

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: Variations to plans previously approved to convert house in multiple occupation to create 5 flats (Residential Use Class 2), replace and alter roof, external and internal alterations - Extend, alter and partially rebuild rear extension including install external insulating render system and alterations to fenestration. (Protected Building).

LOCATION: 40 Hauteville, St. Peter Port.

APPLICANT: Island Developments 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: 10/11/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7467-04/B1, /B2, /B3, /B4A & B5.

Application Ref: FULL/2022/1589

Property Ref: A407110000

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. The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 01/12/2021, issued under planning application reference FULL/2021/2206, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

Expiry Date: This permission will cease to have effect on 09/11/2025 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/2022/1589
Property Ref: A407110000
Valid date: 01/09/2022
Location: 40 Hauteville St. Peter Port Guernsey GY1 1DG
Proposal: Variations to plans previously approved to convert house in multiple occupation to create 5 flats (Residential Use Class 2), replace and alter roof, external and internal alterations - Extend, alter and partially rebuild rear extension including install external insulating render system and alterations to fenestration. (Protected Building).
Applicant: Island Developments 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. The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 01/12/2021, issued under planning application reference FULL/2021/2206, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

OFFICER'S REPORT

Site Description:

The site consists of a traditional end of terrace 3 storey town house situated to the south-east of Hauteville and adjoining Hauteville House (Victor Hugo's House). The whole of the building is a protected building, as are a large number of buildings in the locality. The site is in the St Peter Port Conservation Area and Main Centre Inner Boundary. Planning permission was granted in December 2021 to convert the building from a house in multiple occupation to create 5 flats, the works have commenced.

Relevant History:

FULL/2022/0943 – Application pending to install replacement roof structure (Protected Building).

07/10/2022 – FULL/2022/1280 – Permission granted for variations to previously approved plans to convert house in multiple occupation to create 5 flats (residential use class 2), replace and alter roof, external and internal alterations - Install external insulating render system to rear elevation, replace windows to rear elevation and rebuild chimney (revised) (Protected Building).

01/12/2021 – FULL/2021/2206 – Permission granted to convert house in multiple occupation to create 5 flats (residential use class 2), replace and alter roof, external and internal alterations (Protected Building).

Existing Use(s):

Residential use class 6: premises in multiple occupation

Brief Description of Development:

Planning permission is requested for variations to plans previously approved to convert a house in multiple occupation to create 5 flats (FULL/2021/2206). The variations involve extending, altering and partially rebuilding a rear extension including installing an external insulating render system, alterations to fenestration and replace roof including replace lean-to roof with a flat roof.

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

Policy MC2: Housing in Main Centres and Main Centre Outer Areas

Policy GP4: Conservation Areas

Policy GP5: Protected Buildings

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport infrastructure and support facilities

Policy IP7: Private and Communal Car Parking

Representations:

Two letters of representation from the neighbouring property to the west, main points as follows:

- Loss of light and views for the neighbouring property.
- Impact on the setting of the adjacent protected building to the west.
- The site notice has not been displayed correctly.
- Concerned that the flat roof will be used as a balcony and resultant loss of privacy for neighbouring property.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. The impact on the special interest of the protected building.
2. Design and impact of the development on the character and appearance of the Conservation Area.
3. The impact of the development on the amenity of people living in the 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).**

The existing modern lean-to extension detracts from the special interest of the protected building. The replacement extension is of a contemporary design and although it contrasts with the traditional design of the existing building, the extension would achieve a good standard of design and the proposal would have no adverse effects on the special interest of the protected building. The extension would be situated on the same footprint and with a similar height to the existing extension. The replacement extension would not unduly mask the adjacent

protected building to the west and it would have no adverse effects on the setting of the adjacent protected buildings. Sited to the rear of the building, the extension would not be prominent in public views and the proposal would conserve the character and appearance of the Conservation Area. The proposal accords with Policies GP4 and GP5.

The siting and height of the extension broadly reflects the existing extension. The extension has the potential to marginally overlap the bottom edge of the neighbour's window but any loss of light or outlook from the window would be negligible. The flat roof of the extension is not proposed to be used as a balcony and planning permission would be required to install a balustrade and to use the flat roof as a balcony. The potential use of the flat roof as a balcony and the loss of private views are not a material planning consideration for this application.

The Planning Service has been notified that the site notice was displayed in accordance with the requirements of Part III, section 10 (4) of The Land Planning and Development (General Provisions) Ordinance, 2007.

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.

It is recommended that the application is approved.

Date: 09/11/2022

