

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. (Protected Building).

LOCATION: La Pouquelah, Route De Cobo, Castel.

APPLICANT: Mr & Mrs M Ashby

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 31/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Plan 1:500
Hunt Brewin: 16509.02.01a, .02a, .04 & .09

Application Ref: FULL/2023/0793

Property Ref: D013630000

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, this approval only relates to the replacement of the existing uPVC windows labelled WG.14, WG.13, WG.11. WG.10 and WG.09 on plan 16509.02.01a and W1.06 on plan 16509.02.02a.

Reason: For the purposes of clarity and avoidance of doubt

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/2023/0793
Property Ref: D013630000
Valid date: 31/05/2023
Location: La Pouquelah Route De Cobo Castel Guernsey GY5 7XJ
Proposal: Install replacement windows. (Protected Building).
Applicant: Mr & Mrs M Ashby

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).

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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. For the avoidance of doubt, this approval only relates to the replacement of the existing uPVC windows labelled WG.14, WG.13, WG.11. WG.10 and WG.09 on plan 16509.02.01a and W1.06 on plan 16509.02.02a.

Reason: For the purposes of clarity and avoidance of doubt.

OFFICER'S REPORT

Brief Description of the site:

The site is located on Route de Cobo, adjacent to Saumarez Park, and accessed by La Pouquelah. The property is comprised of a large two storey Georgian farmhouse, with several outbuildings and barns within the site. The dwelling is a Protected Building and is located Outside the Centre as designated by the Island Development Plan (IDP).

The Protected Building notice includes the whole house, excluding the small single storey and two storey rear extensions.

Relevant History:

FULL/2022/2295 – Install replacement roof covering, install dormer window and rooflights to north (rear) elevation and alter dormer windows to the south (front) elevation.

PRE/2022/2034 – Pre application advice sought regarding the possibility of repairs and alterations.

Existing Use(s):

01 – Residential dwellinghouse

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:

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Conclusion/Brief comment:

The original application included the replacement of windows to both the front and rear elevations. This has been revised at the request of the Agent, to proposed replacement uPVC windows to the rear only.

The windows within the single storey rear addition (WG.10 and WG.11) are not part of the protected building and so the principle of their removal and replacement with uPVC is acceptable, and the location at the rear of the building will not have a harmful impact on the design or appearance of the historic building.

The rear facing windows, WG09, WG13, WG.14 and W1.06 are part of the protected building but are existing modern uPVC windows, and so their replacement with uPVC is also acceptable.

It is therefore considered that the proposed works will not have a substantial effect on the historic interest of the protected building and when considering the effect of all the works on the overall special interest, any small effect on the special interest is outweighed by the reasonable aspiration of the property owner.

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: 18/08/2023