

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: Extend at first floor level and raise roof height to create accommodation at second floor level for unit 2 and alterations to fenestration.

LOCATION: Apartment 2, 7 Berthelot Street, St. Peter Port.

APPLICANT: Stone House Properties Ltd

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: 14/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/11/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners Ltd: AA80-10641-03B, 04B & 05

Application Ref: FULL/2022/2095

Property Ref: A200370000

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 rooflight serving the kitchen of the ground floor flat shall be installed prior to the commencement of the first floor entrance hall extension and the rooflight shall be glazed with obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent) which shall thereafter be retained as such at all times.

Reason - To protect the reasonable amenities of neighbouring residents.

5.Notwithstanding the details of windows submitted, prior to the first occupation of the extended flat, the following windows shall be glazed with obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent), and shall thereafter be retained as such at all times:

- a) The 2nd floor north elevation window serving the living room.
- b) The 1st floor north elevation window serving the en-suite.
- c) The lower panes of the 1st floor east and south elevation windows serving bedroom 1.

Reason - To protect the reasonable amenities of neighbouring residents.

6.Notwithstanding the details submitted, prior to the first occupation of the extended flat, the east boundary of the 1st floor communal terrace shall be fitted with an obscure glazed screen to a minimum of level 3 on the Pilkington scale (or equivalent) and a minimum height of 1.7m, details of which shall be submitted to and approved in writing by the Authority prior to its installation, and which shall thereafter be retained as such at all times.

Reason - To protect the reasonable amenities of neighbouring residents.

7.The solar panels shall not be installed until details of their design, positioning and construction has been submitted to and agreed in writing by the Authority. The development shall then be completed in accordance with the agreed details.

Reason - In the interests of visual amenity.

8.The east and west elevation external walls of the extended building shall be rendered prior to the first occupation of the extended flat.

Reason - In the interests of visual amenity and to protect the reasonable amenities of neighbouring residents.

Expiry Date: This permission will cease to have effect on 13/06/2026 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/2022/2095
Property Ref: A200370000
Valid date: 18/11/2022
Location: Apartment 2 7 Berthelot Street St. Peter Port Guernsey GY1 1JS
Proposal: Extend at first floor level and raise roof height to create accommodation at second floor level for unit 2 and alterations to fenestration.
Applicant: Stone House Properties Ltd

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.

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Reason - In the interests of visual amenity.

8. The east and west elevation external walls of the extended building shall be rendered prior to the first occupation of the extended flat.

Reason - In the interests of visual amenity and to protect the reasonable amenities of neighbouring residents.

OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested to extend at first floor level and to create an additional storey at second floor level to create additional accommodation for unit 2 and including alterations to fenestration and the creation of an inset south facing terrace at second floor level. The extension would be finished with rendered walls, aluminium fenestration and a flat roof incorporating a rooflight and 2 solar panels.

The site consists of a traditional 2½ storey building fronting onto Berthelot Street and a series of modern one and two storey flat roof extensions to the rear. The section of the building which fronts onto Berthelot Street is an office with 2 flats within the modern rear extensions.

The site is within the St Peter Port Main Centre Inner Boundary and Conservation Area. The adjoining building to the east is a protected building.

Relevant History:

05/12/2018 – FULL/2018/2060 – Application refused to extend and alter building and change of use from office accommodation to two residential units with roof terrace/garden. Alterations to building include new parapet construction, first floor extension, glazed balustrades and apply external render system(Revised). Application subsequently approved at appeal 09/04/2019, PAP/001/2019.

22/05/2018 – FULL/2018/0534 – Permission granted to remove dormer window, demolish chimney, alter and replace fenestration, re-render external wall and install new folding/sliding access doors/gates to front of property. Alter fenestration to side (east) elevation and install three rooflights to rear (partially retrospective).

13/02/2018 – FULL/2017/2162 – Application refused to extend and alter building and change of use from office accommodation to two residential units with roof terrace/garden and office accommodation. Alterations to building include new parapet construction, first floor extension, installation of roof lights, alterations to fenestration, demolish chimney and dormer window and apply external render system (partially retrospective).

