

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: Erect 2 dwellings with associated underground parking area (revised scheme).

LOCATION: Ivymount, 51 Mount Durand, St. Peter Port.

APPLICANT: Mr D Le Marquand & Mr P Ferbrache

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: 21/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/11/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTech Freelance Architecture: DLM-22-1063-06A & -07A.

Application Ref: FULL/2022/2214

Property Ref: A306030000 + A30603A000

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.No development shall begin on site until details of the proposed west boundary treatment have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details, the approved boundary treatment shall be installed prior to the first occupation of unit 1 and retained in perpetuity.

Reason - The information provided with the application does not include full details of the proposed boundary treatment. This condition is imposed to make sure that an appropriate boundary treatment is provided in the interests of privacy and the character and appearance of the Conservation Area.

5.The timber fence approved to the south and east boundaries of the site to enclose the terrace amenity space for each dwelling shall project 1.7m above the finished floor level of the terrace and shall be installed prior to the dwelling it serves being first brought into use, the fence shall thereafter be retained in perpetuity.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

6.No development shall begin on site until details of the hardsurfaced areas to the front/side of the building and the proposed terrace areas have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the development has regard to sustainable development and the use of permeable paving and in the interests of the character and appearance of the Conservation Area.

7.Prior to the commencement of any work in connection therewith a scheme showing

details the cycle racks/stands to be installed on the site and their location shall be submitted to and agreed in writing by the Authority, and no part of the development, hereby permitted, shall be occupied or used until that provision has been made in accordance with the agreed details. Those areas shall not thereafter be used for any purpose other than the storage/parking of bicycles.

Reason - To make sure that convenient provision is made for cyclists in the interests of sustainable development to provide for an alternative mode of transport to the car.

8. Within four weeks of the new access being formed, the ends of the new garage opening shall be finished off using materials and a method of construction which match the remainder of the north boundary wall.

Reason - To preserve the character and appearance of the Conservation Area.

Expiry Date: This permission will cease to have effect on 20/03/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

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/2022/2214
Property Ref: A306030000 + A30603A000
Valid date: 10/11/2022
Location: Ivymount 51 Mount Durand St. Peter Port Guernsey GY1 1DY
Proposal: Erect 2 dwellings with associated underground parking area (revised scheme).

Applicant: Mr D Le Marquand & Mr P Ferbrache

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. No development shall begin on site until details of the proposed west boundary treatment have been submitted to and agreed in writing by the Authority. The

development shall be carried out only in accordance with the agreed details, the approved boundary treatment shall be installed prior to the first occupation of unit 1 and retained in perpetuity.

Reason - The information provided with the application does not include full details of the proposed boundary treatment. This condition is imposed to make sure that an appropriate boundary treatment is provided in the interests of privacy and the character and appearance of the Conservation Area.

5. The timber fence approved to the south and east boundaries of the site to enclose the terrace amenity space for each dwelling shall project 1.7m above the finished floor level of the terrace and shall be installed prior to the dwelling it serves being first brought into use, the fence shall thereafter be retained in perpetuity.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

6. No development shall begin on site until details of the hardsurfaced areas to the front/side of the building and the proposed terrace areas have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the development has regard to sustainable development and the use of permeable paving and in the interests of the character and appearance of the Conservation Area.

7. Prior to the commencement of any work in connection therewith a scheme showing details the cycle racks/stands to be installed on the site and their location shall be submitted to and agreed in writing by the Authority, and no part of the development, hereby permitted, shall be occupied or used until that provision has been made in accordance with the agreed details. Those areas shall not thereafter be used for any purpose other than the storage/parking of bicycles.

Reason - To make sure that convenient provision is made for cyclists in the interests of sustainable development to provide for an alternative mode of transport to the car.

8. Within four weeks of the new access being formed, the ends of the new garage opening shall be finished off using materials and a method of construction which match the remainder of the north boundary wall.

Reason - To preserve the character and appearance of the Conservation Area.

