

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 extensions, erect single storey extension with terrace at first floor level, external staircase, excavate and alter patio to south (rear) elevation and internal alterations (Protected Building).

LOCATION: 11 Union Street, St. Peter Port.

APPLICANT: Mrs D Gilby

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: 28/11/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners Ltd: G9-10620-S1-02 & 03B

Application Ref: FULL/2022/1644

Property Ref: A301900000

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.Notwithstanding the submitted and hereby approved drawings, specification of the following must be submitted to and approved in writing by the Authority before any work commences;

- The hardstanding of the proposed terrace, steps and patio area
- The privacy screen, and
- The new balustrade.

Reason - To secure the satisfactory appearance of the completed development and to protect the special interest of the protected building.

5.The privacy screen hereby approved to the west elevation of the new roof terrace shall be installed in accordance with the details approved under the above condition and prior to that terrace being brought into use.

Reason - In the interests of neighbour amenity.

6.Should any external vents or extractors be required to be installed then prior to their installation full details of the type to be used, the works required and their location shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - To secure the satisfactory appearance of the completed development and to protect the special interest of the protected building.

Expiry Date: This permission will cease to have effect on 27/11/2025 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/2022/1644
Property Ref: A301900000
Valid date: 02/09/2022
Location: 11 Union Street St. Peter Port Guernsey GY1 2PS
Proposal: Demolish existing extensions, erect single storey extension with terrace at first floor level, external staircase, excavate and alter patio to south (rear) elevation and internal alterations (Protected Building).

Applicant: Mrs D Gilby

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. Notwithstanding the submitted and hereby approved drawings, specification of the following must be submitted to and approved in writing by the Authority before any work commences;

- The hardstanding of the proposed terrace, steps and patio area
- The privacy screen, and
- The new balustrade.

Reason - To secure the satisfactory appearance of the completed development and to protect the special interest of the protected building.

5. The privacy screen hereby approved to the west elevation of the new roof terrace shall be installed in accordance with the details approved under the above condition and prior to that terrace being brought into use.

Reason - In the interests of neighbour amenity.

6. Should any external vents or extractors be required to be installed then prior to their installation full details of the type to be used, the works required and their location shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - To secure the satisfactory appearance of the completed development and to protect the special interest of the protected building.

OFFICER'S REPORT

Site Description:

The property known as '11 Union Street' is a three and a half storey early Victorian town house, which is slightly set back from and facing north onto Union Street. There is an adjoining property to the west, Little St John Street runs along the east boundary and there is a smaller property to the south beyond the long garden. The property is located within the St Peter Port Main Centre and Conservation Area as defined in the Island Development Plan. The property is a Protected Building as are many of the surrounding properties.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to demolish the existing extensions, erect a single storey extension with terrace at first floor level, external staircase, excavate and alter patio to south rear elevation and some internal alterations (Protected Building).

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

Representations:

There has been one letter of representation and the issues are;

- There are a number of reservations regarding the plans which the architects have elected not to consult with the adjacent neighbours on. The neighbours are generally supportive of the project and see the need to tidy up the miscellaneous collection of structures.
- Has a structural engineer been consulted regarding the possible impact on shared walls, the foundations of the dividing wall and the chimney structure?
- The neighbours have already had a drill through into their bathroom and heard recently that, "new structural problems" have already emerged.
- Has due diligence been conducted in this respect, vague promises of "we will make good any damage we cause" do not give the neighbours any confidence?
- What are the details of the privacy screen on the terrace? Since it will effectively make the neighbours garden into a tunnel, they feel entitled to have more details on what it will be constructed from?

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

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

The whole of the property known as '11 Union Street' is protected together with the roadside railings to Union Street.

A Design Statement is provided which contains a Historical Significance Assessment. The author concludes, as a result of 11 Union Street's omission from John McCormack's books, that the significance of the building derives chiefly from its contribution to the street setting and not to any standalone architectural or historic interest. The Authority does not agree with this conclusion, the building post-dates the era of buildings that form the focus of the McCormack books, hence it's exclusion from those studies.

Likely dating from the early 19th century construction of the New Town, research shows the main house to be present on the 1843 map. By 1898 small extensions were present to the rear. Aerial photos indicate that these were replaced with the current extension in the 1980s and the conservatory was added during the 1990s.

Photographs provided by the agent however demonstrate that the internal alterations would relate to modern structures and the parts of the house impacted by the proposals are of low value and, subject to conditions, the adverse effect on overall special interest would be outweighed by the reasonable aspirations of the owner, thus the proposals are considered to comply with policy GP5.

The proposals are all to the rear of the property, screened from the adjacent road, and would not have any detrimental impacts on the special character and appearance of the surrounding Conservation Area and therefore policy GP4 is also complied with.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

Initially, the proposals included an increased first floor balcony over the new extension. However, the overlooking was also increased, not just over the neighbouring property's garden, but into the play area for the pre-school beyond the neighbours.

The application was deferred to request a reduced balcony and some privacy screening introduced to prevent the amount of overlooking into both the neighbours

and the pre-schools gardens. Updated drawings were received showing the requested amendments, which mitigates the initial concerns, the amended drawings have also omitted the external spiral staircase. A condition will be added to request further specification of certain elements to ensure the the satisfactory appearance of the completed development and to protect the special interest of the protected building.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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

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. Where relevant the issues are considered in section 2 above.

Generally, planning applications do not require a structural engineers input. It would be the responsibility of the applicant/developer to ensure that the appropriate professionals have been engaged and the works would not result in adverse impacts on adjoining property.

Any party wall or boundary issues do not fall within the remit of the Planning Authority, that is a civil matter.

At present the proposals are for timber privacy screens, but this will be further assessed in respect of potential overshadowing when a detailed specification is submitted, an alternative such as opaque glazing privacy screen may be more appropriate.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 28/11/2022

