

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: Subdivide building to create 2 units, demolish lean-to to west (side) elevation of dwelling 1, demolish and rebuild chimney, replace dormers to south elevation, internal and fenestration alterations, erection of bin store to north elevation of Unit A, resurface hard surfaced area (Protected Building) (Revised Scheme).

LOCATION: Le Tertre, Rue Du Tertre, Vale.

APPLICANT: Mr J J Mitchell

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: 03/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/11/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design - 15-731-P5 PD/01A, PD/02B, PD/03B, PD/04B, PD/05A, PD/06, PD/07, PD/08, PD/09B, PD/10B & PD/11.
T&G Structural Engineers - GY21244/003 C1.

Application Ref: FULL/2022/2298

Property Ref: C01139A000

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.Prior to the commencement of any work in connection therewith large scale drawings (1:20 elevations and 1:5 sections) of all new and replacement internal and external doors and windows, including the dormer window structures shall be 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 feature(s). This condition is imposed to make sure that the works do not result in harm to the special interest of the Protected Building or the character of the area.

5.Prior to the commencement of any work in connection therewith details of the design, appearance and materials of the railings to the external steps shall be 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 feature(s). This condition is imposed to make sure that the works are sympathetic to the special interest of the Protected Building.

6.Prior to the commencement of any work in connection therewith details to show the precise position of the new timber panel and window unit shall be 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 feature(s). This condition is imposed to make sure that the integrity of the chamfered arch is respected in order to preserve the special interest of the Protected Building.

7. Prior to the limestone floor of Unit B being covered in accordance with this permission a photographic survey of the floor shall be undertaken and submitted to and agreed in writing by the Authority.

Reason - To ensure a true and accurate record of the limestone floor is produced as a record of the floor to be covered having regard to the special interest of the Protected Building.

8. The roof lights hereby approved shall be fitted flush with the roof plane in which they are installed.

Reason - For the avoidance of doubt, to preserve the special interest of the Protected Building and to conserve the character and appearance of the locality.

9. No details of the proposed lead work has been submitted with this planning application and all new lead work approved in connection with the approved development shall be constructed in accordance with the details set out by Lead Sheet Association.

Reason - To preserve the special interest of the Protected Building.

10. For the avoidance of doubt, permission is not granted to remove or reposition the protected courtyard pump.

Reason: For the avoidance of doubt and to ensure the special interest of the protected building is maintained.

11. The existing slates and ridge tiles shall be set aside for reuse following the completion of works at Le Tertre. If any new slate or ridge tiles are needed in connection with the approved development a sample of the new tile to be used shall be submitted to and agreed in writing by the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - To preserve the character and appearance of the area and the special interest of the Protected Building.

Expiry Date: This permission will cease to have effect on 02/02/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The approved scheme does not include any works to upgrade the building to offer enhanced fire safety measures. Any such measures may require planning permission and if, following the commencement of work on site such measures are considered necessary it is recommended you contact the Authority for further advice and guidance.

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/2022/2298
Property Ref: C01139A000
Valid date: 29/11/2022
Location: Le Tertre Rue Du Tertre Vale Guernsey GY3 5QF
Proposal: Subdivide building to create 2 units, demolish lean-to to west (side) elevation of dwelling 1, demolish and rebuild chimney, replace dormers to south elevation, internal and fenestration alterations, erection of bin store to north elevation of Unit A, resurface hard surfaced area (Protected Building) (Revised Scheme).

Applicant: Mr J J Mitchell

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. Prior to the commencement of any work in connection therewith large scale drawings (1:20 elevations and 1:5 sections) of all new and replacement internal and external doors and windows, including the dormer window structures shall be 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 feature(s). This condition is imposed to make sure that the works do not result in harm to the special interest of the Protected Building or the character of the area.

5. Prior to the commencement of any work in connection therewith details of the design, appearance and materials of the railings to the external steps shall be 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 feature(s). This condition is imposed to make sure that the works are sympathetic to the special interest of the Protected Building.

6. Prior to the commencement of any work in connection therewith details to show the precise position of the new timber panel and window unit shall be 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 feature(s). This condition is imposed to make sure that the integrity of the chamfered arch is respected in order to preserve the special interest of the Protected Building.

7. Prior to the limestone floor of Unit B being covered in accordance with this permission a photographic survey of the floor shall be undertaken and submitted to and agreed in writing by the Authority.

Reason - To ensure a true and accurate record of the limestone floor is produced as a record of the floor to be covered having regard to the special interest of the Protected Building.

8. The roof lights hereby approved shall be fitted flush with the roof plane in which they are installed.

Reason - For the avoidance of doubt, to preserve the special interest of the Protected Building and to conserve the character and appearance of the locality.

9. No details of the proposed lead work has been submitted with this planning

application and all new lead work approved in connection with the approved development shall be constructed in accordance with the details set out by Lead Sheet Association.

