

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 vinehouse, erect single storey extension to south (rear) elevation, single storey extension and install air source heat pumps to east (side) elevation and alterations (Protected Building).

LOCATION: 1 Ross Place, Mount Row, St. Peter Port.

APPLICANT: Mr J & Dr C Hibble

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: 13/01/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 09/11/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: g2a Architecture: 2825-01 B1a & B2a

Application Ref: FULL/2022/1941

Property Ref: A403890000

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.Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Reason - To prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 12/01/2026 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/2022/1941
Property Ref: A403890000
Valid date: 09/11/2022
Location: 1 Ross Place Mount Row St. Peter Port Guernsey GY1 1NU
Proposal: Demolish vinehouse, erect single storey extension to south (rear) elevation, single storey extension and install air source heat pumps to east (side) elevation and alterations (Protected Building).

Applicant: Mr J & Dr C Hibble

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.Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Reason - To prevent a nuisance or annoyance to nearby residents.

OFFICER'S REPORT

Brief Description of the site:

1 Ross Place is a large semi-detached dwelling situated to the south of Mount Row, the site forms the corner with Ville Au Roi and benefits from vehicular access to both the front (north) and side (east) site boundaries. Extensions, including a vinehouse, exist to the side (east) and rear (south of the property). A detached garage is situated adjacent to the south site boundary.

The application relates to the demolition of the vinehouse and extension to the side (east of the dwelling) and the erection of a single-storey asymmetrical pitched roof extension with granite external walls and a slate roof incorporating solar panels to the south (rear) roofslope. This extension also incorporates a flat roof porch to the west of the main extension and larder to the north. Two air source heat pumps (ASHPs) are proposed in a courtyard to the east of the dwelling, adjacent to Ville Au Roi and various internal alterations are proposed in connection with the proposed extensions.

The site is located in the Main Centre Outer Area and Conservation Area as designated in the Island Development Plan. The exterior of 1 Ross Place (including glasshouse, back porch and railings) is a Protected Building as are other properties close by.

Relevant History:

PAPP/2002/1573 - Construct replacement greenhouse – granted

PAPP/2002/2094 - Create vehicular access and erect a garage block - granted

PAPP/2002/2282 - Construct replacement glasshouse – granted

Existing Use(s):

01 dwellinghouse

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

Island Development Plan policies:

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representation

Constables of St Peter Port – this is a Protected Building. The loss of a lean-to greenhouse site is in principle undesirable in this new age of “food insecurity”. However, mitigating this is that air source heat pumps are highly desirable and efficient, although they may cause noise issues if there are any close neighbours if they are allowed to run all night.

Consultation

Office of Environmental Health and Pollution Regulation – With the air source heat pumps located in within the court yard, as stated on the reviewed plans, I recommend the inclusion of the following condition:

- Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

I do have concerns relating to the close proximity of residential properties with this application. However, given the location of the properties of concern, it is likely that the background level in the area will be high in comparison to other areas on the

Island and therefore I believe it will be likely for the applicant to achieve the recommended condition.

Conclusion/Brief comment:

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings and Conservation Areas, to secure so far as possible that the special historic, architectural, traditional or other special characteristics (including setting) are preserved.

Whilst the loss of the greenhouse has been identified as a concern through the public consultation process there is no way for the Planning Service to insist that such structures are used for growing in order to alleviate the concern relating to food insecurities.

Policy GP5 does highlight that there is a presumption against the demolition or partial demolition of a Protected Building however, in this case it is noted that the glasshouse has been replaced in the style of the original but with materials that are not particularly sympathetic to the Protected Building. The structure does not detract from the special interest of the Protected Building but it does not make a particular contribution to its special interest. Furthermore, the proposed extension, including solar panels, will provide the occupiers of the dwelling with more usable, flexible and adaptable accommodation (GP8), with modern, appropriate materials when considering the use of energy and resources/form of construction (GP9) and this represents a reasonable aspiration of the property owner. On balance therefore, the scheme is considered to accord with the aims of Policy GP5.

The rear extension draws from the form of the glasshouse, is isolated from the protected building and with limited impact on the wider area given the high roadside boundary wall. The boundary walls provide screening of both the rear and side extensions. The proposed side and rear extensions represent a high standard of design that respects the local built environment and which will not result in harm to the character and appearance of the conservation area nor on residential amenity in accordance with Policies GP4, GP8 and GP9 of the Plan.

The proposed air source heat pumps are to be situated in a courtyard area, away from all residential neighbours and will not be visible outside the site. This aspect of the development will not result in harm to the locality and the effect of the equipment on residential amenity can be managed by planning condition (as per the recommendation of Environmental Health).

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment. The installation of solar panels and use of air source heat pumps also demonstrate compliance with Policy GP9.

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.

In view of the above it is recommended planning permission is granted for the proposed scheme.

Recommendation:

Grant with Conditions



Date: 10 January 2023

