

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 single storey garage to north-east of site, create pedestrian access to east boundary, create new driveway/hardstanding and landscaping to east (rear) of building (Protected Building) (Revised Scheme).

LOCATION: 16 Hauteville, St. Peter Port.

APPLICANT: Joyton Holdings 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: 21/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 09/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Naftel Associates - A220103 10B, 11A & 20A, Ecogranite block paving specification

Application Ref: FULL/2023/0120

Property Ref: A406970000

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 boundary wall to the Strand shall be reconstructed using stone to match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone. The wall and the ""North-East"" Entrance elevation shall be constructed within six months of the date of this decision, unless otherwise agreed in writing by the Authority.

Reason - The walls make a positive contribution to the character of the conservation area and reinstatement within a reasonable timeframe is necessary to maintain that character.

5.Prior to the garage and driveway hereby approved being completed, or brought into use, whichever is sooner, details of planting along the east boundary of the site, to include planting schedules, noting the species, sizes, numbers and densities of plants, shall be submitted to and agreed in writing by the Authority.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and in the interests of neighbour amenity.

6.The three Sweet Chestnut trees shown on the approved plans and the planting to the east boundary agreed under the terms of the above condition, shall be fully completed in the first planting season following the first use of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings and in the interests of neighbour amenity.

Expiry Date: This permission will cease to have effect on 20/02/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site.

The Archaeology team can be contacted on 01481 709738, 01481 709739 or mobiles 07781 102219 or 07781 131061.

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/2023/0120
Property Ref: A406970000
Valid date: 09/01/2023
Location: 16 Hauteville St. Peter Port Guernsey GY1 1DF
Proposal: Erect single storey garage to north-east of site, create pedestrian access to east boundary, create new driveway/hardstanding and landscaping to east (rear) of building (Protected Building) (Revised Scheme).

Applicant: Joyton Holdings 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.

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 boundary wall to the Strand shall be reconstructed using stone to match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone. The wall and the "North-East" Entrance elevation shall be constructed within six months of the date of this decision, unless otherwise agreed in writing by the Authority.

Reason - The walls make a positive contribution to the character of the conservation area and reinstatement within a reasonable timeframe is necessary to maintain that character.

5. Prior to the garage and driveway hereby approved being completed, or brought into use, whichever is sooner, details of planting along the east boundary of the site, to include planting schedules, noting the species, sizes, numbers and densities of plants, shall be submitted to and agreed in writing by the Authority.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and in the interests of neighbour amenity.

6. The three Sweet Chestnut trees shown on the approved plans and the planting to the east boundary agreed under the terms of the above condition, shall be fully completed in the first planting season following the first use of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings and in the interests of neighbour amenity.

INFORMATIVES

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site.

The Archaeology team can be contacted on 01481 709738, 01481 709739 or mobiles 07781 102219 or 07781 131061.

OFFICER'S REPORT

Site Description:

The application property comprises a large, mid-terrace protected building, one of a pair of substantial historic houses, latterly subdivided to create a number of flats, having its principal elevation onto Hauteville to the south-west. A large garden slopes down to the rear of the building (east/north-east) towards and above the level of The Strand, enclosed by granite walls and previously largely laid to lawn. In the north-east corner of the garden, and accessed via The Strand, there was until relatively recently a double garage beneath a lean-to roof, with steps leading up to the garden. The garage and part of the roadside wall onto The Strand has been demolished, leaving an opening on to the site, and a compacted earth/gravel driveway has been formed to the rear of the building, where multiple vehicles were parked at the time of the site visit for the previous application.

The whole of the building is protected, together with the roadside railings on to Hauteville. A protected tree was formerly located in the north-east corner of the site, however this has been removed as part of the works approved under FULL/2014/3390. The replacement trees required as a condition of that approval have not yet been planted.

The site is located within a Main Centre and Conservation Area under the Island Development Plan.

Relevant History:

FULL/2014/3390 Remove tree to rear of property (protected tree PT33). Approved 15/01/15, conditional upon planting of at least three Sweet Chestnut Trees in the vicinity of the removed Oak.

FULL/2016/1815 - Extend existing garage, install timber garage door and erect wall. Erect stair enclosure, summer house and greenhouse with excavation/regrading to form ponds and associated landscaping works to rear of property. (Revised). Approved 23-12-2016. Work has commenced on the implementation of this permission.

FULL/2020/1325 – Erect single storey flat roof garage and wall to south (roadside) boundary and erect outbuilding/sunroom. (Revision to scheme previously approved FULL/2016/1815). Approved 07/10/2020.

FULL/2022/0941 Erect single storey garage to north-east of site, create pedestrian access to east boundary, create new driveway, turning circle and parking to rear (east) of building and undertake landscaping (Protected Building). Refused 19/08/2022

Existing Use(s):

Domestic garage and garden serving 4no. residential flats (Residential Use Class 2)

Brief Description of Development:

The approval granted under FULL/2016/1815 related to the construction of a new garage in the north-east corner of the site, with greenhouse above, the construction of a summerhouse on decking to the south-east corner, the erection of a pergola adjacent to the north boundary and the laying of paths.

