

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: Demolish chimney and alter roof form to create accommodation at second floor level, erect single storey extension with raised terrace area and external staircase at first floor level to east (front) elevation and alterations to fenestration, erect fencing on wall to south boundary (revised scheme).

LOCATION: 39a Seabreeze, Gategny Esplanade, St. Peter Port.

APPLICANT: Mr & Mrs Conlon

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: 08/09/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP Architecture: 3138-DR-001G, 002F, 101F, 201G & 301A.

Application Ref: FULL/2023/1168

Property Ref: A108890000+A108870000

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 the commencement of any work in connection therewith:
- a) elevation drawings and details relating to the design and finish of the proposed raised planters; and
 - b) the design and appearance of the proposed trellis fence, including dimensions of holes/gaps in the trellis

shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

The trellis shall be constructed in its entirety prior to the roof terrace being first brought into use and the raised planters shall be constructed before the dwelling as extended is first occupied. Both the trellis and raised planters shall thereafter be retained in perpetuity.

Reason - The information provided with the application does not include full details of the proposed feature. This condition is imposed to manage the potential for overrlooking and loss of privacy to occur between the application site and properties fronting Gategny Esplanade.

5.The first and second floor ensuite/shower room windows in the east elevation and the two second floor windows in the south elevation serving bedroom 2 shall be glazed with obscure glass to to a minimum level 3 on the Pilkington scale (or equivalent) which shall thereafter be retained at all times.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

6.Prior to the first floor roof terrace, hereby approved, is first brought into use the obscure glazed privacy screen (of a minimum of level 3 on the Pilkington scale or equivalent) shall be erected in accordance with the approved plans, along the north and southern edge of the roof terrace with a 1.8m high return, 1m wide, to the eastern edge of the roof terrace. All screens, to the north, south and eastern edge of the roof terrace shall thereafter be maintained and retained in perpetuity.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

Expiry Date: This permission will cease to have effect on 07/09/2026 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/2023/1168
Property Ref: A108890000+A108870000
Valid date: 28/06/2023
Location: 39a Seabreeze Gategny Esplanade St. Peter Port Guernsey GY1 2BP
Proposal: Demolish chimney and alter roof form to create accommodation at second floor level, erect single storey extension with raised terrace area and external staircase at first floor level to east (front) elevation and alterations to fenestration, erect fencing on wall to south boundary (revised scheme).
Applicant: Mr & Mrs Conlon

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 the commencement of any work in connection therewith:

- a) elevation drawings and details relating to the design and finish of the proposed raised planters; and
- b) the design and appearance of the proposed trellis fence, including dimensions of holes/gaps in the trellis

shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

The trellis shall be constructed in its entirety prior to the roof terrace being first brought into use and the raised planters shall be constructed before the dwelling as extended is first occupied. Both the trellis and raised planters shall thereafter be retained in perpetuity.

Reason - The information provided with the application does not include full details of the proposed feature. This condition is imposed to manage the potential for overlooking and loss of privacy to occur between the application site and properties fronting Gategny Esplanade.

5. The first and second floor ensuite/shower room windows in the east elevation and the two second floor windows in the south elevation serving bedroom 2 shall be glazed with obscure glass to to a minimum level 3 on the Pilkington scale (or equivalent) which shall thereafter be retained at all times.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

6. Prior to the first floor roof terrace, hereby approved, is first brought into use the obscure glazed privacy screen (of a minimum of level 3 on the Pilkington scale or equivalent) shall be erected in accordance with the approved plans, along the north and southern edge of the roof terrace with a 1.8m high return, 1m wide, to the eastern edge of the roof terrace. All screens, to the north, south and eastern edge of the roof terrace shall thereafter be maintained and retained in perpetuity.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

INFORMATIVES

OFFICER'S REPORT

Site Description:

39a Glategny Esplanade is a detached, two-storey dwelling with render exterior and pantile roof situated to the rear of 39 Glategny Esplanade. Land to the west of the building is formed by a quarry face with a residential development beyond at Salter Street. 39 Glategny Esplanade is a mid-terrace property. There are ground and first floor window openings to the front and rear (east and west) of the building. To the west facing the car park and residential development at La Salerie Inn and to the east, facing the rear windows and gardens of properties fronting Glategny Esplanade. Gable windows exist to the north and south of the building resulting in views of the patio/glasshouse area within the garden area of the adjoining property to the south and La Salerie Inn development to the north.

