

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Install replacement windows to north (front) elevation
(Protected Building).

LOCATION: En Facade House, La Couperderie, St. Peter Port.

APPLICANT: Mr & Mrs K Acott

I refer to the application referred to below received as valid on 02/09/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 14/06/2023

Drawing Nos: The Drawing Room 276 D1, D2A, D3A & E10.
Timber Windows Vertical Section Detail - Glazing Bar Details
Rev B, Horizontal Section Details - With Mullion Rev B &
Horizontal Section Details - Jamb and Mullion Rev B.

Application Ref: FULL/2022/1797

Property Ref: A303250000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The development if approved would have a significant detrimental effect on the overall special interest of the Protected Building by virtue of the removal of the windows on the ground and first floor to the north elevation of the dwelling, referenced W6, W7, W8, W9, W10 on the drawings submitted.

The existing windows to the front of the property appear to be in good condition, therefore without further information to justify their replacement, the existing windows are considered to form part of the historic interest of the property and insufficient evidence has been submitted to demonstrate that their condition is beyond repair. In this case, the reasonable aspirations of the property owner are not outweighed by the protection afforded to the special interest of the Protected Building under Policy GP5 and the Law.

The proposal would be contrary to Policy GP5 (Protected Buildings) of the Island Development Plan and to the advice set out in Guidance Note CN11 - Windows and Doors in Protected Buildings.

OTHER REMARKS:-

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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2022/1797
Property Ref: A303250000
Valid date: 02/09/2022
Location: En Facade House La Couperderie St. Peter Port Guernsey GY1 1NH
Proposal: Install replacement windows to north (front) elevation (Protected Building).
Applicant: Mr & Mrs K Acott

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The development if approved would have a significant detrimental effect on the overall special interest of the Protected Building by virtue of the removal of the windows on the ground and first floor to the north elevation of the dwelling, referenced W6, W7, W8, W9, W10 on the drawings submitted.

The existing windows to the front of the property appear to be in good condition, therefore without further information to justify their replacement, the existing windows are considered to form part of the historic interest of the property and insufficient evidence has been submitted to demonstrate that their condition is beyond repair. In this case, the reasonable aspirations of the property owner are not outweighed by the protection afforded to the special interest of the Protected Building under Policy GP5 and the Law.

The proposal would be contrary to Policy GP5 (Protected Buildings) of the Island Development Plan and to the advice set out in Guidance Note CN11 - Windows and Doors in Protected Buildings.

OFFICER'S REPORT

Site Description:

En Façade is a detached two storey house facing north towards Vauvert. It has garden to the north and east and parking to the north-west. Permission was granted in 2022 to infill the existing vehicle access to the west boundary.

The whole building, but not the later southern extension, together with the front railings comprise a Protected Building. It is located in a Conservation Area and Main Centre Inner Area as designated in the Island Development Plan.

Relevant History:

FULL/2022/0945	Extend at basement and ground floor level with raised terrace area to east (side) elevation. Remove section of wall at ground floor level to west elevation, fenestration and internal alterations. Erect covered garden area and roadside wall, infill existing vehicle access to west boundary (Protected Building).	Granted
FULL/2016/0156	Extend and alter dwelling, remove chimney stack and install flue (east elevation), alter and install fenestration (all elevations) and install rooflight. (Protected Building).	Granted

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to install replacement windows to the north (front) elevation at ground and first floor. The fenestration in question focuses on the original part of the dwelling-house. No Statement of Significance has been included as part of the application.

Replacement windows were installed on the wing extensions to the east and west of the original building as part of a previous permission.

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

Conservation Advice Note 11 (CN11) – Windows and Doors in Protected Buildings

Representations:

None received.

Consultations:

None generated.

Summary of Issues:

- Whether the replacement windows would have a detrimental effect on the fabric of the protected building.

- Whether the proposal would affect the character and appearance of the Conservation 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).**

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

The principal Island Development Plan policy directly relevant to the assessment of the application in relation to the Protected Building is Policy GP5 (Protected Buildings). Conservation Advice Note 11 (CN11) – Windows and Doors in Protected Buildings is also relevant to the assessment.

Policy GP5 (Protected Buildings) states that proposals to extend or alter a Protected Building will be supported where the development does not have an adverse effect on the special interest of the particular Protected Building or its setting. Furthermore, it is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting Protected Buildings, to secure so far as possible that the special historic, architectural, traditional or other special characteristics (including setting) are preserved.

The application was deferred in order request a Statement of Significance. No information was submitted by the agent to demonstrate an understanding of the special interest of the existing windows, and the reasons why they need to be replaced such as condition, age etc. This information is necessary in order to fully assess the impact of the proposal on the Protected Building in line with the guidance in CN11 – Windows and Doors in Protected Buildings.

Despite the request for further information, the agent has requested the Authority to determine the application as submitted.

The existing windows to the front of the property appear to be in good condition, therefore without further information to justify their replacement, the existing windows are considered to form part of the historic interest of the property and insufficient evidence has been submitted to demonstrate that their condition is beyond repair. In this case, the reasonable aspirations of the property owner are not outweighed by the protection afforded to the special interest of the Protected Building under Policy GP5 and the Law.

By default, there would be no reason to approve the application in its current form without sufficient information, and therefore the proposal would be contrary to Policy

GP5 (Protected Buildings) of the Island Development Plan and with the advice within CN11 -Windows and Doors in Protected Buildings.

For the reasons set out above, it is recommended that planning permission is refused.

Date: 14/06/2023

