

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: Variation to previously approved plans to demolish existing and erect replacement dwelling - increase floor area at lower ground floor/basement level, alter terrace at ground floor and material and fenestration alterations (part-retrospective).

LOCATION: Martello House, 56 Princes Close, Fort George, St. Peter Port.

APPLICANT: Mr & Mrs V Pyatt

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: 18/08/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/04/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Stackhouse Design Ltd: 21-05-02A, -03A, -10, -20E, -21E, -22E, -23E & -29B.

Application Ref: FULL/2023/0597

Property Ref: A41110A056

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.a) Within two months of the date of this decision, details of the new planting along the reconstructed bank to the north-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.

b) The bank along the north-east boundary shall be reconstructed, and the approved planting undertaken, in accordance with the approved details, in the first planting season following the first occupation 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 a satisfactory landscaping scheme for the development is agreed and completed, in order to help assimilate the development into its surroundings.

5.The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 04/02/2021, issued under planning application reference FULL/2021/0242, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

Expiry Date: This permission will cease to have effect on 17/08/2026 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/2023/0597
Property Ref: A41110A056
Valid date: 13/04/2023
Location: Martello House 56 Princes Close Fort George Fort George St.
Peter Port Guernsey GY1 2SU
Proposal: Variation to previously approved plans to demolish existing
and erect replacement dwelling - increase floor area at lower
ground floor/basement level, alter terrace at ground floor and
material and fenestration alterations (part-retrospective).
Applicant: Mr & Mrs V Pyatt

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. a) Within two months of the date of this decision, details of the new planting along the reconstructed bank to the north-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.

b) The bank along the north-east boundary shall be reconstructed, and the approved planting undertaken, in accordance with the approved details, in the first planting season following the first occupation 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 a satisfactory landscaping scheme for the development is agreed and completed, in order to help assimilate the development into its surroundings.

5. The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 04/02/2021, issued under planning application reference FULL/2021/0242, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

OFFICER'S REPORT

Site Description:

The site comprises a residential property located on the Fort George Estate. The site is triangular in shape and prominently located, with roads bounding the site on all sides except the south. Rue Adolphus splits from Rue Vautier at the northern tip of the site to run along the east boundary, at a lower level than the site and is divided from the site by a bank and hedging to the north and a high granite retaining wall to the south. Rue Vautier continues along the west boundary, at a level with the site, to the junction with Hautes Falaises and Princes Close adjacent to the site access.

The site is surrounded by residential properties across the roads in all directions, and bounds a residential property to the south.

The former dwelling at the site comprised a single storey structure, at a level with the roads to the west, with a lower level amenity space, garage and parking area to the east. That dwelling has now been demolished as part of the works approved to

construct a replacement dwelling. The property has an access and parking from Rue Vautier to the west and a further access to the east.

The site is located Outside of the Centres in the Island Development Plan.

Relevant History:

23/06/2023 FULL/2021/0242 Permit to demolish existing and erect replacement dwelling.

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

Permission is sought under this application to vary the previously approved works to demolish and replace the dwelling at the site as follows:

- Increase the floor area at lower ground floor/basement level from the approved garage element in the south-east corner to extend under the whole footprint of the dwelling, including alterations to roadside bank (partially retrospective).
- Reduce the extent of terrace at ground floor level;
- Alterations to projection of canopy extension and adjustment to associated fenestration to west elevation;
- Adjustment to window reveals and fenestration detailing to east elevation;
- Alterations to exterior finishes – Samples of Millboard cladding in Smoked Oak, Burnt Cedar and Brushed Basalt supplied;
- Internal alterations to layout.

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development
IP6 Transport Infrastructure and Support Facilities
IP7 Private and communal car parking

Representations:

One letter of representation noting the following:

- The works are retrospective, and the application should be treated as such;
- The proposal includes an additional unnecessary door at street level;
- The exterior wall should not be exposed and should be covered with landscaping, as previously.

Consultations:

None undertaken.

Summary of Issues:

Impact on the character of the area.

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).**

The proposed variations to the building itself would not have any significant impacts on the appearance of the new dwelling, character of the area or neighbour amenity. An additional door at this level would comprise a reasonable aspiration of the property owner and, taking into account the flexibility in respect of personal choice embedded within Policy GP13, there would be no reason to object to this element of the proposals.

As part of the works which have been undertaken, the roadside bank and hedge along the north-east boundary have been removed. Following deferral amended plans have been provided showing the replacement of the bank, albeit at a smaller scale, and the addition of planting to the replacement bank. These replacement works would be sufficient to prevent any significant impacts on the character of the area, and details and implementation of these works can be controlled by condition.

The application description has been amended and the application treated as part-retrospective.

The application includes samples of the proposed external materials, sufficient to address the requirements of Condition 4 of the previous decision.

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. The proposal accords with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 11/08/2023

