitch is unnecessarily high and will have an unacceptable visual impact on the reasonable enjoyment of neighbouring properties
- Given the elevation of the property, due to the gradient of the street and the high pitch of the roof the resultant size and height of the roofline to the east will exaggerate the imposing nature of the structure to the Belmont Terrace properties
- The development will have a visual impact on Rockhill which, given the western proximity to the proposed dwelling, will have the view of the proposed zinc roof, particularly in winter when the deciduous trees lose their leaves.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed development and its impact on the character and appearance of the Conservation Area and on residential amenity with regard to overshadowing and privacy.

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 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,

Principle of residential development

Policy MC2 of the Island Development Plan makes provision for new residential development and offers a gateway for residential development in this location. Two-bedroom properties recognises the requirements of the Housing Needs Survey and the site could not readily offer a greater mix and type of properties than proposed.

Impact on local built environment and character and appearance of the Conservation Area

The erection of a first-floor extension to the garage in connection with the formation of a dwelling respects the topography of the site and the adjoining built development. The set back position of the development in the site and its simple, contemporary design are such that the scheme represents a high standard of design that respects the local built environment, within the Conservation Area in line with the aims of Policies GP4 and GP8 of the IDP.

The IDP indicates that there is scope to introduce more variety in terms of materials used but only where this would not have a detrimental impact on the Conservation Area. The palette of materials proposed would, in this case, complement the character of the area and would not be harmful to it. Conditions relating to external materials can be imposed as required.

The scheme has been carefully designed to consider its relationship with adjoining properties in terms of potential for overshadowing and loss of light. The extent of development along the east boundary has been limited to the area of the existing garage and a flat roof extension to the northern part of the dwelling. In terms of the relationship with Beaumont House, the pitched roof part of the building is set away from the common boundary and separated from it by the proposed flat roof extension. The development will not result in unacceptable overshadowing or loss of light to surrounding residential neighbours.

The west elevation of the dwelling, as amended, would include a single door providing access into the garden. This could be satisfactorily screened from Beaumont House by proposed boundary landscaping and the potential for overlooking and loss of privacy is kept within acceptable limits. The north elevation is also shown to be blank given the topography of the site. The bedroom window facing south to Havelet will not result in unacceptable overlooking and loss of privacy to the occupiers of Egapel to the east. The south facing bedroom window which overlooks the courtyard of the application site would also have the potential to overlook the rear of Egapel although it is acknowledged that an adjoining field boundary wall helps mitigate this potential loss of privacy and given the distance

separation between the two buildings the potential for overlooking is considered to remain within acceptable limits. The large areas of glazing in the east elevation of the development would be largely screened from Egapel by the pitched roof part of the dwelling and views would be directed across the boundary wall and to open and undeveloped land to the east. Oblique views only would be possible from the living area of the proposed dwelling towards the rear of properties fronting Havelet and the scheme would not result in an unacceptable loss of privacy to the occupiers of these adjoining dwellings.

The scheme offers adequate natural sunlight and daylight to the proposed accommodation and the accommodation is set on a single level which offers accessible accommodation for people of all ages and abilities. It is noted that the accommodation is at first floor level and the sloping/terraced nature of the site is such that the development does not and cannot readily provide access to and around the site for all without significant ramped access which would impact on the overall design and appearance of the development. The scheme also makes provision for the future installation of a stairlift which demonstrates compliance in terms of accessibility and flexible/adaptable accommodation. The internal layout of the accommodation could be altered and adapted at a later date to meet the changing needs of occupiers and there would also be scope to explore the erection of an extension(s) which would also contribute to the adaptability of the building and site. Given the constraints of the site therefore, it is considered that the scheme does address these aims of Policy GP8.

The site benefits from ample external amenity space with access to a courtyard adjacent to the east boundary and, as amended, stepped access to part of the terraced garden north of the proposed dwelling. This demonstrates that the occupiers of the dwelling will benefit from adequate external amenity space in line with the aims of Policy GP8. The division of the external amenity space by landscaping and a fence of unknown height, as indicated, can be managed by condition.

The site is located in the Main Centre where maximum parking standards apply. The level of parking for the two properties is satisfactory having regard to the adopted Supplementary Planning Guidance. The alterations to the parking arrangements enables on site turning so that vehicles can exit the site in a forward gear. The garage can make provision for secure and covered cycle storage. The scheme therefore accords with the aims of Policies IP6, IP7 and IP9 of the IDP.

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment. A condition can be imposed relating to the provision of solar panels as indicated on the application drawings.

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, buildings or sites.

Date: 30 August 2022