

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: Variation to plans previously approved for Change of Use from House of Multiple Occupancy (Use Class 6) to 3 Residential Dwellings (Use Class 1). Erect extension to south-east (rear) elevation, rebuild dormer windows to south-east (rear) elevation, raise ridge height of extension to north-west (front) elevation, extend to south-east elevation (1.5 storey) and internal works (Protected Building) - extend at first and second floor levels to rear of unit 1 (revised scheme).

LOCATION: Chateau De La Montagne, La Charroterie, St. Peter Port.

APPLICANT: Mr Gilliland & Mr Smith

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: 17/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/08/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP Architecture - 3126 WD-01B, 02B, 03B, 04B, 05B

Application Ref: FULL/2023/1414

Property Ref: A405890000

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 on or before 03/10/2025.

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 south west (side) facing windows to the extension hereby approved shall be obscure glazed to a minimum of Level 3 on the Pilkington scale (or equivalent) and shall thereafter be so retained.

Reason - In the interests of residential and neighbouring amenity.

5. 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 04/10/2022, issued under planning application reference FULL/2022/0946, 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 03/10/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this approval relates only to the erection of the first and second floor extension to the rear of Unit 1 as indicated on the plans, and no other works whatsoever.

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/2023/1414
Property Ref: A405890000
Valid date: 08/08/2023
Location: Chateau De La Montagne La Charroterie St. Peter Port
Guernsey GY1 1EJ
Proposal: Variation to plans previously approved for Change of Use from House of Multiple Occupancy (Use Class 6) to 3 Residential Dwellings (Use Class 1). Erect extension to south-east (rear) elevation, rebuild dormer windows to south-east (rear) elevation, raise ridge height of extension to north-west (front) elevation, extend to south-east elevation (1.5 storey) and internal works (Protected Building) - extend at first and second floor levels to rear of unit 1 (revised scheme).

Applicant: Mr Gilliland & Mr Smith

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 on or before 03/10/2025.

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 south west (side) facing windows to the extension hereby approved shall be obscure glazed to a minimum of Level 3 on the Pilkington scale (or equivalent) and shall thereafter be so retained.

Reason - In the interests of residential and neighbouring amenity.

5. 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 04/10/2022, issued under planning application reference FULL/2022/0946, and subject to the terms and conditions thereof.

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

INFORMATIVES

For the avoidance of doubt, this approval relates only to the erection of the first and second floor extension to the rear of Unit 1 as indicated on the plans, and no other works whatsoever.

OFFICER'S REPORT

Brief Description of the site:

The site comprises of a double width 3 storey building with a two-storey extension to the southwest. The building has limited parking to the southwest and garden area to the southeast. The rear of the site faces onto the cliff face. The property had been previously subdivided into 6 bedsits.

The application site is within the Main Centre and within a Conservation Area. The building is also Protected. The cliff to the rear is designated as Important Open Land and Area of Biodiversity Importance within the Island Development Plan.

Relevant History:

FULL/2022/0946 Change of use from HMO (Use Class 6) to 3 Residential Dwellings (Use Class 1), erect extension to south-east (rear) elevation, rebuild dormer windows to south-east (rear) elevation, raise ridge height of extension to

north-west (front) elevation, extend to south-east elevation (1.5 storey) and internal works (Protected Building).

Approved 04/10/2022

FULL/2022/1769 Variation to previously approved plans for Change of Use from HMO (Use Class 6) to 3 residential dwellings (use class 1), erect extension to south-east (rear) elevation, rebuild dormer windows to south-east (rear) elevation, raise ridge height of extension to north-west (front) elevation, extend to south-east elevation (1.5 storey) and internal works (Protected Building)- Erect single storey extension to rear of Unit 2.

Approved 1/10/2022

FULL/2023/0699 Variation to previously approved plans for Change of Use from HMO to 3x residential dwellings (Protected Building) - extend at first and second floor levels to rear of unit 1.

Refused 05/07/2023

FULL/2023/1341 Variation to previously approved plans for Change of Use from HMO to 3x residential dwellings (Protected Building) - demolish and rebuild and alter Unit 3.

Under consideration

FULL/2023/0704 Variation to previously approved plans for Change of Use from HMO to 3x residential (Protected Building)- Excavate, create raised terrace, alter steps and erect retaining walls (Protected Trees).

Under consideration

Existing Use(s):

06 Residential – House of Multiple Occupancy

Brief Description of Development:

The application proposes a variation to the previous approval FULL/2022/0946 which approved the change of use of the building from HMO to 3 x dwelling houses, along with other extensions and alterations to the property.

The variation now proposed involves the enlargement of an existing first floor extension and a new second storey extension over this with hipped roof, to the rear of Unit 1.

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

Conclusion/Brief comment:

The proposed variation introduces an enlargement to the existing first floor extension and an additional storey which results in a 4.5m deep pitched roof three storey extension to the rear of the dwelling. The proposal is located to the rear of the building meaning it is not prominent in public views or within the Conservation Area.

The previous application (FULL/2023/0699) which proposed a flat roof rear extension was refused due to its poor design and harmful impact on the historic form and proportions of the Protected Building. This revised scheme replaces the previous flat roof with a pitched roof.

As the whole building is protected, Policy GP5 requires such extensions to Protected Buildings to respect the special interest of the building and the proposed revision to the design by introduction of the pitched roof, results in an improvement in the form and appearance. Subsequently, the extension is not considered to be harmful to the special interest of the protected building and the extensions are considered to be reasonable and proportionate in scale.

The proposed windows to the southwest (side) elevation have been obscure glazed to prevent any harmful overlooking of the rear gardens and views into the neighbouring dwellings. As a result, the proposal is considered acceptable in relation to the impact on neighbours, given the tight grain of development within this urban setting.

The proposed scheme is acceptable in terms of the proposed design and its impact on the protected building, and therefore complies with the requirements of Policies GP5 and GP8.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

Recommendation:

Grant with Conditions



Date: 17/11/2023