INFORMATIVES

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

OFFICER'S REPORT

Site Description:

51 Mount Durand is an end of terrace pitched roof dwelling situated on the corner with Valnord Estate and is currently undergoing extensive renovation and repair. The site is in a prominent location when approached from Valnord Road. On-street parking is available to the south in Mount Durand. The property benefits from a large garden to the rear/west of the site.

La Porte au Mur is a dwelling situated to the west of the application site, with a glazed gable facing east to the garden of 51 Mount Durand and a clearstory of windows facing north across the access driveway off Valnord.

The site is located in the Main Centre and Conservation Area as designated in the Island Development Plan. 51 Mount Durand is a protected building as are numerous other buildings in the vicinity of the site. Collectively the protected buildings and other non-protected buildings form part of the urban character and street scene that form the character of the Conservation Area.

Relevant History:

Pre-application advice was sought in this case.

FULL/2022/0854 – erect three dwellings – refused.

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application relates to the erection of a pair of semi-detached, two-storey dwellings to the west of 51 Mount Durand, in the rear garden of the property. Unit 1 proposes an en-suite bedroom, separate bathroom and utility/store on the ground floor and an open plan living, kitchen, dining room on the first floor with wrap around terrace to the south and west incorporating staired access from street level. Unit 2 proposes a store and utility on the ground floor and two bedrooms and

open plan kitchen, dining, living area on the first floor with roof terrace to the south and east.

Shared cycle and refuse storage is proposed to the western end of the building to the front of unit 1 and below its first floor terrace. Garaging is proposed via a new 7m wide arched access in the roadside wall. The garage is 8.5m deep and 7.5m wide and is shown to be open to the street. The terrace associated with unit 2 is to sit above the garage.

The buildings step down to follow the topography of the access road. The external walls are proposed to be a mixture of stone and render and with slate roofs and PVCu sliding sash windows. A timber fence is proposed along the south, east and west site boundaries around the proposed terrace areas.

The submission also addresses the requirements of Policy GP9 by exceeding Guernsey Technical Standards using construction methods meeting/exceeding thermal insulation or U-values and considering the layout and orientation to take advantage of solar gain where possible.

The written aspect of the submission addressed matters relating to Protected Buildings, external space for residents and impact on residential amenity. As originally submitted however, the scheme did not address how the scheme would offer flexible and adaptable accommodation.

Revised drawings were provided that seek to address concerns relating to the design of the development along with a written explanation to address Policy GP8, accessible and adaptable accommodation and the impact of the development on 51 Mount Durand.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

Island Development Plan policies:

MC2: Housing in Main Centres and Main Centre Outer Areas

GP1: Landscape Character and Open Land

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

Eight letters of representation have been submitted commenting on the application as originally submitted and raising the following points:

- Impacts on the conservation area
- Over development of the site
- Impacts on the character of the area – design of houses and loss of granite wall
- The application site already represents efficient use of the site
- A comprehensive development of the site as a whole should have been put forward
- The use of certain materials is not appropriate in this area
- The scheme will result in a loss of landscaping and wildlife.
- The proposed amenity space is too small and is not satisfactory when compared to normal amenity space for dwellings in the area
- The scheme does not address the reasons for refusal regarding accessibility
- The development will impact on privacy of the existing homes and buildings nearby
- Despite the reduction in height proposed adjoining homes, gardens and roads will still be overshadowed as a result of the development
- Inaccuracies of the drawings don't portray true impacts
- There will be increased noise due to the layout of the development
- The development will impact on amenity space for no. 51
- The scheme will result in the loss of the sense of neighbourly development
- The development will adversely affect Protected Buildings
- Protected buildings should not be demolished
- There is already a considerable volume of traffic using Mount Durand and speeds are often excessive for a residential area. The development will increase traffic
- There is already a lack of parking in the area, the development will lose 4 existing spaces
- The plans do not clearly show how many parking spaces are to be provided
- The garage parking would have limited visibility and turning area
- Lack of clarity regarding party garden wall
- Inconsistencies in the letter accompanying the application have been raised
- The drawings are misleading due to lack of detail in terms of accurate and consistent reference points
- Lack of a structural survey in relation to impacts of the development.
- The development will affect drainage in the surrounding area by loss of natural drainage