Buildings lining Glategny Esplanade are chiefly two and a half or three and a half storeys in height with pitched roofs aligned parallel to the road. Many of the buildings have dormer windows (captains, flat roof or catslide) and there is one building with a mansard roof. There is also a mix of roofing material found in the vicinity of the site.

The site is located in the Main Centre, St Peter Port Conservation Area and Archaeological Area as designated in the Island Development Plan. The properties fronting this part of Glategny Esplanade are protected buildings. 39a is not a protected building.

Relevant History:

FULL/2022/0752 - Dwelling 39a Seabreeze to be used as ancillary domestic accommodation associated with 40 Glategny Esplanade and no longer as a self-contained dwelling – granted

FULL/2023/0060 - Demolish chimney and alter roof form to create accommodation at second floor level, erect single storey extension with raised terrace area and external staircase at first floor level to east (front) elevation and alterations to fenestration - refused

Existing Use(s):

01 dwellinghouse – the covering letter that accompanies this submission indicated that the 2022 permission would be superseded by this application.

Brief Description of Development:

Planning permission has previously been granted for the change of use of the dwelling to ancillary living accommodation associated with no. 39. The application sets out that this proposal would supersede that scheme.

The application relates to the demolition of a chimney stack and alterations to the roof form to install dormers and create second floor living accommodation. A single-storey extension is also proposed along with a raised terrace over and external spiral staircase as a secondary access (to meet current Building Regulations) to the terrace area. Alterations are also proposed to first floor southeast facing fenestration and a trellis fence is proposed in the inner face of the garden wall with the neighbouring property, 37 Gategny Esplanade.

The extensions and alterations to the building would provide a kitchen/diner, WC and living room on the ground floor, a bedroom and shower room on the first floor with access to the balcony and a further bedroom and bathroom in the roofspace.

The scheme also incorporates a trellis fence above the existing boundary wall between the application site and no. 37 Gategny Esplanade. The application was deferred due to concerns relating to the overbearing impact of this trellis on the neighbouring garden area with options to lower or remove the trellis explored. Revised plans were submitted to show the trellis fence lowered.

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

Island Development Plan policies:

GP4: Conservation Area

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

The Study of the Hillside Town

Representations:

One letter of representation has been submitted from the occupiers of no. 37 Gategny Esplanade raising the following points:

- The earlier, almost identical application was refused due to the impact of the roof terrace on the privacy to the building and amenity space
- The decision noted that the screen would prevent views directly south into the upper part of the terraced garden but the open front would afford views towards the patio and highly glazed extension to the immediate rear of no. 37 which is accepted as being the most private part of a garden

- Neither the amendment to the screen nor the introduction of a timber trellis would alter the impact on no. 37
- The trellis is unlikely to be permanent, it could be blown down in high winds
- The scheme does not overcome the concerns raised as part of the original application submission
- The key concern is the size and height of the balcony which will overlook the garden, rear windows and upper mezzanine
- It will be out of character in the surrounding area

The occupiers of no. 37 confirm that the revised drawings do not address the concerns raised and reiterating that the main concern is the size and height of the balcony which will overlook the garden and glazed rear elevation, that this will appear ugly and out of character in the area and from the adjoining property. The trellis is also considered temporary in terms of privacy and the fact remains that the site is only accessible through another, listed, property and emergency access has not been considered/addressed. The listed building itself is an eyesore being allowed to fall into further disrepair.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the design and appearance of the extensions and alterations, their impact on the character and appearance of the Conservation Area, the setting of adjoining Protected Buildings and the effect on residential amenity with regard to overlooking and loss of privacy.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

Residential Amenity

Although the scheme will introduce more first and second floor window/door openings than currently exist, the rooms served are bedrooms and bathrooms rather than primary living accommodation. The east facing bathroom windows can be conditioned to be obscure glazed in order to reduce the perception of overlooking to adjoining residential occupiers. It is not considered necessary to require the landing/secondary en-suite window to be obscure glazed as these windows face the

applicant's own amenity space. The secondary bedroom windows to the south elevation serving bedroom two can also be conditioned in the same way in the interests of providing privacy to the neighbouring occupiers. Subject to such conditions the impact of these changes on the privacy of adjoining occupiers will remain within acceptable limits particularly given the tight knit arrangement of these historic properties and the interrelationship between them, including the application property which remains as a recognised unit of residential accommodation that could be renovated and brought back into use at any time.

