

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: Install replacement windows and roof covering (Protected Building).

LOCATION: Meadowside, 6 Mount Row, St. Peter Port.

APPLICANT: Mr M Hopkins

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: 21/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block plan, window brochure pages and photos (all dated 23/02/2023)

Application Ref: FULL/2023/0332

Property Ref: A307300000

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.For the avoidance of doubt, no consent is conferred for the replacement of windows WG3, WF1, WF2 or WF5.

Reason - These windows make a positive contribution to the special interest of the property and there is no justification for their replacement.

5.Prior to removal of the existing, large scale drawings (1:20 elevations; 1:5 sections) of all new and replacement windows 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 - To secure the satisfactory appearance of the completed development.

6.The replacement roof covering shall be natural slate.

Reason - To make sure that the works are carried out in a way which retains the character of the existing building.

Expiry Date: This permission will cease to have effect on 20/04/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The repair of windows WG3, WF1, WF2 & WF5 does not require planning permission, however, should a substantial amount of fabric be removed it would exceed what could be considered a repair. Should it be found that a substantial extent of fabric requires replacement then a further application for planning permission would be required.

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/2023/0332
Property Ref: A307300000
Valid date: 23/02/2023
Location: Meadowside 6 Mount Row St. Peter Port Guernsey GY1 1NS
Proposal: Install replacement windows and roof covering (Protected Building).

Applicant: Mr M Hopkins

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. For the avoidance of doubt, no consent is conferred for the replacement of windows WG3, WF1, WF2 or WF5.

Reason - These windows make a positive contribution to the special interest of the property and there is no justification for their replacement.

5. Prior to removal of the existing, large scale drawings (1:20 elevations; 1:5 sections) of all new and replacement windows 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 - To secure the satisfactory appearance of the completed development.

6. The replacement roof covering shall be natural slate.

Reason - To make sure that the works are carried out in a way which retains the character of the existing building.

INFORMATIVES

The repair of windows WG3, WF1, WF2 & WF5 does not require planning permission, however, should a substantial amount of fabric be removed it would exceed what could be considered a repair. Should it be found that a substantial extent of fabric requires replacement then a further application for planning permission would be required.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Meadowside' is an early 19th century three and a half storey town house which is set back from and facing south onto Mount Row, there are attached neighbours to the east and west, and detached residential properties to the north and open green land (which is the grounds of a large detached property) across the road to the south. The property is located in the St Peter Port Main Centre Outer Area and Conservation Area as defined in the Island Development Plan. The whole row of properties along the north side of Mount Row, including that at the application site, are Protected Buildings.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

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:

Initially the application was to replace the roof covering and to install all new replacement windows in the Protected Building. However, now windows WG3 (rear), WF1 (rear), WF2 (side) and WF5 (rear) are going to be repaired whilst the rest of the windows are going to be replaced.

No Statement of Significance was submitted or a window survey, however a site visit was carried out and the individual units were assessed.

The proposed replacement of the roof covering is natural slate, the same as the existing, the roof leaks, numerous repairs are evident and the whole roof is in overall poor condition. The condition of the roof is such that replacement of the slate as proposed is a reasonable aspiration that outweighs the harm, and in this instance is considered acceptable.

The 6/6 vertical sliding sash windows (WG3, WF1 & WF2) and the 4:4 horizontal sliding sash window (WF5) to the rear and side of the building make a positive contribution to the special interest of the protected building and are likely original. The latter is a rare example of its type in Guernsey. Though the windows are draughty and some repairs are evident to the frames they appear otherwise sound and capable of repair. Their replacement does not meet GP5 or CN11 and replacement is not supported.

Windows WG1 and WG2 make a positive contribution to the overall special interest, as do windows WB1 and WB2. All are likely late 19th/early 20th century and old glass survives in some sashes. The former pair have undergone substantial repairs in the

past, such that mouldings have been lost and, in the case of WG2, a sash has been replaced. In these instances, replacement is a reasonable aspiration of the owner which outweighs the harm, subject to agreement of large-scale drawings of the replacements which can be dealt with by condition.

Windows WB1 and WB2 are in better condition. However, their replacement is supported due to their value (which is lower, for example, than that of the Georgian windows) and as it is a reasonable aspiration, and beneficial to the appearance of the protected building, to avoid a visual discrepancy on the principal façade through retaining a small number of single glazed windows amidst otherwise double-glazed units.

The first floor windows of the front elevation (WF3 & WF4) and the dormer windows (WD1, WD2 & WD3) are modern insertions, generally sympathetic, which make a neutral contribution to the overall special interest. Replacement as proposed is supported, subject to agreement by condition of large-scale drawings.

The proposed works are not considered to have any adverse effects on the character and appearance of the surrounding Conservation Area, nor will they have any detrimental impacts on the setting of the surrounding Protected Buildings. The works would not impact neighbour amenity either.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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.

Recommendation:

Grant with Conditions



Date: 21/04/2023

