

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 plans previously approved to demolish extension, erect two storey flat roof extension, excavate at ground floor level to create patio and external step, with balcony and walkway link at 1st floor level, increase and alter dormer window to east (rear) elevation - Raise roof height of flat roof and dormers, reduce footprint at ground floor level, increase footprint at 1st floor level, omit balcony and alterations to fenestration.

LOCATION: Magnolia House, George Road, St. Peter Port.

APPLICANT: Concept 360 Limited

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: 03/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: SOUP Architects: 450.050.1, .100.1, .110.2, .200.1, .300.2, .310.1 & .320.2

Application Ref: FULL/2023/1098

Property Ref: A408810000

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.The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 17/03/2022, issued under planning application reference FULL/2022/0155, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

Expiry Date: This permission will cease to have effect on 16/03/2025 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/2023/1098
Property Ref: A408810000
Valid date: 03/07/2023
Location: Magnolia House George Road St. Peter Port Guernsey GY1 1BD
Proposal: Variations to plans previously approved to demolish extension, erect two storey flat roof extension, excavate at ground floor level to create patio and external step, with balcony and walkway link at 1st floor level, increase and alter dormer window to east (rear) elevation - Raise roof height of flat roof and dormers, reduce footprint at ground floor level, increase footprint at 1st floor level, omit balcony and alterations to fenestration.

Applicant: Concept 360 Limited

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. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 17/03/2022, issued under planning application reference FULL/2022/0155, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

INFORMATIVES

OFFICER'S REPORT

Site Description:

The property known as 'Magnolia House' is an early 19th century, three and a half storey terraced dwelling, which is set slightly back from and faces west onto George Road. There are adjoining properties to the north and south, with the south neighbour being on roughly the same ground level, with the neighbour to the north at a lower level. The property is located in the St Peter Port Main Centre Outer Area and Conservation Area as defined in the Island Development Plan.

Relevant History:

FULL/2020/2620 - Install dormer windows on (west) front elevation, infill to extend existing dormer window, install glazed link extension at first floor level to rear (east) elevation and re-position external steps – Approved February 2021.

FULL/2022/0155 - Demolish extension, erect two storey flat roof extension, excavate at ground floor level to create patio and external step, with balcony and walkway link at 1st floor level, increase and alter dormer window to east (rear) elevation – Approved March 2022.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is a variation to the previously approved plans to demolish extension, erect two storey flat roof extension, excavate at ground floor level to create patio and external step, with balcony and walkway link at 1st floor level, increase and alter dormer window to east (rear) elevation. The variation is to raise roof height of flat roof and dormers, reduce footprint at ground floor level, increase footprint at 1st floor level, omit balcony and alterations to fenestration.

The application was deferred to request that the dormer windows were resized and to see if the first floor extension could be lowered to ensure there would be no overlooking into the neighbours gardens. After some discussions a meeting was held on site and it was determined that the level of overlooking was not unacceptable.

The rear dormer windows have now been reduced in size.

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

GP4: Conservation Areas

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There has been one letter of representation and the issues are:

- There are concerns with the increased height and length of the proposed rear extension, that it would not be in keeping with the existing pattern and scale of development to the rear of properties in the terrace, which typically step down the hillside following the gradient from south to north.
- There are also concerns that the proposed first floor and external patio level will mean that the effective height of the existing boundary wall would be reduced, resulting in increased overlooking and loss of privacy between our properties, something which could be avoided if those levels were set lower as previously approved. This would also ensure step-free, level access throughout the first floor, which must be desirable for the amenity of future occupants.
- The application in its current form does not achieve the required particularly high standard of design within a Conservation Area.

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 rear dormer windows have been significantly reduced in size and are now considered to be of an appropriate size and scale to relate to the other top floor windows of neighbouring properties.

The variations 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 scale and massing of the new extension is not considered to have a detrimental effect on the character and amenity of the surrounding area, nor will it have any impacts on either of the immediate neighbours, due to the existing high boundary walls. A site visit was carried out with the contractor who showed the finished floor levels in regards to the existing walls and the walls will remain at an appropriate height.

The proposals are all to the rear and are not thought to have any detrimental impacts on the special character and appearance of the surrounding Conservation Area.

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: 29/09/2023