The approval granted under FULL/2020/1325 related only to the construction of a new garage in the north-east corner of the site, with summerhouse above.

The application refused under reference FULL/2022/0941 sought permission for an enlarged garage in the north-east corner of the site, with a through-way to provide access to the rear garden. The proposal included the creation of a paved driveway from the garage to the rear of the main building, with a turning circle and two parking spaces provided adjacent to the building. A new pedestrian access was to be formed on to The Strand at the rear of the garage. The plans included terracing across the garden, with low retaining walls to the new driveway and terraced levels, and the creation of a vegetable garden with raised beds.

The current application proposes the same works as those set out under FULL/2022/0941, however the layout, design and materials of the proposed driveway and parking area have been altered.

The submitted plans also show a summerhouse and decking area in the south-east corner of the site, and a pergola against the north boundary, all of which was approved under FULL/2016/1815, albeit with a minor repositioning of the decking area. As works have commenced on the implementation of FULL/2016/1815, the permission for these elements remains extant and they will not be revisited as part of the current application.

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

GP4 – Conservation Areas
GP5 – Protected Buildings
GP7 – Archaeological Remains
GP8 – Design
GP9 – Sustainable Development
GP13 – Householder Development
IP7 – Private and Communal Car Parking
IP9 – Highway Safety, Accessibility and Capacity

Representations:

One letter of representation noting that no objections are raised with regard to the development proposals in principle, but requesting a condition be applied limiting the height of any planting immediately to the rear of the house, along the north boundary, to protect views from and light to the adjacent property.

Consultations:

None undertaken.

Summary of Issues:

Impact on the setting of the Protected Building;
Impact on the character of the Conservation Area;
Impact on neighbour amenity.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

This application follows the refusal of a previous application for similar works (ref FULL/2022/0941), which was refused on the following grounds:

The proposed development would have an adverse effect on the setting of the protected building which would not be outweighed by any economic, social or other benefits, and would not contribute to enhancing the vitality of a Main Centre. The proposal would be contrary to the requirements of Policy GP5 (Protected Buildings) and GP8 (Design) and would not meet the statutory duty in respect of protected buildings.

In respect of the replacement garage itself, the previous report noted; the application proposes a garage in a similar location to that previously existing and of a similar form to the extant approvals from 2016 and 2020, albeit the greater level of excavation would result in a more exposed south-west elevation. The garage would replace a pre-existing structure; be located at the lowest level of the garden, on to The Strand; be set away from the protected building; and would not encroach significantly into the garden area. On this basis, there would be limited adverse effect on the setting of the protected building.

The introduction of a 4m wide driveway leading from the garage to the rear of the dwelling, together with the provision of retaining walls and the creation of two parking spaces and a turning circle within 6m of the building was however

considered to represent a significant and unprecedented incursion into the open land to the rear of the protected building, and it was for this reason that the application was refused.

The revised plans submitted under the current application alter the layout of the proposed driveway and parking area to the rear of the building, reducing the extent of hardstanding, and consequently reducing the effect of the development on the setting of the protected building. Additional information is also provided as part of the submission, elaborating on the personal circumstances of the applicants and demonstrating that there are no other viable options to provide the needed vehicle access to the property. In light of the above, the revised application would overturn the previous reason for refusal and would accord with the requirements of Policies GP5 and GP8, and would meet the statutory duties in respect of protected buildings.

Impacts on the character of the Conservation Area were assessed under the previous application and, in respect of the works proposed under that application, were found to be negligible, subject to a condition requiring the appropriate reinstatement of the boundary wall. It was however noted that, prior to the commencement of work on site, a Protected Tree was located in the north-east corner of the site and the previous decisions were conditional upon the planting of replacement trees to offset the loss of that tree, three replacement Sweet Chestnut trees are shown on the submitted plans. As this application represents a revision to the works that are underway on site, and the replacement trees have not yet been planted, it is recommended that this decision also be conditional upon the planting of those replacement trees.

In respect of neighbour amenity, the physical relationship between, and potential overlooking from, the application property's garden and adjacent land will remain largely unchanged from the previous approvals, particularly with regards to properties on the opposite side of The Strand which stand barely 3m distant. Previous decisions have included a requirement for landscaping along the east boundary to protect neighbour amenity. Whilst retaining the development adjacent to that boundary, the submitted plans do not detail any supplementary planting along that boundary and the requirement for additional landscape details should be replicated under the current application. The landscaping details submitted under this application show low level planting along the north boundary, which should not impact on adjoining properties. The planting of trees and other plants does not however comprise development and the height of any such planting cannot be controlled by the Authority.

Issues in respect of highway safety, parking provision and sustainable development were previously found to be acceptable, and this assessment is not altered as a result of the revised submission.

The property is located within an Area of Archaeological Interest and an informative should be added to the decision in the event of approval to bring this to the

attention of the applicant and to request that any finds of interest are brought to the attention of the States' Archaeologist.

In conclusion, the revised submission put forward under the current application successfully addresses the previous reason for refusal and is compliant with the purpose of the Law, material considerations and relevant planning policies. Accordingly approval is recommended, subject to the conditions set out above.

Date: 20/02/23

