

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Internal alterations. (Protected Building).

LOCATION: Karori, 1 St John's Terrace, St. John's Road, St. Peter Port.

APPLICANT: Mr M S Falla

I refer to the application referred to below received as valid on 19/09/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 29/11/2023

Drawing Nos: Block plan (19/09/23) and letter (24/08/23).

Application Ref: FULL/2023/1485

Property Ref: A109390000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The fireplace is of high value to the Protected Building. Its replacement would have a major impact, the resultant effect on the overall special interest of the Protected Building being large/very large (BS 7913:2013). The adverse effect on overall special interest is not outweighed by the reasonable aspirations of the owner, contrary to Island Development Plan Policy GP5: Protected Buildings.

OTHER REMARKS:-

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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2023/1485
Property Ref: A109390000
Valid date: 19/09/2023
Location: Karori 1 St John's Terrace St. John's Road St. Peter Port
Guernsey
Proposal: Internal alterations. (Protected Building).
Applicant: Mr M S Falla

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The fireplace is of high value to the Protected Building. Its replacement would have a major impact, the resultant effect on the overall special interest of the Protected Building being large/very large (BS 7913:2013). The adverse effect on overall special interest is not outweighed by the reasonable aspirations of the owner, contrary to Island Development Plan Policy GP5: Protected Buildings.

OFFICER'S REPORT

Site Description:

The property known as 'Karori' is the first of a terrace of seven two and two and a half storey mid-19th century properties, all of which are slightly set back from and face northeast onto St John's Road. There is a neighbouring property to the southeast, the attached neighbour is to the northwest. There is a church across the road to the northeast and Rope Walk Lane is to the southwest. The property is located in the St Peter Port Main Centre Outer Area as defined in the Island Development Plan. The whole terrace is also Protected.

Relevant History:

FULL/2023/1488 – Demolish and rebuild chimney (Protected Building) – Approved October 2023.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

The proposed works are to remove the existing living room fireplace and replace it with a wood/fuel-burning stove and install a stainless steel flue liner in chimney.

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

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

None

Consultations:

None

Summary of Issues:

- Impact of the development on the special interest of the Protected Building.

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.

Permission is sought to remove the fireplace and its surround, retaining the hearth, and to install a stainless steel flue and fuel burning stove.

Research has found the building to date from the mid-19th century (it is not shown on the 1843 map but appears on the 1873 map). The style of the fireplace has also been investigated and is believed to be original to the house. This is because the insert is a hob grate with canted sides, curved fire bars and supporting metal balls. Hob grates came into being by c.1750, with the change from wood to coal as a fuel, with canted sides an improvement introduced from the late 1790s [Elements of Style, 1996].

The reeded jambs and lintel are reflected in the reeded edge of the mantel shelf and in elements of the grate. Acanthus leaf motifs feature in the metalwork. Together with carved/moulded figures in the corners, these elements give a Regency style to the surround and insert which would not be unusual to be used at the time the house was constructed. In addition, iron firebacks were not replaced by fire bricks until the mid-19th century [The Georgian Group Guides No.9 Fireplaces (1997)]. Only a portion of the fireplace in question is backed by fire bricks which also lends weight to its date.

The value of elements of the building has been assessed against the magnitude of impact of the works to establish the effect of the development on the overall special interest of the protected building.

Assessment against Policy GP5

The fireplace proposed for removal is of a regency-style and likely original to the building which was constructed during the mid-19th century. The fireplace ties in with other joinery remaining in the room, including beading to the alcoves which flank the chimney breast.

Both fireplace surround and insert are of high value to the protected building. Replacement as proposed would have a major impact, the resultant effect of which on the overall special interest of the protected building would be large/very large (BS 7913:2013).

The reasonable aspirations of the owner do not outweigh the adverse effect on overall special interest and GP5 is not met.

Assessment against Policy GP9

The applicant would like to replace the fireplace for reasons of energy efficiency.

Paragraph 19.10.10 of the IDP explains that “It should be possible to meet the objective of positively responding to climate change through the development of the existing building stock without causing an adverse effect on the particular character, feature or setting of a Conservation Area or protected building.”

Replacement of the fireplace would have an adverse effect on the special interest of the protected building in conflict with Policy GP5 and so in turn does not meet criterion b of Policy GP9.

Therefore, due to the reasons above the recommendation for this application is one of a refusal.

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 Planning and Development (General Provisions) Ordinance, 2007 have been considered 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 Trees or Monuments or on SSS's.

Date: 29/11/2023

