

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 existing building and erect 2 flats (Revised Scheme) (Retrospective).

LOCATION: 15 Hauteville, St. Peter Port.

APPLICANT: Esher Investments Limited

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: 19/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arctech - JL-16-870-02-F, -04G, -05G & -08G.

Application Ref: FULL/2023/0587

Property Ref: A40693A000

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.No occupation or use of the flats hereby permitted shall begin until the ground floor store/utilities have been fully completed in accordance with the details approved as part of this permission. Those areas shall not thereafter be used for any purpose other than in association with the flats.

Reason - To make sure that adequate storage and floor areas are provided for each unit.

Expiry Date: This permission will cease to have effect on 18/06/2026 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/2023/0587
Property Ref: A40693A000
Valid date: 21/03/2023
Location: 15 Hauteville St. Peter Port Guernsey GY1 1DG
Proposal: Demolish existing building and erect 2 flats (Revised Scheme) (Retrospective).

Applicant: Esher Investments Limited

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. No occupation or use of the flats hereby permitted shall begin until the ground floor store/utilities have been fully completed in accordance with the details

approved as part of this permission. Those areas shall not thereafter be used for any purpose other than in association with the flats.

Reason - To make sure that adequate storage and floor areas are provided for each unit.

OFFICER'S REPORT

Brief Description of the site:

The application site lies between No.13 Hauteville (Berkley House), and No 15 Hauteville to the south-west of the junction of Lower and Upper Hauteville and Pedvin Street, and is set back from the road.

The site is accessed via a tarmac driveway from Hauteville and there is a right of way down the side of the building to access the stores at the rear. The driveway also provides pedestrian access to a number of residential properties, located to the south of the application site, and facing towards that site across a small gravelled yard.

The site was previously occupied by a 2-storey mono-pitch garage/store attached to the south-east gable of Berkley House. This has been demolished, the site cleared, and foundations have been dug.

The property is located within a Main Centre Inner Area and Conservation Area in the Island Development Plan. No 13 (Berkley House) is a Protected Building.

Relevant History:

Permission was granted under FULL/2017/2616 to extend and alter the building to provide a full height second floor, to create 2x one bed flats.

Prior to that, permission was granted to extend and alter the outbuilding and garage to create a 2-bedroom dwelling, including the addition of a pitched roof to the structure to provide the second bedroom and an ensuite bathroom at second floor level. The permission also included the addition of fenestration to the gable, including one high level and two standard windows at first floor level and a glazed entrance door at ground floor level. (FULL/2017/0003)

Existing Use(s):

01 Dwelling houses

Assessment: *(Tick as appropriate)*

no representation	☒
accords with policy	☒
within curtilage	☒
design acceptable	☒

visual amenity acceptable	☒
no material neighbour impact	☒
traffic not affected	☒

Policies considered most relevant:

- MC2 Housing in Main Centres and Main Centre Outer Areas
- GP4 Conservation Areas
- GP5 Protected Buildings
- GP8 Design
- GP9 Sustainable development

Representations:

Two neighbour comments were received, one regarding the absence of a legible site notice for the required length of time (this is considered in the report below).

One neighbour comment was received relating to the retrospective nature of the application, this is also considered within the report below.

Conclusion/Brief comment:

The revised scheme is almost identical to the previously approved application FULL/2017/2616, the primary change is that the permission previously extended/built above the existing 2 storey garage/store, and the revised application seeks to demolish the existing garage/store in order to erect the development (retrospectively). Other minor changes relate to the size and position of the previously approved rooflights within the new roof and the use of aluminium for some side windows due to Building Regulation requirements.

The previously approved scheme is no longer extant as the garage has now been demolished, although there has been no change in Planning Policy since the determination of the earlier application.

The proposal is supported by Policy MC2 (Housing in Main Centres and Main Centres Outer Areas) and provides 2 units of one bedroomed accommodation which helps meet the Islands housing requirement.

Amenity of the proposed units

Policy GP8 requires development to consider the health and well-being of the occupiers and neighbours of the development by means of providing adequate daylight, sunlight and private/communal open space.

In this case, the floor areas of the proposed units would be 43m² and 44m² respectively, which exceeds the minimum requirements for 2 persons under the Guernsey Technical Standards. These are minimum standards and when assessed against the English Department for Communities and Local Government standards, used as best practice, the proposed floor areas would fall marginally short, however the deficit would not be significant.

On balance, the flats would be adequately sized, provided that the ground floor stores/utilities are retained for use with the flats in perpetuity.

The accommodation, as previously considered under application FULL/2017/2616, would be served by limited fenestration, the outlook from most windows is poor and many face towards the surrounding properties at a distance of less than 5m. The primary fenestration serving the living areas is located in the north-east elevation,

looking into the road. The inclusion of rooflights to the second-floor unit also improves amenity for Unit 2.

Awkward arrangements of buildings, high density development and outlooks over other properties are characteristic of this Old Town location, and, in this case, the fenestration would be adequate to serve each room, and the amenity would be no worse than that of the accommodation previously approved.