Reason - To preserve the special interest of the Protected Building.

10. For the avoidance of doubt, permission is not granted to remove or reposition the protected courtyard pump.

Reason: For the avoidance of doubt and to ensure the special interest of the protected building is maintained.

11. The existing slates and ridge tiles shall be set aside for reuse following the completion of works at Le Tertre. If any new slate or ridge tiles are needed in connection with the approved development a sample of the new tile to be used shall be submitted to and agreed in writing by the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - To preserve the character and appearance of the area and the special interest of the Protected Building.

INFORMATIVES

The approved scheme does not include any works to upgrade the building to offer enhanced fire safety measures. Any such measures may require planning permission and if, following the commencement of work on site such measures are considered necessary it is recommended you contact the Authority for further advice and guidance.

OFFICER'S REPORT

Site Description:

Former fortified manor and farmhouse located in north-east corner with associated walled garden, granite barn located in north-west corner. The northern part of the site is relatively flat, while the southern part falls away steeply to the south.

The site is bounded to three sides by roads, with high granite walls along the north and east roadside boundaries and mature trees and a high boulder bank along the west. To the south the site is bounded by a development for 51 sheltered houses. The site is accessed via a gateway in the south-west corner.

Within the walled garden there are two individually protected trees, a copper beech and sweet chestnut, and there is a further group of protected trees comprising sweet chestnut, Norway maple and sycamore along the western boundary.

The whole of the property, as outlined on the submitted plans, comprises domestic curtilage.

The site is located within a Main Centre Outer Area in the Island Development Plan and is a site of archaeological importance. The whole of the enclos, including the exterior and interior of the house, the arches, tourelle, fireplaces and panelling together with the pump, but excluding the courtyard, porches and the extension on the western gable of the house, is protected.

Relevant History:

FULL/2022/1261	Subdivide building to create 2 units, demolish lean-to to west (side) elevation of dwelling 1, erection of bin store to north elevation of Unit A, resurface hard surfaced area, alteration to fenestration, replace dormers to south elevation. (Protected Building).	Refused
FULL/2022/0858	Variation to previously approved plans to sub-divide dwelling to form two dwellings - replacement roof tiles, internal and fenestration alterations (Protected Building).	granted
FULL/2022/0664	Variation to previously approved plans to demolish existing barn and erect dwelling to west boundary - raise roof ridge height, increase floor area at ground floor and 1st floor area and alterations to fenestration.	Granted 29/06/2022
FULL/2021/0552	Demolish existing barn and erect dwelling to west boundary.	Granted 07/09/2021
FULL/2017/2103	Refurbishment of roofs, alterations to fenestration, re-build chimney and create habitable space in existing store (Protected Building).	Granted 22/11/2017

Existing Use(s):

Residential – Use Class 1

Brief Description of Development:

The application relates to the subdivision of the main house, Le Tertre into two units of residential accommodation. Dwelling A comprising a kitchen/dining room, sitting

room, snug, WC and new sunlounge on the ground floor facing south onto a garden with three bedrooms and bathrooms on the first floor. A further two bedrooms and dressing/home office area is proposed within the roofspace at second floor level. Dwelling B would be housed in part of the building north of the main house and have an open plan living, dining, kitchen on the first floor with stepped access down to the west onto the garden and with access to the communal parking area and one bedroom and bathroom on the ground floor. A storage mezzanine is proposed within the roofspace of this part of the building.

As part of the subdivision works a lean-to to the west elevation of the building would be demolished and replaced and porches in the eastern courtyard are to be removed. A bin store is proposed within the east courtyard area along with alterations to fenestration, new rooflights, replacement hardstanding, replacement dormers to the south elevation of the dwelling and internal alterations to the Protected Building.

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
- GP5 Protected Buildings;
- GP8 Design;
- GP9 Sustainable development;
- IP6 Transport infrastructure and support facilities;
- IP7 Private and Communal Parking.

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed change of use, the effect of the works on the special interest of the Protected Building, impact on residential amenity and the health and well-being of future occupiers.

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.

Principle of the proposed subdivision

Policy MC2 makes provision for additional housing units in this location and offers a gateway for the subdivision of an existing building to form two units of accommodation, one providing one bedroom and the other a 5 bedroom dwelling.

Although current housing requirements for the Island are generally for two and three bedroom properties this application relates to the subdivision of a substantial dwelling that would have 5+ bedrooms at present and not the erection of a new, 5 bedroom dwelling. This does not therefore, conflict with policy.

Impact on the Protected Building

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.

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.

For the purpose of this report BS 7913:2012 has been used to assess the magnitude of impact of the development against the value of the special interest of the building.

The application has been accompanied by a Statement of Significance ...

