

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: Install replacement and alterations to windows and doors, internal alterations and install patio area to rear (Protected Building) (Revised Scheme).

LOCATION: 2 Columbia Terrace, Brock Road, St. Peter Port.

APPLICANT: Mr A Luce

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: 08/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/11/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7557-01 B1, B2A, B3A, B4A, B5, B6A & B7

Application Ref: FULL/2022/2106

Property Ref: A115200000

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.

Expiry Date: This permission will cease to have effect on 07/03/2026 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/2022/2106
Property Ref: A115200000
Valid date: 14/11/2022
Location: 2 Columbia Terrace Brock Road St. Peter Port Guernsey GY1 1RB
Proposal: Install replacement and alterations to windows and doors, internal alterations and install patio area to rear (Protected Building) (Revised Scheme).
Applicant: Mr A Luce

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).

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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.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a mid-terrace property located to the east of Brock Road. The property is recognised as a protected building, for which the whole of the building is included on the listing.

The property lies in a Conservation Area and Main Centre Outer Area as designated in the Island Development Plan Proposals Map.

Planning permission was refused in 2022 to alter and install replacement windows and doors at ground, first and second floor level and install a patio area to the rear. It was refused on the basis that the development would have a significant detrimental effect on the overall special interest of the protected building by virtue of the removal of windows referenced GW1, GW2, FW8, FW10 and SW17 and the removal of internal doors at ground and first floor level.

In light of the refusal, the application now seeks to retain windows referenced GW1, GW2, FW8, FW10 and SW17. The replacement windows only relates to existing modern replacements. The internal doors at ground and first floor level are to be retained.

Relevant History:

FULL/2022/1030	Install replacement and alterations to windows and doors, internal alterations and install patio area to rear (Protected Building).	Granted
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Existing Use(s):

Residential

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:

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

Conclusion/Brief comment:

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.

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 revised scheme retains the historic windows and windows that positively contribute to the special interest of this protected building.

The windows proposed to be removed are modern replacements and therefore it is considered a reasonable aspiration of the homeowner to replace these windows (Policy GP5).

As set out in the officer's report as part of application FULL/2022/1030, the internal layout changes proposed would generally remove modern fabric of the building and therefore is acceptable. In addition, the retention of the original door positions at ground and first floor level, whilst allowing partial blocking up in plasterboard would achieve a reasonable balance between allowing flexibility with regards to householder's aspirations to alter their home, whilst preserving the special interest of the protected building.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies and supplementary planning guidance; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 08/03/23