

**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 extension at second floor level to south (side) elevation, enlarge balcony to east (rear) elevation, internal and fenestration alterations. (Protected Building).

**LOCATION:** Apartment 3, Clifton, St. Peter Port.

**APPLICANT:** Mr R Ashton

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:** 20/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** CCD Architects: 3738/PL01B, /PL02B, /PL03B & /PL04B.

**Application Ref:** FULL/2023/0306

**Property Ref:** A300910003

**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.Details of the proposed ridge tiles to be used in the development shall be submitted to the Authority. Only those materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - To ensure that the existing concrete tiles are not replicated in order to preserve the special interest of the Protected Building and character and appearance of the Conservation Area.

5.No development shall begin on site until details of the eaves treatment to be used in the works hereby permitted have been submitted to and agreed in writing by the Authority. The works shall be carried out incorporating the agreed details.

Reason - To make sure that the works are carried out in a way which retains the character of the existing Protected Building and character and appearance of the Conservation Area.

6.No development shall begin on site until large scale drawings details of the:

- a) new and replacement windows (1:20 elevations and 1:5 sections)
- b) new and replacement doors (1:20 elevations and 1:5 sections)
- c) balcony railings (1:20 elevations)

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 does not have any adverse impact on the character of the Conservation Area and the

special interest of the Protected Building.

7.The render line of the chimney stack must be replicated on a like for like basis.

Reason - In the interests of the special interest of the Protected Building and character and appearance of the Conservation Area.

8.No development, including site works, shall begin on site until the root protection area of the tree (southeast of the site) that is the subject of a Tree Preservation Order which extends into the applicaiton site, has been protected, in a manner previously agreed in writing by the Authority. The tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no machinery, materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The extension is in close proximity to a TPO tree and the condition is necessary to ensure the root protection area is properly protected while building works take place on the site.

**Expiry Date: This permission will cease to have effect on 19/03/2026 unless development is commenced by that date.**

#### **ADVICE AND OTHER REMARKS:-**

##### **Effect of planning permission:**

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

**Right of appeal against planning decisions:**

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at [www.gov.gg/planningpanel](http://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](mailto: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/2023/0306  
**Property Ref:** A300910003  
**Valid date:** 06/02/2023  
**Location:** Apartment 3 Clifton St. Peter Port Guernsey GY1 2PH  
**Proposal:** Erect extension at second floor level to south (side) elevation, enlarge balcony to east (rear) elevation, internal and fenestration alterations. (Protected Building).  
  
**Applicant:** Mr R Ashton

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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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. Details of the proposed ridge tiles to be used in the development shall be submitted to the Authority. Only those materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - To ensure that the existing concrete tiles are not replicated in order to preserve the special interest of the Protected Building and character and appearance of the Conservation Area.

5. No development shall begin on site until details of the eaves treatment to be used in the works hereby permitted have been submitted to and agreed in writing by the Authority. The works shall be carried out incorporating the agreed details.

Reason - To make sure that the works are carried out in a way which retains the character of the existing Protected Building and character and appearance of the Conservation Area.

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- c) balcony railings (1:20 elevations)

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 does not have any adverse impact on the character of the Conservation Area and the special interest of the Protected Building.

7. The render line of the chimney stack must be replicated on a like for like basis.

Reason - In the interests of the special interest of the Protected Building and character and appearance of the Conservation Area.

8. No development, including site works, shall begin on site until the root protection area of the tree (southeast of the site) that is the subject of a Tree Preservation Order which extends into the application site, has been protected, in a manner previously agreed in writing by the Authority. The tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no machinery, materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The extension is in close proximity to a TPO tree and the condition is

necessary to ensure the root protection area is properly protected while building works take place on the site.

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## **OFFICER'S REPORT**

### **Site Description:**

Clifton is a three and a half storey building that has been divided into flats. The property has a render exterior and multi-pane sash windows. Small balconies exist to the rear elevation of the property and a subservient hipped roof extension is situated to its south. A driveway exists to the south of the building providing access to an area of parking to its east.

The site is located in the Main Centre and Conservation Area as designated in the Island Development Plan. Clifton is a Protected Building as are others in the vicinity of the site. A Protected Lime Tree is situated to the south of the site. The protected root zone at maturity reaches the southeast corner of the building, Clifton. The east elevation contributes to the character of the Hillside Town

### **Relevant History:**

None.

### **Existing Use(s):**

02 flats

### **Brief Description of Development:**

The application relates to flat 3 and the erection of a top floor extension (third floor at rear/second floor at front) incorporating a parapet wall around the proposed hipped roof and incorporating a chimney stack. The front elevation will remain blank whilst two multi-pane windows and two arched windows are proposed in the side/south elevation along with French doors and balcony to the rear. Alterations are also proposed to the rear/east elevation of the top floor to enlarge the balcony which will reflect that of the balcony arrangement below.

