

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 previously approved plans to demolish existing and erect 5 dwellings and alterations to vehicle access (Revised Scheme) - Raise roof ridge height to create accommodation at 2nd floor level to units 1-4 and erect single storey extension to unit 1.

LOCATION: Highgrove, Monument Gardens, St. Peter Port.

APPLICANT: Fontaine 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: 20/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room - 277 F1A, F2A, F3A, F4A, F5A, F6A & F8.

Application Ref: FULL/2022/1756

Property Ref: A115030000

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 on or before 01/03/2025.

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). In this case, as the application is for variations, the time period corresponds with the original permission under application reference FULL/2021/2599.

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 02/03/2022, issued under planning application reference FULL/2021/2599, 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 01/03/2025 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/2022/1756
Property Ref: A115030000
Valid date: 26/08/2022
Location: Highgrove Monument Gardens St. Peter Port Guernsey GY1 1UL
Proposal: Variations to previously approved plans to demolish existing and erect 5 dwellings and alterations to vehicle access (Revised Scheme) - Raise roof ridge height to create accommodation at 2nd floor level to units 1-4 and erect single storey extension to unit 1.
Applicant: Fontaine 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 on or before 01/03/2025.

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). In this case, as the application is for variations, the time period corresponds with the original permission under application reference FULL/2021/2599.

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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 02/03/2022, issued under planning application reference FULL/2021/2599, 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 formerly comprised of a detached two storey hipped roof dwelling situated on a good size plot. The dwelling was finished with rendered walls and a tiled roof and was elevated approximately 2 metres above the highway. Permission has been granted to demolish the dwelling and erect 5 dwellings. Works have commenced and the existing dwelling has been demolished.

The site forms the south-west corner plot which fronts onto Monument Gardens and is in the St Peter Port Conservation Area and Main Centre Inner Boundary. The site is bounded to the south by an observatory at Lukis House which is a protected building.

Relevant History:

26/07/2022 – PREA/2022/1295 – Pre-application advice regarding raise ridge height and convert roofspace and erect flat roof extension.

02/03/2022 – FULL/2021/2599 – Permission granted to demolish existing and erect 5 dwellings and alterations to vehicle access (Revised Scheme).

20/09/2021 – FULL/2021/1755 – Permission granted for variation to previously approved plans to demolish existing dwelling and erect 4 dwellings - alter roof form from hipped to pitched.

22/01/2021 – FULL/2020/1845 – Permission granted to demolish existing dwelling and garage and erect 4 dwellings with associated parking and landscaping, relocate vehicular access and form new access road.

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested for variations to previously approved plans to demolish the existing dwelling and erect 5 dwellings (FULL/2021/2599). The variations involve raising the ridge height by 0.6 metres and installing dormer windows and rooflights to units 1 to 4 to create additional habitable accommodation at 2nd floor level and erect a single storey extension to the rear of unit 1. The proposal would result in the creation of four, 3 bedroom dwellings and one, 1 bedroom dwelling.

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 GP10: Comprehensive Development

Policy IP6: Transport infrastructure and support facilities

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

One letter of objection from the neighbouring property to the north, main points as follows:

- Loss of privacy from proposed dormer windows.
- Loss of light/overshadowing.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Whether the mix and type of dwellings is appropriate.
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 additional living space to units 1 to 4 as a result of the alterations to the ground floor layout would be proportionate to the overall size of the extended dwellings. The creation of four, 3 bedroom dwellings and a one bedroom dwelling continues to broadly reflect the current housing need.

The revised design of units 1 to 4, including increasing the ridge heights by 0.6 metres and the addition of rooflights and dormer windows would achieve a high standard of architectural design and would conserve the character and appearance of the Conservation Area and the setting of the adjoining protected building, in accordance with Policies GP4, GP5 and GP8.

Unit 1 includes no first floor windows in the north (side) elevation. The rear (west) elevation dormer windows would face down the gardens of the proposed dwellings. Whilst a degree of overlooking of the neighbouring property to the north would be possible from the rear first floor and dormer windows, this is a common relationship between neighbouring properties throughout the Island and would not result in a material loss of privacy for the neighbouring property to the north.

The siting and scale of the dwellings will result in some shading of the neighbouring property to the north, particularly in the morning. However, the footprint of units 1 to 4 of the revised scheme are the same as the previously approved scheme. The modest increase in the ridge height of units 1 to 4 is unlikely to cause significant additional shading and the degree of harm caused would not be so detrimental as to warrant a refusal. The revised design of the dwellings is unlikely to have a material adverse effects on the amenities of neighbouring residents.

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: 13/10/2022