Six letters were submitted following the receipt of revised plans reiterating the material planning considerations raised above

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the design and appearance of the proposed dwellings and their likely effect on the character and appearance of the Conservation Area. The potential impact on residential amenity with regard to sunlight and daylight and loss of privacy and the future living environment of occupiers of the development.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

Section 34 of the Law explains the general functions of authorities in respect of protected buildings. This states that:

It is the duty of any department of the States when exercising its functions under this Law –

- (a) to secure so far as possible that the special historic, architectural, traditional or other special characteristics of buildings listed on the protected buildings list ("protected buildings") are preserved, and
- (b) in particular, in exercising its functions with respect to a protected building or any other building or land in the vicinity of a protected building, to pay special attention to the desirability of preserving the protected building's special characteristics and setting.

Section 38 of the Law explains the general functions of authorities in respect of conservation areas. This states that:

In the exercise, with respect to any building or other land in a conservation area, of any powers under this Law or any other enactment, special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that area.

In respect of these statutory duties, the word 'preserve' is taken in its ordinary meaning as set out in Chamber's dictionary, which is 'to keep safe from harm or loss'.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely. Relevant policies will be addressed below in assessing the key issues.

Section 13 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, sets out a number of general material considerations, the following of which are considered to be relevant in this instance:

- (b) the character and quality of the natural and built environment which is likely to be created by the development,
- (c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,
- (d) the likely effect of the development on the character and amenity of the locality in question,

Section 15 clarifies that the considerations referred to in paragraphs (b) and (c) of section 14 also apply to protected buildings.

Principle of residential development

Policy MC2 of the Island Development Plan makes provision for new residential development and offers a gateway for residential development in this location. Two-bedroom properties recognises the requirements of the Housing Needs Survey and the site could not readily offer a greater mix and type of properties than proposed.

Impact on local built environment and character and appearance of the Conservation Area

The pair of semi-detached dwellings and associated scale and mass represents an improvement over the previously refused scheme. As amended, the scheme has been simplified with the vehicular access reduced in width, quoin details added and the fenestration consistent across the site frontage. As amended the scheme represents a good standard of design that respects the local built environment and would conserve the special character and appearance of this part of the St Peter Port Conservation Area in line with Policy GP8 and GP4 of the IDP.

Residential Amenity

The scheme has sought to overcome the earlier refusal relating to residential amenity (overbearing and overshadowing) by reducing the height of the proposed development and revisiting its position on the plot, set further from the east and west site boundaries.

The revised submission has indicated that the fencing along the site boundaries will not result in a loss of privacy to the occupiers of no. 51. The scheme does not

specifically address the loss of external amenity space serving the two bedroom and three bedroom units approved and under development within no. 51 itself. As approved, this adjoining scheme indicated that the garden would serve the larger unit (unit 1) with a smaller communal area available for both. Despite the lack of information provided in respect to the revised garden area serving no 51, it is considered there would remain, following the development of the proposed units under consideration, sufficient space to serve both units within no 51, given the central location of the site and access to public open space as well as the reduced garden area proposed.

With regard to La Porte au Mur, to the west of the site the proposed development is situated more than 7m from the glazed east elevation of the neighbouring property. The development has been set further from the common boundary and the overall height of the building reduced by approximately 1.5m. A single-storey aspect of the development would be situated closest to this neighbouring property in order to help reduce the impact on residential amenity. The revised scheme would not have an overbearing effect and not overshadow the substantial area of glazing to the east elevation of La Porte au Mur. The blank west elevation would help manage the potential for overlooking and loss of privacy to the adjoining occupiers and a condition can be imposed relating to the treatment of the west site boundary around the terrace to manage the potential for overlooking from the site.

The revised design of the scheme, would offer separation to the gardens to the south and limit the overbearing impact of the development on these adjoining garden areas.

