

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Demolish lean-to, erect extension at second floor level and create terrace at first floor level to west (rear) elevation, internal and fenestration alterations (Protected Building).

LOCATION: The Myrtles, 32 Les Canichers, St. Peter Port.

APPLICANT: Mr & Mrs Morris

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: 25/05/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD Architects: 3695 PL-01, 02, 03 & 04

Application Ref: FULL/2023/0068

Property Ref: A110660000

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 installation of all new windows and doors, 1:20 scale elevations of all new windows and doors shall be submitted to and approved by the Authority. The windows and doors shall thereafter be installed in accordance with the approved details.

Reason - the scale of the new windows and doors provided is not sufficient. Large scale drawings are required in the interests of preserving the special interest of the protected building.

5.Notwithstanding the information submitted, the second floor window in west elevation of the hereby approved extension shall be glazed with obscure glass to a minimum of Level 3 on the Pilkington scale (or equivalent) and shall thereafter be retained at all times.

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

Expiry Date: This permission will cease to have effect on 24/05/2026 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/2023/0068
Property Ref: A110660000
Valid date: 17/01/2023
Location: The Myrtles 32 Les Canichers St. Peter Port Guernsey GY1 2LT
Proposal: Demolish lean-to, erect extension at second floor level and create terrace at first floor level to west (rear) elevation, internal and fenestration alterations (Protected Building).

Applicant: Mr & Mrs Morris

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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OFFICER'S REPORT

Brief Description of the site:

The application site, known as the Myrtles, comprises a three storey mid-terrace property. The property is a protected building and is bounded by Les Canichers to the east and Bruce Lane to the west. The property lies within a Conservation Area and a Main Centre Inner Area as designated in the Island Development Plan.

Planning permission is sought to demolish a lean-to extension and erect an extension at second floor level and create a terrace at first floor level to the west (rear) elevation. It is also proposed to make internal and fenestration alterations in order to address practical considerations and waterproofing as noted in the agent's letter of 22nd December 2022.

The application has been supported by a Statement of Significance which sets out the history of the site, description of the building, including its historic features, and has made an assessment on the proposed alterations and extension against the value of its special interest and how the harm to the protected building has been mitigated or justified.

No changes are proposed to the façade of the building.

Relevant History:

FULL/2018/2571	Re-roof, reconstruct chimneys and dormer window and erect satellite dish at roof level (Protected Building).	Granted
FULL/2013/2146	Repair existing windows and cills on east elevation and	Granted

	carry out repairs to cornice guttering (Protected Building).	
FULL/2013/0110	Internal alterations to create new bathroom on first floor (Protected Building)	Granted

Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

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

Policies considered most relevant:

GP4 Conservation Areas
 GP5 Protected Buildings
 GP8 Design
 GP9 Sustainable Development
 GP13 Householder Development

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.

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings and Conservation Areas, to secure so far as possible that the special historic, architectural, traditional or other special characteristics are preserved. These duties are reflected in Policy GP4 and GP5 of the IDP.

The Statement of Significance is a useful document in that the assessments made are broadly agreed, in that the proposal will to a degree, harm the special interest of the protected building. However, the harm caused will be mitigated through a high enough standard of design for the purposes of Policies GP5 and GP8. The proposal adopts a 'high' standard of design by virtue of its scale, form, massing, siting, materials and detailing, together with its sympathetic relationship to the protected building. On balance, the impact on the special interest of the protected building is outweighed by the reasonable aspirations of the homeowner (Policy GP5), subject to large scale drawings of all new windows and doors.

Careful consideration has been given to the effect of the development on the amenities of neighbouring residents. Due to the 2nd floor extension being built on the rear boundary line of the application site which features a window, it is reasonable and necessary to ensure that the bathroom window is obscure glazed to respect the amenities of neighbouring residents when taking into account the distance and relationship to the neighbouring property to the west which is located approx. 9m from the extension, and features a private amenity space in front. The intervisibility relationship is not acceptable, particularly as the extension is built on the boundary.

Overall, the proposal will not have a detrimental impact on the character or appearance of the Conservation Area, visual amenity, or the amenities of neighbouring residents.

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 accords with the purpose of the Law and material considerations; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 24/05/23