18/11/2011 – FULL/2011/2749 – Permission granted for the change of use of office accommodation to residential dwelling and office accommodation.

Existing Use(s):

Residential use class 2: flat
Office

Assessment: *(Tick as appropriate)*

no representation	☒
accords with policy	☒
within curtilage	☒
design acceptable	☒

visual amenity acceptable	☒
no material neighbour impact	☒
traffic not affected	☒

Policies considered most relevant:

Policy GP4: Conservation Areas

Policy GP8: Design

Policy GP9: Sustainable Development

Policy GP13: Householder Development

Conclusion/Brief comment:

The proposed works are confined to the modern flat roof extensions to the rear of the building which are largely screened from public view. The proposed additional storey at second floor level would be partially visible in public views from Mignot Plateau and from Berthelot Street where it would be seen in a narrow gap between buildings at the entrance to the site. When viewed from Mignot Plateau the extension would be set below the ridge height of neighbouring buildings, it would be viewed against a large office building to the north, and it would be partially screened in the foreground by the roofs and chimneys of neighbouring properties. As a result, the extension would not form a prominent feature in public views. The design and scale of the extension would have no adverse effects on the setting of the adjacent protected building. As a whole, the proposed works achieve a good standard of design and would conserve the character and appearance of the Conservation Area, in accordance with Policies GP4 and GP8.

The site is bounded by neighbouring residential properties to the east, west and north and due to the tight central town location, there currently is and would be a degree of shading, overlooking and reduced privacy between neighbouring properties. The previous application which was approved at appeal included a number of measures and conditions to minimise the impact on neighbouring residents, such as the installation of high screens and obscure glazing. Some of these elements have not been implemented and will be referred for enforcement action.

The east elevation 2nd floor window is set back approximately 17m from neighbouring buildings to the east which would be sufficient to prevent intervisibility issues. In addition, due to a combination of the height of the east boundary wall and the angle of view, the 2nd floor east elevation window is unlikely to cause a significant additional loss of privacy for neighbouring residents. The south facing glazing and inset balcony at 2nd floor level would not directly face towards neighbouring residential properties and the elevated nature of these windows and balcony would limit the loss of privacy for neighbouring residents.

To minimise the impact on the amenities of neighbouring residents it is recommended to obscure glaze the lower panes of the 1st floor east and south elevation windows serving the existing rear bedroom (proposed bedroom 1); to obscure glaze the 2nd floor north elevation window serving the living room; and to obscure glaze the 1st floor north elevation window serving the en-suite. Provided that these windows are obscure glazed, the proposal is unlikely to result in a material loss of privacy for neighbouring residents. The agent has subsequently agreed to a condition regarding the obscured glazing of the windows noted above.

The additional storey will increase the height and mass of the east boundary wall and will potentially increase shading of neighbouring properties. However, due to the height of the existing boundary walls which enclose the outdoor space on the neighbouring property to the east, the proposed additional height of the east boundary wall is unlikely to have a significant additional material adverse effect on the amenities of the neighbouring residents to the east.

The additional storey would affect the outlook from neighbouring properties to the west but considering the effect on the outlook to the east by existing neighbouring properties and the remaining outlook to the south-east, the proposal is unlikely to have a significant adverse effect on the amenities of the neighbouring residents.

The extension to create the entrance hall and stairs will overhang a lightwell to the ground floor flat by 555mm. To address concerns raised about the loss of light to the ground floor flat, revised plans have been submitted which propose an additional rooflight to serve the kitchen of the ground floor flat. Provided that the rooflight is installed to serve the kitchen of the ground floor flat, the extension is unlikely to have a material additional adverse effect on the existing daylight and sunlight levels to the ground floor flat.

The proposal would constitute an improvement to the standard of living of the existing first floor flat due to the significant increase in the internal floor area, an enhancement to daylight, sunlight, outlook and privacy and the inclusion of a balcony to provide a small form of private outdoor space.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance 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.

It is recommended that the application is approved.

Recommendation:

Grant with Conditions

Date: 12/06/2023