No.39 and 40 are also in the same ownership as the application property which enables the existing domestic gardens to be divided to offer each with an area of external amenity space.

The extension on which the proposed terrace will be situated is to be stepped down in the site to help reduce its impact on the amenities enjoyed by the occupiers of adjoining dwellings. The proposed roof terrace is shown to incorporate an obscure glazed screen to both sides and with a 1.8 high return to the front elevation of the balcony, with a section of 1.1m high screen in the centre of the terrace in order to direct views more towards the east and across the amenity space of the application site to the roofs of buildings fronting Gategny Esplanade and where fenestration is somewhat limited. The introduction of the reduced height trellis fencing will deflect views away from the garden area of no. 37 and being to the north of no. 37 will not result in overshadowing and, on balance, will not have an overbearing impact on the amenities enjoyed by the occupiers of no. 37. This approach, in combination with the proposed alterations to the boundary wall to no. 40 and new rendered wall/planting at Seabreeze will ensure that loss of privacy remains within acceptable limits for 37, 39 and 40. The boundary trellis details and other new boundary features can be managed by planning condition.

The introduction of an external spiral staircase to the roof terrace would be situated in the side garden of the property. The staircase itself will serve as an access only and in itself will not result in undue harm to the privacy and amenities of surrounding residential occupiers.

The scheme is therefore satisfactory in relation to Policies GP8, GP9 and GP13 of the Island Development Plan.

Impact on Conservation Area

The scheme relates to the formation of a mansard roof to the building with associated dormers to the front and rear and a single-storey flat roof extension with roof terrace and external staircase. The importance of careful consideration of new development on or near the existing skyline and the role played in such scenarios of extensions to existing buildings is highlighted in The Study of the Hillside Town. In this case, it is only the changes to the roof form that would be publicly visible and the other alterations are not considered to result in harm to the character and appearance of the Conservation Area. When considering the Hillside Town the

building is only prominent in views from the south and westernmost parts of Salerie Car Park.

The alterations proposed to the roof would not increase the ridge or eaves height of the building but would introduce mansard angles and dormers. These are considered to reflect the proportions of those of neighbouring buildings and the change in appearance would not be obtrusive given the differing roof forms and finishes found in the vicinity of the application site, the very many differing orientations of buildings and the presence of dormer windows which alter and break up the appearance of these simple pitched roofs. The works to the roof therefore would conserve the special character and appearance of the Conservation Area and respect the character of the local built environment in line with Policies GP4, GP8 and GP9 of the IDP.

The design and appearance of the extensions and alterations represents a high standard of design that respects the local built environment. The extensions will not result in overshadowing or loss of light to the occupiers of surrounding dwellings in accordance with Policy GP8 and GP9 and it is noted that the extension will step down into the site as a result of excavation works in order to further limit its impact outside the site.

Accessibility, flexibility and amenity of occupiers

The accommodation as extended will offer accessible and adaptable accommodation that is able to respond to the needs of occupiers over time. It will provide accommodation that is served by adequate sunlight and daylight. The roof terrace will also offer enhanced external amenity space for occupiers.

As an existing dwelling with stepped, and unusual arrangement through no. 39, it does not offer access that will be accessible to all however the internal steps on the ground floor of the dwelling will offer access for ambulant disabled.

Protected Buildings

The building forms a backdrop on higher ground above a number of Protected Buildings on Gategny Esplanade and the position of the dwelling is such that the alterations proposed would have no adverse effect on the overall special interest of the setting of these buildings.

Other matters

Although concerns have been raised regarding access arrangements and emergency access this is an existing unit of residential accommodation where the proposals seek to enlarge and enhance the existing dwelling. The access and emergency arrangements would remain as is the case for the existing property however, the owner may choose to make improvements such as a sprinkler system but this cannot be a requirement of the permission.

Conclusions

In view of the above it is recommended that planning permission is granted for the proposed development.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 08/09/2023

