

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: Erect 2 storey extension to north (rear) elevation.

LOCATION: Vestageld Cottage, Mount Durand, St. Peter Port.

APPLICANT: Mr K Wood

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: 27/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JG Architecture - 2321 02.01B & 02.02B

Application Ref: FULL/2023/0932

Property Ref: A305660000

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.

Expiry Date: This permission will cease to have effect on 26/07/2026 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/2023/0932
Property Ref: A305660000
Valid date: 17/05/2023
Location: Vestageld Cottage Mount Durand St. Peter Port Guernsey GY1 1EB
Proposal: Erect 2 storey extension to north (rear) elevation.
Applicant: Mr K Wood

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.

OFFICER'S REPORT

Site Description:

The property known as 'Vestegeld' is a two and a half storey mid-terrace late 19th century dwelling, which is slightly set back from and faces south onto Mount Durand. There is a three and a half storey dwelling attached to the west and a smaller similar sized property to the host property attached to the east. The land falls gently away to the north over the garden area and then falls steeply away down to properties which faces north onto Les Petites Fontaines. The property is located in the St Peter Port Main Centre and Conservation Area as defined in the Island Development Plan. Although not a Protected building itself the property is flanked either side by Protected Buildings.

Relevant History:

FULL/2021/2364 - Demolish extension, erect 2 1/2 storey and single storey extension to the north (rear) elevation – Approved December 2021.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to erect a two storey extension to the north rear elevation.

Initially a two storey flat roof extension was submitted, however, it was considered to be overly large causing overshadowing to the adjacent properties and was not considered to be of an appropriate form for the location. The rear of the property can be seen from across the valley, from both New Place and the Cats Ladder, due to this the application was deferred.

Amended drawings have been submitted which show a reduced first floor and a pitched roof rear extension. Alternative materials have also been proposed.

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

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

Representations:

Initially there were three letters of representation all from immediate neighbours and the issues are:

- The plans as posted propose an extensive two-story development that will significantly alter the existing look and feel of this historic terrace row.
- The 1st floor extension is proposed to come out 2-3m beyond the existing 1st floor building line of the terrace of houses and will substantially affect the neighbours in terms of:
 1. Rights to light and quality of light
 2. Privacy
 3. Open aspect of rear of terrace & row
 4. Aesthetic look of the terrace from the rear view
 5. Setting a precedent for other buildings along the row to go further and further out into the gardens on the first floor, overlooking each other / loss of privacy, light to maximize the views etc.

The neighbour's were re-consulted on the amended drawings, but no additional letters were received.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The amended scheme comprises a dining room and lounge on the ground floor and a bedroom on the first floor. The first floor has been reduced in projection and is now in line with the rear elevation of the westerly neighbours property. The extensions roof line has also been changed to a pitched roof which is in keeping with the age and style of the surrounding built environment.

The proposals are now considered to achieve a good standard of design, using materials which complement the existing materials. The extension will provide adequate levels of sunshine and daylight and give the occupiers more flexible and adaptable accommodation.

The reduced scale and altered massing of the proposed extension means that it would not have a detrimental effect on the special character and appearance of the surrounding conservation area, nor will it have any impacts on the special interest of the adjacent protected buildings or their setting.

The first floor extension will have two north facing windows, the existing rear elevation has one small window, so there will be a slight increase in the possibility of overlooking. However, in a high-density area and with terrace housing, a certain amount of overlooking from first floor windows is expected and it is not uncommon. As such it is not considered that this impact would be to such a degree to warrant refusal. The focus (from the windows) is to look northward down the garden and the obscure angles mean that views into the neighbours gardens are limited.

There will be a slight impact on the neighbour to the east because of the relationship between the two properties and the site boundary. The proposed first floor extension will project beyond the rear elevation of the eastern neighbour and in addition they are flanked by the other adjoining neighbour who also has a projection. There will therefore be some loss of light caused by the erection of this first floor element, however given the orientation of the properties (rear elevations face north) and the position of the first floor windows of this neighbouring property, this will not be to such a degree to warrant a refusal. The reduced footprint of the first floor means that overshadowing is not of a concern. Therefore the proposed extension is not considered to have any adverse effects on neighbour amenity.

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.

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 27/07/2023