

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: Variations to previously approved plans to sub-divide dwelling into two dwellings (Protected Building) - increase floor area to unit 2, alter underground parking, relocate vehicle access and alter bin and bicycle stores.

LOCATION: Ivymount, 51 Mount Durand, St. Peter Port.

APPLICANT: Mr D Le Marquand & Mr P Ferbrache

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: 01/06/2023

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

Drawing Nos: ArcTECH: PFDLM-23-1118-03 & 04

Application Ref: FULL/2023/0726

Property Ref: A306030000+A30603A000

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 on or before 03/02/2024.

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). In this case, as the application is for variations, the time period corresponds with the original permission under application reference FULL/2020/1119.

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.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 03/02/2021, issued under planning application reference FULL/2020/1119, 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 03/02/2024 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/2023/0726
Property Ref: A306030000+A30603A000
Valid date: 04/04/2023
Location: Ivymount 51 Mount Durand St. Peter Port Guernsey GY1 1DY
Proposal: Variations to previously approved plans to sub-divide dwelling into two dwellings (Protected Building) - increase floor area to unit 2, alter underground parking, relocate vehicle access and alter bin and bicycle stores.

Applicant: Mr D Le Marquand & Mr P Ferbrache

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 on or before 03/02/2024.

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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.

4. 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 03/02/2021, issued under planning application reference FULL/2020/1119, 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:

Ivymount, 51 Mount Durand is a traditional 2½ storey end of terrace property situated on the corner of Mount Durand and the Valnord Private Estate and is currently undergoing extensive renovation, repair and conversion. The property has a pantile roof and catslide dormers in the front roofslope, with a two storey building and single storey outbuilding to the rear. The property benefits from a large garden to the rear/west of the site, much of which is at a higher level. The whole of the building together with the front (east) roadside wall and railings is a protected building.

The site is located in the St Peter Port Main Centre and Conservation Area as designated in the Island Development Plan.

Relevant History:

21/03/2023 – FULL/2022/2214 – Permission granted to erect 2 dwellings with associated underground parking area (revised scheme).

29/06/2022 – FULL/2022/0854 – Application refused to erect 3 dwellings.

03/02/2021 - FULL/2020/1119 – Permission granted to sub-divide dwelling into two dwellings including installing dormer windows, rooflight, alteration to fenestration and internal alterations. Demolish outbuilding, excavate to form underground parking area and raised garden terrace, create vehicular access to north boundary (Protected Building).

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission was granted to subdivide the building to create a three bedroom dwelling fronting onto Mount Durand and a two bedroom dwelling within the rear two storey building facing the Valnord Private Estate access road in February 2021 (FULL/2020/1119). This application seeks to vary the previously approved scheme by enlarging unit 2 with a single storey flat roof extension to the west gable, revising the location of the vehicular access in the north boundary and associated changes to the parking area and minor alterations to the bin and bicycle stores.

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

Policy MC2: Housing in Main Centres and Main Centre Outer Areas

Policy GP1: Landscape Character and Open Land

Policy GP4: Conservation Areas

Policy GP5: Protected Buildings

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport infrastructure and support facilities

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

None

Consultations:

None

Summary of Issues:

1. Impact of the development on the special interest of the protected building.
2. Design and impact of the development on the character and appearance of the Conservation Area.
3. The impact of the development on the amenity of people living in the area.
4. Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.
5. Road safety, traffic management and parking.

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 single storey extension to form a WC for unit 2 will have a low effect on the special interest of the protected building which is outweighed by the reasonable aspirations of the property owner to meet the Guernsey Technical Standards. The alterations to the external communal space including changes to the location and size of the cycle store and bin store and the relocation of the car park access will have a negligible effect on the protected building.

The submitted plans indicate only the section of the north boundary wall adjacent to the proposed underground garage will be demolished and provided that the wall is rebuilt to match the existing the proposal will have no adverse effects on the setting of the protected building and the character and appearance of the Conservation Area.

The proposed variations are relatively minor in nature and except for the alterations to the north boundary wall, they are largely confined to within the site and would have no adverse effects on the character and appearance of the Conservation Area.

The proposed variations to the siting of the garage and its access will have no significant additional adverse effects on the amenities of neighbouring residents or on road safety and traffic management.

An application to erect 2 dwellings on the amenity area designated to unit 2 was approved in March 2023 (FULL/2022/2214). Whilst the implementation of application FULL/2022/2214 cannot be controlled by this permission, the agent has submitted details to indicate how adequate external amenity space could be provide for both units 1 and 2 should application FULL/2022/2214 be implemented.

Conditions 9, 10, 11 and 12 of permission FULL/2020/1119 remain relevant and will need to be fulfilled as set out in the decision notice of FULL/2020/1119.

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.

It is recommended that the application is approved.

Date: 01/06/2023

