

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 existing dwelling and erect replacement dwelling.

LOCATION: Mont Havelet Cottage, George Road, St. Peter Port.

APPLICANT: Mrs S Barnard

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: 19/12/2022

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

Drawing Nos: Evans Architecture Ltd: 2206/03.10, 11, 12, 13, 14, 15, 16, 17, 18, 19 & 20

Application Ref: FULL/2022/1537

Property Ref: A40862A000

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 shall begin on site until details of the parapet walls to the north and south sides of the second floor terrace, demonstrating that there will be no overlooking of adjacent properties, have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details and prior to the terrace being brought into use.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the parapet walls are designed to minimise the effect of the development on the privacy and amenities of nearby residents.

5.The privacy screen to the south edge of the ground floor terrace and the balustrades to the first floor Juliette balconies shall be installed prior to the occupation of the new building or completion of the development, whichever is soon and shall thereafter be retained at all times. No consent whatsoever is conferred for the use of the flat roof at first floor as a balcony.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

6.The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing

materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

Expiry Date: This permission will cease to have effect on 18/12/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the replacement of the existing dwelling on a one-for-one basis. No consent whatsoever is conferred for the independent use of the lower ground floor, which shall remain an integral part of and incidental to the principal dwelling.

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/2022/1537
Property Ref: A40862A000
Valid date: 22/07/2022
Location: Mont Havelet Cottage George Road St. Peter Port Guernsey
GY1 1BD
Proposal: Demolish existing dwelling and erect replacement dwelling.
Applicant: Mrs S Barnard

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. No development shall begin on site until details of the parapet walls to the north and south sides of the second floor terrace, demonstrating that there will be no

overlooking of adjacent properties, have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details and prior to the terrace being brought into use.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the parapet walls are designed to minimise the effect of the development on the privacy and amenities of nearby residents.

5. The privacy screen to the south edge of the ground floor terrace and the balustrades to the first floor Juliette balconies shall be installed prior to the occupation of the new building or completion of the development, whichever is soon and shall thereafter be retained at all times. No consent whatsoever is conferred for the use of the flat roof at first floor as a balcony.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

6. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

INFORMATIVES

For the avoidance of doubt, this decision permits the replacement of the existing dwelling on a one-for-one basis. No consent whatsoever is conferred for the independent use of the lower ground floor, which shall remain an integral part of and incidental to the principal dwelling.

OFFICER'S REPORT

Site Description:

The property known as 'Mont Havelet Cottage' is a three storey mid-20th century dwelling comprising lower ground floor accommodation associated with a two storey house on the ground and first floors. The house faces west directly onto George Road, with neighbouring properties to the north and south, and other properties at a lower level to the east which face east onto Havelet.

The site is located within the St Peter Port Conservation Area and Main Centre Outer Area in the Island Development Plan. The dwelling on the adjacent property to the south is a protected building and the wall on the opposite side of the road is a protected monument.

Relevant History:

FULL/2021/1663 Demolish chimney, erect single storey extension with raised terrace to basement level and terrace at ground floor level to east (rear) elevation and alterations to fenestration. Approved 05/11/21.

Existing Use(s):

Residential Use Class 1 – the lower ground floor accommodation is recognised for use in association with the upper levels and does not comprise a stand alone unit.

Brief Description of Development:

The application proposes the demolition of the existing three storey building and construction of a replacement four storey four bed dwelling, including extension of the single bedroom accommodation at lower ground floor level.

A policy assessment, Site Waste Management Plan and 3D sun path analysis is submitted as part of the application.

Following deferral additional information was provided in respect of the submitted sun path analysis.

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

- GP4 Conservation Areas
- GP5 Protected Buildings
- GP6 Protected Monuments
- GP8 Design
- GP9 Sustainable Development
- GP13 Householder Development
- IP6 Transport Infrastructure and Support Facilities

- IP7 Private and Communal Car Parking
IP9 Highway Safety, Accessibility and Capacity

Representations:

Two letters of representation received raising the following points:

- The development will not be in keeping with the context and scale of the area, and does not consider key features common across the Conservation Area, resulting in a negative impact on the St Peter Port Conservation Area;
- The development will adversely affect the importance of the listing of the adjacent protected building;
- The development will minimise open space on the site;
- The parking arrangements are inadequate for a development of this size;
- The development will have an unacceptable impact on neighbour amenity in terms of:
 - o Overbearing and dominance, projecting beyond the existing building lines;
 - o Overshadowing;
 - o Overlooking from windows and terraces;
 - o Loss of views/outlook;
 - o Potential for subsidence and structural movement brought about by engineering operations, and impacts on ground stability.
- The plans give a misleading impression of the likely impacts;
- The property is on the Open Market register and cannot be built in such a way that it can be turned into more than one unit of accommodation. Is the existing Annexe therefore Local Market?