No external space is provided for the proposed units, but this is not however unusual in the densely developed Main Centre Inner Area, where there is access to a number of facilities, public areas and open spaces/coast. Separate utility/bicycle and bin storage areas are provided, these have been reordered internally in amended plans due to building control requirement, but this does not diminish the available internal spacing. Overall, the amenity of the proposed flats would not be high, however, on balance, taking into account the previous approval for development at the site, the high density character of the area, and the publicised standards for residential development, the level of amenity would be adequate for the purposes of Policy GP8.

Impact on the setting of a protected building

The whole of the attached building to the north-west, known as Berkley House, is protected. The proposal would therefore need to meet the terms of Policy GP5 (Protected Buildings) and the statutory duty with regard to protected buildings set out in Section 35 of the Law.

The previous existing attached garage structure, was of little architectural merit in itself, and appeared as an outbuilding subservient to the attached main building. The alterations previously approved in the FULL/2017/0003 permission, increased the bulk and massing of the building but essentially maintained the subservient relationship and did not have a significant impact on the setting of the protected building.

The current proposal (and that approved in FULL/2017/2616), by virtue of the increased bulk and massing, will reduce the subserviency of the structure and alter the relationship with the adjacent building. However, the ridge and eaves height of the proposed structure remains below those of the attached protected building. Furthermore, the materials and pattern of fenestration proposed would reflect those of the attached building.

On balance, taking into account the similarities to the previous approval and the position of the structure to the side, against the blank gable of the protected building, the impact on the special interest of that building would not be sufficient to warrant refusal.

Impact on the character of the Conservation Area

The site is located within a Conservation Area in the Island Development Plan.

The site is positioned at the junction of Upper and Lower Hauteville and Pedvin Street and all three streets are enclosed by multi-storey terraced development, predominantly located along the roadside. The high density of the surrounding

development, combined with the topography of the area and the layout of the surrounding roads, prevents long views of the site. Public views of the building are therefore limited to the front (north-east) elevation only.

The application site and the attached building to the north-west (Berkley House) are set back from the roadside, and Berkley House is elevated above both the road and the application site, forming a prominent and dominant feature within the Conservation Area. Located to the side and below Berkley House, and partially behind No 15 Hauteville, the proposed new building would be relatively unobtrusive in public views. The proposed alterations would increase the bulk and massing when compared to the original garage, screen the stepped development behind, however, the proposal is no different in terms of bulk and mass when compared to the previous approval and the proposed pattern of fenestration reflects that of other buildings in the area.

The use of aluminium windows is acceptable as they are located discreetly to the side elevation and will not harm the design or appearance within the Conservation Area.

Given the position of the site and relatively low visibility within the Conservation Area and taking into account similarity to the previous approval, the revised scheme would not have a significant impact on the character of the Conservation Area.

Impact on the amenity of adjoining properties

The attached building to the north-west of the site, Berkley House, comprises four flats, each located across one floor of the building. The proposed works would be located predominantly against the blank gable of that property. The alterations to the rear, would not be significant and the revised roof structure proposed would comprise a shallow pitch, sloping away from the boundary. Overall, the alterations would not have a significantly greater impact on the adjacent flats than the previously existing garage, or approved scheme, in terms of either overshadowing or overbearing.

The site is also bounded by residential properties to the south-east. Those properties comprise two storey units arranged in a terrace, facing towards the application site at a distance of 3m.

The increase in bulk and height of the previous garage/new building to above the eaves height of the adjacent buildings is considered acceptable in terms of visual and physical impact.

The proposed fenestration facing the neighbours to the south east is limited, and matches that previously approved. The second floor fenestration would be located above the roof level of the adjacent properties to the south-east and there would not be any interface at that level. The installation of new or the enlargement of existing windows would not be possible under the exemption rights for flats, as the windows would be within 3/5m of the boundary with the neighbouring property.

Therefore there is no potential for alteration to the fenestration in the gable without a formal application for planning permission.

The application site partially overlaps the rear elevation of No 15 Hauteville, at a distance of 4.5m. There are four facing windows in the rear elevation of No 15, and the increased bulk of the proposed building would inevitably result in an element of overshadowing and some overbearing impact on the adjacent property however, as noted above, the level of impact would not be unusual in this Old Town setting and the existing windows are offset vertically from those proposed.

The alterations proposed to the rooflights in the revised scheme are acceptable, and will not have a significant impact on amenity or visual design of the proposal.

Other Matters:

Sustainable development

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

Retrospective permission

Building works have commenced on site and involved the demolition of the previously existing garage which was to be retained in the original scheme (FULL/2017/2616). The demolition meant that the building works had deviated from the approved plans for the original scheme and the development was unauthorised. The applicants were therefore advised by the Enforcement Officer to apply for a revised, retrospective consent to regularise the unauthorised works.

Site Notice

A neighbour complaint was received that the site notice was not displayed for the necessary length of time and was not legible. The notice was re-displayed by the Agent, and this has ensured that the statutory requirement has been met.

Conclusion

The proposal would result in a high density of development on a limited site, however the amenity of the proposed units would be adequate and the impact on the setting of the protected building, character of the Conservation Area and amenity of adjacent properties would not be sufficient to conflict with the requirements of the Law, material considerations or relevant planning policies. Approval is therefore recommended.

Date: 15/06/2023