South facing fenestration is limited to bi-fold doors serving the open plan living space which is shown to be screened from the adjoining gardens by the existing boundary wall and a proposed timber fence. Concerns have been raised regarding the accuracy of the drawings with regard to the height of the wall and fence. However a planning condition require a specific height of boundary fence to offer satisfactory screening and privacy to the adjoining garden areas could be imposed.

The rooflights proposed to the south roofslope would be high level, above the living accommodation and will provide light and ventilation rather than outlook. The roofspace is not sufficient in height to form future living accommodation. The bi-fold doors, in combination with the introduction of a boundary fence, would not result in unacceptable overlooking or loss of privacy to the occupiers of adjoining dwellings to the south. The proposed fenestration to the front/north elevation is set sufficient distance from neighbouring properties, also set at a lower level than the site, so as to ensure the potential for overlooking remains within acceptable limits in this urban environment.

Future living environment of occupiers

The scheme provides accommodation that will provide satisfactory daylight and internal space provision having regard to the health and well-being of future

occupiers. The townhouse style of accommodation is such that stair access is proposed to each floor. As amended the submission outlines that stairlifts and ceiling hoists could be installed at a later date, low risers and large openings would provide access for ambulant disabled, plus the option to adapt the layout to provide entrance level bedspace/accessible entrance level bathrooms. This demonstrates accessible and flexible accommodation as required by Policy GP8.

The scheme also incorporates external terraces for each dwelling which provides access to external open space for occupiers. The south boundary fence would however restrict outlook from the space thereby impacting the quality of the space proposed. Furthermore, there would be a perception of overlooking to unit 1 from the glazed gable of La Porte au Mur. On balance however, when considering access to public open space the scheme is considered to satisfactorily address the matter of external open space when considering Policy GP8 and Annex I of the IDP.

Setting of protected buildings

There are a number of Protected Buildings in the vicinity of the site. The application site also forms part of the rear garden of a Protected Building. The reduced overall scale, mass and number of units would satisfactorily address the earlier reason for refusal when considering the effect of the development on the setting of nearby Protected Buildings.

Highway Safety and parking provision

The provision of two off-road parking spaces within a garage accords with the maximum parking standards for a Main Centre Location in accordance with Policy IP7 of the Plan. There would also be space within the garage to accommodate a motorcycle in line with current parking standards.

The provision of covered cycle storage is in line with Policy IP6 as an area is shown in the shelter below the terrace serving unit 1 but can also be accommodated in the garage space.

Although comments have been made regarding the private access road this is beyond the remit and control of Traffic and Highway Services. In respect to access/egress from the garage, the speed of vehicles reversing in or out of the garages would also be low and the potential adverse impact on highway safety is considered to remain within acceptable limits. A pavement exists opposite the site which would provide a refuge for pedestrians and act as a buffer for vehicles before the railings with the lower section of Valnord Road. The scheme is considered to accord with Policy IP9 of the Plan.

Sustainable Development

The level of information associated with sustainable development has not changed from the earlier scheme. The submission provides limited site-specific information

(only modern and low waste construction techniques) to demonstrate how the design, method of construction and location of the proposal would help to achieve more a sustainable development (IDP paragraph 19.10.4). The submission does not specifically address how the scheme would maximise solar gain but, as referred to elsewhere would offer adequate sunlight/daylight to the accommodation proposed. The scheme does not specifically consider climate change and flood risk (e.g. permeable paving and the management of surface water run-off) although the matter of paving to external spaces can be managed by condition and the scheme is considered to comply with Policy GP9.

Conclusion

In view of the above it is recommended permission is granted for the proposed development subject to appropriate planning conditions:

- Details of hardsurfacing (front of building/area of cycle and refuse store and terrace areas)
- Details of west site boundary, its provision and retention
- Height of south boundary fence above the finished level of the terrace and the provision and retention of the south and east site boundary fences
- Provision of cycle racks for cycle storage as neither the garage nor the store area are secure
- Ends of the garage opening to be made good to match existing

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees or sites.

Date: 08 March 2023