Policy GP5 will be met where there is no adverse effect on the overall special interest of a protected building or the works are considered a reasonable aspiration of the property owner to outweigh the harm to the protected building.

Following assessment however, some of the proposed works as discussed below, would be harmful to what is special about the protected building contrary to the requirements of Policy GP5.

Protected Building

Windows 31 and 43 and door 32 of Dwelling A have a neutral contribution on special interest and their replacement would be accepted as are the insertion of a new window into the opening (window 23) and a timber panel and window along with the alterations proposed to west facing windows (previously granted permission for replacement). Where new/replacement windows are proposed a condition should be imposed on any permission relating to the joinery and construction of the replacement and to confirm the position of the new timber panel and window unit to retain the integrity of the very high value chamfered arch.

The proposals would affect the plan form through the insertion of partitions on the ground floor. These alterations are reversible and provide a bedroom and bathroom which are considered to represent a reasonable aspiration of the property owner.

The demolition of the porches, which are not protected, and the construction of a sun lounge to the west elevation along with the erection of a bin store in the east courtyard, fences and pathways would not have an adverse effect on the overall special interest of the setting of the complex. It would be reasonable to impose a condition relating to the retention in-situ of the courtyard pump.

The replacement of the dilapidated steel and timber lintels to the west elevation of the north lean-to with stone lintels and the replacement of concrete steps to the west of Dwelling B would have a positive effect on overall special interest.

The alterations to partitions and doorways are considered to be sympathetic to the special interest of the Protected Building.

Repointing stonework using a lime based mortar is considered to represent exempt development under Class 3 of the Land Planning and Development (Exemptions) Ordinance.

The works proposed represent the reasonable aspirations of the property owner and when balanced against the harm that would result from the works would meet the aims of Policy GP5. Various planning conditions are considered appropriate in order to confirm specific details of works and the reuse of tiles etc as necessary.

Impact on character and appearance of the locality

The proposed external alterations and extensions proposed represent a high standard of design that respects the local built environment. The proposed hardstanding would reinforce the local character and in this respect the scheme meets the aims of Policy GP8 of the Plan.

Impact on residential amenity

The subdivision proposed with associated internal layout, extensions and alterations will not result in unacceptable harm to residential amenity with regard to loss of privacy in line with the aims of Policy GP8 and GP9 of the Plan.

Future living environment of occupiers

The proposed development considers the health and well-being of occupiers of the dwellings in relation to adequate sunlight and daylight to the accommodation and access to external open space. A condition should be imposed relating to the subdivision of the amenity space as indicated to offer private external space for occupiers.

Dwelling A, the larger of the two properties, could see the rooms put to different uses to meet the changing needs of occupiers. In both dwellings A and B, subject to permissions, alterations internally and extensions could be provided to offer more flexible and adaptable accommodation that can respond to the needs of occupiers over time.

As the proposal relates to the subdivision of an existing, Protected Building, there will be some challenges relating to access to and within the buildings for people of all ages and abilities. The accommodation would generally be accessible by ambulant

disabled and on balance offers reasonable access given the constraints of the building.

In this respect the scheme meets the aims of Policy GP8 of the Plan.

Parking provision

Two spaces are proposed to serve both dwelling A and dwelling B along with a visitor parking space within the curtilage outlined for dwelling A. Parking for the neighbouring property to the west is also within this communal area. A total of 6 spaces are proposed to serve all the dwellings on the site. The scheme would meet the maximum parking standards in line with Policy IP7.

Although no sheds/outbuildings are proposed, there would be space within the garden areas (subject to a separate application) for the erection of outbuildings to serve as secure and covered cycle storage so that occupiers can travel by alternative modes of transport.

Sustainable Development

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.

Conclusions

The revised scheme accords with all relevant policies in the Island Development Plan and it is recommended planning permission is granted for the works outlined in the submission subject to conditions relating to:

- Prior to removal of the existing, large scale drawings (1:20 elevations; 1:5 sections) of all new and replacement internal and external doors and windows, including the dormer window structures, shall be submitted for the written agreement of the Authority;
- The courtyard pump (part of the protected building) shall be retained in situ unless otherwise agreed with the Authority;
- Prior to installation, a specification of the railings to the external steps shall be agreed in writing with the Authority;
- Leadwork shall be installed in accordance with Lead Sheet Association instructions;
- Existing slates and ridge tiles shall be re-used. If this not deemed possible, prior to installation replacements shall be agreed in writing with the Authority;
- So as to ensure that the integrity of the chamfered arch is respected, prior to installation the precise position of the new timber panel and window unit shall be agreed in writing with the Authority;

- All new and replacement rooflights shall be fitted flush with the roof plane in which they are installed;
- Prior to the covering of the limestone floor of Unit B, a photographic survey of the floor shall be undertaken and submitted to the Authority.

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: 03 February 2023