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

Island Development Plan policies:

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

## Conservation Note 11

### **Representations:**

Four letters of representation have been submitted objecting to the application and raising the following points:

#### *General*

- Clifton and La Verdure are most important Georgian houses, for over 200 years they have combined to be a dominant feature of St Peter Port and an iconic view from the Harbour
- The front elevations are more impressive than the rear, great examples of classic Georgian architecture
- The gable wall of Clifton is especially important in defining the building and the near-perfect symmetry of the two houses – the buildings were built as “bookends” to precisely mirror each other and create a single mass
- There have been some small changes to the buildings but they still look the same, from the harbour, as they did 120 years ago
- The existing extension is subservient to the main house (2007) and clearly defines the boundary between the original and extension

#### *Impact on special character of the building and area*

- Continuing to change buildings dilutes the look for the building but also the street – the extension will lose the definition between the extension and original house
- The submission argues that the proposal is not a major change but the side building was initially single-storey, matching La Verdure, later extended upwards and sideways – the original building would have had a gable of two and a half storeys like La Verdure and the current one and a half storey is all that remains but is a crucial feature of the building and it is essential to maintain its special character
- The secondary building retains a sense of proportion with the main building and its surroundings, it is subsidiary and does not distract attention from the main building – the difference in height, bulk and order is a feature of the building, fundamental to its special character
- The extension pays no regard to the Protected Building and does not preserve its special characteristics and setting because the bulk and mass is overbearing and out of character as it levels off the roofline, ruining the symmetry and form of the Protected Building
- As a Protected Building why changes are allowed – the loss of a working chimney is upsetting and it forms part of the fabric of the building – it is a

feature that should remain unless it is absolutely necessary to remove it. The replacement will never be the same or reflect the original workmanship

- The proposed additional doors and balcony are wrong
- The contemporary 'A' frames do not compliment the historic building
- The scheme is contrary to S34 and S35 of the 2005 Land Planning and Development Law

#### *Other matters*

- The applicant does not own the roof of the secondary building, the airspace above it, or the gable wall. The owners are the three other flats and there is nothing registered at the Greffe by way of a legal agreement showing amended rights or maintenance responsibilities
- Owners of other flats may require legal representation in any negotiations to acquire rights
- The scheme has no regard for other people who want to celebrate and preserve the elegance and importance of Georgian houses – original features celebrate its history and these should be protected for future generations and for the general heritage of the island
- If the application is not successful will the applicant stop maintaining the building?

#### **Consultations:**

None.

#### **Summary of Issues:**

The key issues in this case relate to the design and appearance of the extension and alterations and their impact on the character and appearance of the Conservation Area, the effect of the development on the special interest of the Protected Building and on residential amenity.

#### **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** [emphasis added].

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.

The value of elements of the building has been assessed against the magnitude of impact of the works to establish the effect of the development on the overall special

interest of the protected building. The matrix on page 16 of BS 7913:2013 is a useful tool for this purpose.

The removal of the chimney and roof are necessary in connection with the proposed extension. The roof of the wing is capped with concrete indicating that there have been relatively recent alterations. The wing is considered to be of medium value and the works would have a major impact, the result effect on overall special interest of the protected building would be moderate/large (BS7913:2013). The scheme shows that a parapet detail would remain below the level of that of the main part of the building and the extension, to raise the wing, would match in detailing, proportions and materials. Subject to conditions relating to ridge tiles, eaves details and the render line of the chimney stack the works would represent a reasonable aspiration of the property owner outweighing the harm caused to the Protected Building in line with Policy GP5.

The existing balcony doors are modern units and make a neutral contribution to special interest and their replacement as proposed are considered acceptable with regard to Policy GP5 and GP8 of the IDP. All other alterations would have slight effects (BS 7913:2013) on the overall special interest of the protected building and are reasonable aspirations that outweigh the harm. It is appropriate to ensure that details of new and replacement windows and doors are controlled by condition along with details of the proposed balconies in the interests of the character of the area and preserving the special interest of the Protected Building which also ensures the scheme meets the aims of the guidance set out in CN11. Rehang doors to open inwards would have no effect on internal features and is also acceptable.

The building is within St Peter Port Conservation Area and the east elevation contributes to the character of the Hillside Town, it is a typical Georgian element of the New Town in proportions and materials. In views from the east, emphasis is drawn to the more prominent Clifton Hall to the immediate south and to buildings forming the skyline higher up the hill to the west. A high solid:void ratio and a strong vertical emphasis in building and fenestration pattern are features of the Hillside Town and in street views of Clifton.

Extensions and balconies are supported where these take into account the architectural composition of the building and how it contributes to the character and appearance of the Hillside Town. The scheme for an extension and balconies represents a high standard of design that would make an equal contribution to the character of the Conservation Area, both in long views from the east and when viewed from Clifton.

The extension will not result in overshadowing or loss of light to surrounding occupiers. The enlargement of the balcony to the east elevation represents a good standard of design and will not substantially increase the potential for overlooking and loss of privacy to the east when an element of mutual overlooking currently exists between properties. The proposed windows to the south elevation will face the driveway area of the application site but could afford some oblique views into

the upper floors of Clifton Hall which is not in residential use. Overall the scheme will not therefore, result in undue harm to the amenities of surrounding occupiers in terms of privacy.

The proposed development will not impact on the root protection area of the nearby Protected Tree but it is reasonable to impose a condition regarding the storage of materials, machinery etc. within the RPA.

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

### **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. These issues where relevant have been considered in the assessment of this application.

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

The proposal would have no adverse impact on protected sites.

**Date:** 17 March 2023

