

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: Change of use of house of multiple occupancy (Use Class 8) to 4 flats (Residential Use Class 2). Erect extension to west (rear) elevation, fenestration and internal alterations (Protected Building).

LOCATION: 3 Havilland Street, St. Peter Port.

APPLICANT: Mr & Mrs W & N Merrien

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: 21/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Torode Architects - 6271-02C, -03B & -04B.

Application Ref: FULL/2023/0365

Property Ref: A201890000

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 removal of the existing, large scale drawings (1:2 elevations and 1:5 sections) of all new internal and external doors and 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 - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the works are of sufficiently high quality in order to preserve the special interest of the Protected Building and the character and appearance of the Conservation Area.

5. Prior to the commencement of any work in connection therewith details of:

- a) the position and external appearance of all new vents and extractors;
- b) the railings; and
- c) the external paving

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 features. This condition is imposed to make sure that the works are of sufficiently high quality in order to preserve the special interest of the Protected Building and the character and appearance of the Conservation Area.

6.notwithstanding the note on drawing 6271-04B and note on page 21 of the revised Statement of Significance the existing staircase and balustrade shall be retained in accordance with the details shown on drawings 6271-02C and sections C-C, D-D and E-E on 6271-04B.

Reason - For the avoidance of doubt and to ensure a feature of the Protected Building is retained, in-situ.

7. Any internal render to be replaced shall be replaced using a lime based render as agreed in the letter from Torode Architecture dated 14/06/2023.

Reason - For the avoidance of doubt.

Expiry Date: This permission will cease to have effect on 20/07/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission does not relate to the removal of existing timber lintels, timber plates and internal joinery. These works are not shown on the approved drawings and a full assessment of such works could not be and has not been carried out based on the information contained in this planning application. Should opening up works reveal that internal timber items require removal from the building then work should stop in that part of the building and advice should be sought from the Planning Service. It may be necessary for a further planning application to be submitted in order to replace timber items within this Protected Building and no work should be undertaken to remove such timber prior to the written consent of the Development & Planning Authority having been given.

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/2023/0365
Property Ref: A201890000
Valid date: 29/03/2023
Location: 3 Havilland Street St. Peter Port Guernsey GY1 2QE
Proposal: Change of use of house of multiple occupancy (Use Class 8) to 4 flats (Residential Use Class 2). Erect extension to west (rear) elevation, fenestration and internal alterations (Protected Building).

Applicant: Mr & Mrs W & N Merrien

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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).

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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.

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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 works are of sufficiently high quality in order to preserve the special interest of the Protected Building and the character and appearance of the Conservation Area.

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- a) the position and external appearance of all new vents and extractors;
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Reason - For the avoidance of doubt and to ensure a feature of the Protected Building is retained, in-situ.

7. Any internal render to be replaced shall be replaced using a lime based render as agreed in the letter from Torode Architecture dated 14/06/2023.

Reason - For the avoidance of doubt.

INFORMATIVES

This permission does not relate to the removal of existing timber lintels, timber plates and internal joinery. These works are not shown on the approved drawings and a full assessment of such works could not be and has not been carried out based on the information contained in this planning application. Should opening up works reveal that internal timber items require removal from the building then work should stop in that part of the building and advice should be sought from the Planning Service. It may be necessary for a further planning application to be submitted in

order to replace timber items within this Protected Building and no work should be undertaken to remove such timber prior to the written consent of the Development & Planning Authority having been given.

OFFICER'S REPORT

Site Description:

3 Havilland Street is a Georgian-style building which was part of the early 19th century development of the New Town. It was L-shaped in 1843, including a structure to the rear which was extended by 1898 to include seemingly lean-to buildings along the north boundary, the western part of which was removed by 1962. The cat-slide rear roof plane was present by 1945. The rear structure was extended and the roof (at least) replaced with a flat roof by 1990.

The site is located in the Main Centre and Conservation Area as designated in the Island Development Plan. Havilland Villa is a Protected Building internally and externally.

Relevant History:

Pre-application advice was sought in this case and matters relating to the impact of the development on the Protected building, replacement windows “where necessary”, partial demolition of a Protected Building, internal space standards/living environment of occupiers, cycle storage and fire safety were highlighted.

FULL/2020/2624 - Install replacement windows to first floor west (rear) elevation and internal alterations (protected building) – granted

Existing Use(s):

06 HMO/lodging house

Brief Description of Development:

The application relates to the change of use on Havilland Villa from a House in Multiple Occupation (HMO) to four flats (Residential Use Class 2). The scheme includes the demolition of the existing single-storey flat roof extension and the erection of a replacement extension and internal alterations associated with the proposed change of use and subdivision.

The scheme proposes two one bedroom units on the ground floor both benefiting from an external bin store and cycle storage. The two flats above are spread across the first and second floors with kitchen, lounge/diner and bathrooms on the first floor and one bedroom each on the uppermost floor. Both a cycle store and a refuse

storage cupboard are proposed within the communal ground floor hallway for use by units 3 and 4.

