

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: Replace windows (Protected Building).

LOCATION: Homestead Cottage, Le Bouet, St. Peter Port.

APPLICANT: Mr A Martin & Miss H Woodford

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: 14/09/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: 3797/SV01, Floor plans (stamped received 10/05/23), Elevation photos (stamped received 19/06/23) & Letter (stamped received 11/09/23).

Application Ref: FULL/2023/0900

Property Ref: A105360000

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 removal of the existing, large scale drawings (1:20 elevations; 1:5 sections) of all new and replacement windows shall be submitted to and agreed in writing by the Authority. The windows shall be installed only in accordance with the agreed details.

Rason - To make sure the works respect the special character of this protected building, as required by Section 34 of The Land Planning and Development (Guernsey) Law, 2005.

Expiry Date: This permission will cease to have effect on 13/09/2026 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/2023/0900
Property Ref: A105360000
Valid date: 19/06/2023
Location: Homestead Cottage Le Bouet St. Peter Port Guernsey GY1
2AW
Proposal: Replace windows (Protected Building).
Applicant: Mr A Martin & Miss H Woodford

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. Prior to removal of the existing, large scale drawings (1:20 elevations; 1:5 sections) of all new and replacement windows shall be submitted to and agreed in writing by the Authority. The windows shall be installed only in accordance with the agreed details.

Reason - To make sure the works respect the special character of this protected building, as required by Section 34 of The Land Planning and Development (Guernsey) Law, 2005.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Homestead Cottage' is a one bed two storey granite faced pre-1900 dwelling which is attached to a slightly larger dwelling to the south. The property is set back from and faces west onto Le Bouet. To the north is a patch of open land, to the east is a two storey car park and across the road are other residential properties. The property is located in the St Peter Port Main Centre Outer Area as defined in the Island Development Plan. The property and the adjoining neighbour are both Protected Buildings.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

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:

GP4: Conservation Areas
GP5: Protected Buildings
GP8: Design
GP9: Sustainable Development
GP13: Householder Development

CN11: Windows and Doors in Protected Buildings

Conclusion/Brief comment:

Initially the application was to replace all of the windows (with the exception of the attic window in the upper part of the east gable) with uPVC units, however due to the building being protected, this was not deemed appropriate.

A window schedule has been provided which demonstrates the owner's understanding of special interest.

The north window, window 3, makes a contribution to the special interest of the protected building and, whilst ill-fitting, it does appear to be repairable. The replacement of this window is not thought to be a reasonable aspiration that outweighs the harm to the protected building, therefore policy GP5 has not been met.

Each of the other windows proposed for replacement are either neutral to or detract from the special interest of the protected building. However, PVCu replacements were proposed for all of the windows. The replacement units proposed for windows 1, 2, 4 & 5 would not achieve sufficient accuracy to be deemed like-for-like, and would detract from the special interest of the protected building. Whilst double-glazed timber replacements would be acceptable for these windows, subject to agreement of large-scale drawings, use of PVCu is not acceptable.

The application was deferred, asking the applicants to omit window 3 from the proposals, agree to the replacement windows 1,2, 4 & 5 to be made of timber and the replacement windows 6, 7 and 8 remaining as uPVC units.

The applicants have agreed to the above, which meets CN11 and therefore GP5, subject to agreement of large-scale elevations and sections.

The revised proposals are considered to comply with all the other relevant policies, they will not impact on the special character of the surrounding conservation area, nor will they have any detrimental impacts in the neighbouring properties or the setting of the adjacent protected building.

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

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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: 12/09/2023

