

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 previously approved plans to extend at basement and ground floor level with raised terrace area to east (side) elevation. Remove section of wall at ground floor level to west elevation, fenestration and internal alterations. Erect covered garden area and roadside wall, infill existing vehicle access to west boundary (Protected Building) - Create terrace at 1st floor level, alterations to fenestration, roof lantern and balustrade, omit flue to outdoor kitchen.

LOCATION: En Facade House, La Couperderie, St. Peter Port.

APPLICANT: Mr & Mrs K Acott

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: 26/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/08/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room - 276 D1C, D2D, D3D, D4C, D5A, F2B & F7A.

Application Ref: FULL/2023/1465

Property Ref: A303250000

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 30/06/2025.

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. Prior to removal of the existing, large scale drawings (including 1:5 sections) of all new and replacement windows shall be submitted to and agreed by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - To ensure that the special interest of the protected building is preserved.

5. Prior to installation, specification of the balustrades shall be submitted to and agreed by Authority. The works shall be carried out only in accordance with the agreed details.

Reason - To ensure that the special interest of the protected building is preserved.

6. Prior to the raised balcony hereby approved being brought into first use, the 1.8m high section of the privacy screen located on the southern edge of the hereby approved terrace, located towards the south of the property as indicated on drawing 276-D3-D, shall be glazed with obscure glass to a minimum of Level 3 on the Pilkington scale (or equivalent) and shall be retained as such thereafter.

Reason - To protect the amenities of neighbouring residents.

7. 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 01/07/2022, issued under planning application reference FULL/2022/0945, and subject to the terms and conditions thereof.

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

Expiry Date: This permission will cease to have effect on 30/06/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please note that should additional alterations to the beams over the kitchen be found to be necessary following 'opening up works', then further discussion must be had with the Authority.

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/2023/1465
Property Ref: A303250000
Valid date: 29/08/2023
Location: En Facade House La Couperderie St. Peter Port Guernsey GY1 1NH
Proposal: Variations to previously approved plans to extend at basement and ground floor level with raised terrace area to east (side) elevation. Remove section of wall at ground floor level to west elevation, fenestration and internal alterations. Erect covered garden area and roadside wall, infill existing vehicle access to west boundary (Protected Building) - Create terrace at 1st floor level, alterations to fenestration, roof lantern and balustrade, omit flue to outdoor kitchen.
Applicant: Mr & Mrs K Acott

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 30/06/2025.

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. Prior to removal of the existing, large scale drawings (including 1:5 sections) of all new and replacement windows shall be submitted to and agreed by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - To ensure that the special interest of the protected building is preserved.

5. Prior to installation, specification of the balustrades shall be submitted to and agreed by Authority. The works shall be carried out only in accordance with the agreed details.

Reason - To ensure that the special interest of the protected building is preserved.

6. Prior to the raised balcony hereby approved being brought into first use, the 1.8m high section of the privacy screen located on the southern edge of the hereby approved terrace, located towards the south of the property as indicated on drawing 276-D3-D, shall be glazed with obscure glass to a minimum of Level 3 on the Pilkington scale (or equivalent) and shall be retained as such thereafter.

Reason - To protect the amenities of neighbouring residents.

7. 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 01/07/2022, issued under planning application reference FULL/2022/0945, and subject to the terms and conditions thereof.

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

INFORMATIVES

Please note that should additional alterations to the beams over the kitchen be found to be necessary following 'opening up works', then further discussion must be had with the Authority.

OFFICER'S REPORT

Brief Description of the site:

The application property is a protected building which is situated on the corner between Vauvert, La Couperderie and Cordier Hill.

The whole of En Façade House, together with the railings bordering La Couperderie and Cordier Hill are protected. The southern extensions are not protected. The property is located within a Main Centre and a Conservation Area as defined by the Island Development Plan.

Planning permission was granted in 2022 to extend the property at basement and ground floor level, with raised terrace area to east (side) elevation. Permission was also granted to remove section of wall at ground floor level to the west elevation, make alterations to the fenestration and internally and erect a covered garden area and roadside wall, and infill an existing vehicle access to the west boundary.

Planning permission is now sought to vary that permission (FULL/2022/0945) by creating a terrace at 1st floor level, alter the fenestration, roof and balustrade. It is also noted to demolish a two storey structure to the rear of the property, and omit the flue to the outdoor kitchen as part of the former application.

Relevant History:

FULL/2022/0945	Extend at basement and ground floor level with raised terrace area to east (side) elevation. Remove section of wall at ground floor level to west elevation, fenestration and internal alterations. Erect covered garden area and roadside wall, infill existing vehicle access to west boundary (Protected Building).	Granted
FULL/2018/2844	Erect detached double garage and install replacement entrance gate (Protected Building).	Granted
FULL/2016/0156	Extend and alter dwelling, remove chimney stack and install flue (east elevation), alter and install fenestration (all elevations) and install rooflight. (Protected Building)	Granted
FULL/2013/1690	Re-instate boundary wall, construct new access and create additional parking area (Protected Building).	Granted

Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage

✓
✓
✓

visual amenity acceptable
no material neighbour impact
traffic not affected

✓
✓
✓

design acceptable



Policies considered most relevant:

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

Conclusion/Brief comment:

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings, to secure so far as possible that the special historic, architectural, traditional or other special characteristics (including setting) are preserved. This duty is reflected in Policy GP5 of the IDP.

Under Section 38 of The Land Planning and Development (Guernsey) Law, 2005 the Authority has a duty to pay *“special attention to the desirability of preserving and enhancing the character and appearance”* of Conservation Areas. This duty is encapsulated in Policy GP4 (Conservation Areas) which states that *“proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.”*

No Statement of Significance has been provided in support of the application. Instead, the agent directs the Authority to that submitted with the previous application (FULL/2022/0945). It is of the view that the former statement is generally accurate, although, it the statement does not focus on the alterations now under consideration.

The low profile nature of the proposed terrace, when viewed from La Couperderie, will not detract from the special character of the protected building, nor the character or appearance of the Conservation Area.

Whilst creating a first floor terrace above the proposed extension to the east of the dwelling could cause an overlooking impact towards neighbouring residents, however when taking into account the distance, boundary treatments, and relationship to neighbouring properties, the resultant effect is likely to be negligible. The proposal also includes a 1.8m high privacy screen along the along the southern edge of the raised terrace towards the south of the property.

It is reasonable to condition further details regarding large scale drawings of all new and replacement windows, details of the balustrades, and the installation of the obscure privacy screen along the southern edge of the raised terrace.

The demolition of part of the extension to the south of the main house is considered to be a reasonable aspiration of the property owner which outweighs the harm caused, given that the value of this part of the property is considered to be low and would have negligible effect on the overall special interest of the protected building. All other alterations are considered acceptable under Policy.

There is a note on the ground floor plan to assess the beams of the east extension during works. It is recommended that an informative be attached to the decision to advise the applicant/agent to contact the Authority should further works other than specified on the drawings be required.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

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.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 25/10/23