The submission confirms that the windows to the street will remain. Windows to the rear/west are to be replaced. New SVPs and vents are proposed to exit through the rear roofslope of the building and internally where fireplaces exist these are shown to be retained but blocked up. Reference was made in the original submission to the retention of existing doors and architraves to be reused “where possible” and the scheme includes information regarding fire safety, smoke detectors and other upgrade works required.

The application was deferred because as originally submitted the effect of a new first floor partition on the landing on the historic staircase was unclear, due to concerns regarding the use of cementitious internal render and for the Statement of Significance to be amended to accurately reflect the works proposed.

Revised plans and an amended statement were provided.

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

Island Development plan policies:

MC2: Housing in Main Centres
GP4: Conservation Areas
GP5: Protected Buildings
GP8: Design
GP9: Sustainable Development
IP6: Transport Infrastructure and Support Facilities

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the development, the design and appearance of the extension and alterations and impact on the character and appearance of the Conservation Area, the impact of the scheme on residential amenity and ensuring the satisfactory living environment for 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.

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.

Policy MC2 of the Island Development Plan (IDP) supports the provision of housing development in this location. Although the scheme would result in the loss of a House in Multiple Occupation this would not result in the loss of housing stock (GP12) but rather increase available residential units. The scheme also represents efficient and effective use of this existing building through the provision of a replacement, modern extension and the subdivision into apartments. Whilst the scheme does not provide a mix of unit types/sizes given the constraints of converting an existing building it could be difficult to achieve a greater mix either without adverse impact on the special interest of the Protected Building or on the character and appearance of the locality and residential amenity that would result in more significant changes/extensions to the building.

The value of elements of the building have been assessed against the magnitude of impact of the works to establish the effect of the development on the overall special interest using the matrix on page 16 of BS 7913:2013. A Statement of Significance has been provided with the application, this explains the proposal, sets out the history of development of the area and describes the building but does not attempt to understand the age or value of any parts of the building. Nonetheless, it is considered that the front elevation of the building to be of high value, the rear elevation and interior are of low value with the exception of the staircase and internal plan form which are of medium value. The rear extension and rear windows are considered to detract from the building.

There is a presumption against the partial demolition of a Protected Building however, in this case as the partial demolition work relates to part of the building that detracts from special interest the works accord with criterion b. of GP5. As amended the scheme demonstrates that there will not be undue harm the fabric and special interest of the Protected Building and the scheme accords with Policy GP5.

The proposed extension to the rear of the building represents a good standard of design that respects the local built environment. It will not result in harm to the character and appearance of the Conservation Area and its scale, proportions and materials are considered appropriate and will not result in harm to the special

interest of the Protected Building. Changes to the fenestration of the rear elevation are reasonable aspirations which outweigh harm to the special interest of the building. All other alterations accord with Policies GP4, GP5, GP8, GP9 and GP13 of the IDP. Conditions are appropriate in relation to new/replacement windows and doors, the position of new vents/extractors, details of new paving and railings to be agreed by the Authority.

Given the existing high boundary walls to the north and south of the external amenity space associated with 3 Havilland Street the proposed roof terraces will not result in overlooking or loss of privacy to the amenity space of adjoining properties. The alterations to fenestration too, will not increase the potential for overlooking and loss of privacy to adjoining occupiers. The single-storey nature of the extension is such that it will not result in overshadowing of any adjoining properties.

In terms of the amenities of future occupiers of the development the development offers satisfactory internal space provision and good aspect/outlook, sunlight/daylight for occupiers. The setback position of the roof terraces serving the upper floor flats will manage the potential overlooking and loss of privacy to the ground floor apartments. Although views will be possible from the first floor windows and terrace towards the western end of the gardens the area to the immediate rear of the ground floor apartments will remain relatively private. It may also be reasonable to require the flat roof rooflights to be obscure glazed to avoid views from the roof terraces down through the lounge to the patio areas beyond. Overall the development provides a satisfactory level of privacy for all the proposed units and each has access to an area of external open space on site but the site is also within close proximity to existing public open space that could be utilised by residents.

Provision has been made for cycle storage associated with the two ground floor/garden apartments with an internal store indicated for the upper floor units which is closer to the front entrance than the garden storage associated with units 1 and 2. There are naturally constraints to providing such storage through a conversion scheme and the scheme is considered to accord with Policy IP6.

External refuse storage is provided for ground floor units, 1 and 2, with a new refuse store proposed within the ground floor communal lobby for the other units which is to be situated adjacent to the entrance for unit 2. There is a risk of odours arising from this cupboard area but this would not undermine amenities enjoyed by the occupiers of the ground floor units because it is situated away from principle living accommodation. Ultimately, the management of this space and the appropriate use of the bin store will be a private civil matter.

The ground floor accommodation is on a single level offering access to people of all ages and abilities. The topography of the site is such that the garden is raised above the height of the ground floor accommodation however, this would remain accessible by ambulant disabled as would the upper floor units served by staircases only. Given the constraints of working with an existing, Protected Building, the

scheme is considered to comply with GP8 in terms of flexible and accessible accommodation.

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 trees or sites.

Date: 21/07/2023