Consultations:

None undertaken.

Summary of Issues:

Impact on the setting of the protected monument and protected building;
Impact on the character of the Conservation Area;
Impact on neighbour amenity.

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).**

Principle of replacement dwelling

The existing building comprises a single dwellinghouse, with ancillary accommodation provided at lower ground floor level. The current application proposes replacement of the dwelling on a one-for-one basis.

Proposals for the replacement of existing dwellings on a one-for-one basis are considered as a form of householder development under the provisions of IDP Policy GP13, which operates a general presumption in favour of such development unless the existing building is of such architectural or historic quality that its retention would be preferred.

In this case the existing dwelling is not of sufficient architectural or historic quality to warrant retention and the principle of the development is therefore considered to be acceptable.

Design, form, scale and massing of the proposed development and impact on the character of the Conservation Area and nearby protected buildings

The existing building comprises a relatively plain building which blends into the streetscape along George Road as well as the Hillside Town when viewed in glimpses from Havelet to the north-east and in more distant views from the harbours/marinas.

The replacement building is slightly larger than the existing, with a simple frontage on to George Road and a flat roofed contemporary design when viewed from the north-east/east. The building will however be of a similar height to the existing and adjacent buildings to the north and will therefore form part of a cohesive group of buildings that sit below the skyline. The effect on the Conservation Area and nearby protected monuments and buildings will therefore be neutral.

The building has a coherent architectural composition, which responds to the strengths of the site and is mirrored in the details of the external spaces and structures. The building comprises an efficient and effective use of land and improves the flexibility and accessibility of the building. External amenity space is limited and will be further restricted by the proposed development, however amenity is provided through terraces and balconies at each level, providing good outlook from each level and access to external space. This level of amenity is not unusual within the town area.

The potential for soft landscaping at this site is limited and is not required to mitigate the impacts of the proposed development, a landscaping scheme is not therefore required in this instance.

Impact on neighbour amenity

The proposal comprises an increase to the bulk and massing of the building, and extends beyond the existing building line to the east. Taking into account the submitted sunlight studies, it is clear that the building will cast shadows onto the garden of the adjacent building to the north. The assessment however shows that this will not be substantially greater than the existing situation and will not affect internal rooms. On balance therefore, the level of overshadowing created by the proposed new building would not be of an extent which would warrant refusal of the application.

In respect of overlooking, there is a significant change in levels to the properties to the east, and this would limit any potential for overlooking of that property. In relation to the properties to the north and south, the general arrangement of the terraces/balconies at lower ground, ground and first floors, together with the privacy screen to the south boundary at ground floor level, would limit any overlooking. The decision should however be conditioned to ensure placement of the screen and Juliette balcony balustrades prior to the building being brought into use. The screening parapet walls to either end of the balcony at second floor level are however proposed to be scalloped which may allow overlooking of the adjacent properties, detailing of these elements should therefore be reserved by condition, to allow submission of further information to either demonstrate that there would not be significant overlooking or to amend the walls to prevent such overlooking. A large window is proposed in the south gable of the building, however this will primarily overlook the roof of the garage on the adjacent property and the front amenity space of that property, which is visible from the road. On balance, this window is not therefore considered to represent a significant incursion on the privacy of the adjacent property.

Loss of private views does not comprise a material planning consideration as set out within the Land Planning and Development (Guernsey) Law, 2005, or its associated Ordinances.

Highway Safety and parking

The proposed parking provision would be within the maximum standards set out within the Parking Standards and the proposed garage could also provide secure bicycle storage. Within the town area, with good access to facilities, Plan policy does not encourage the creation of additional parking. The garage replaces an existing garage, and there would be no increased road safety concerns.

Waste Management Plan and Sustainable Development

The application has been accompanied by a Waste Management Plan which is considered to be satisfactory in this case, the implementation and monitoring of which can be further controlled by planning condition.

With regard to Policy GP9: Sustainable Development, the information submitted in respect of sustainable design is limited. It is however recognised that the design of the building is constrained by the site and surrounding built form, and the information supplied is therefore adequate to meet the requirements of this policy.

Other matters

The current application is for the one-for-one replacement of the existing dwelling, and does not confer any consent for the separate or independent use of the lower ground floor. Any such use of the lower ground floor would require a separate application for planning permission. At present the whole of the building is classified as a single unit on the Open Market Register. Any reclassification would fall outside of the scope of planning law and would have to be addressed under the appropriate legislation.

The responsibility and liability for any impacts on adjacent properties arising from works undertaken on the site would lie with the property owner and any builders they contract to undertake the work. This does not form a material consideration of the planning application.

Conclusion

The proposal accords with the purpose of the Law, material considerations and relevant planning policies and approval is recommended, subject to the conditions outlined above.

Date: 14/12/22

