

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: Replace/refurbish windows to west (rear) elevation and internal alterations (Protected Building).

LOCATION: 10 Le Pollet, St. Peter Port.

APPLICANT: Stonelake Properties (Guernsey) Limited

I refer to the application referred to below received as valid on 13/10/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 24/11/2023

Drawing Nos: Chescoe Ltd - 2134-05 & 06

Application Ref: FULL/2023/1666

Property Ref: A112800000

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 replacement of the triple sash window to the west elevation of the building as proposed would, if approved, have a significant detrimental effect on the overall special interest of the Protected Building. The proposal would be contrary to Policy GP5 (Protected Buildings) of the Island Development Plan and to the advice set out in Guidance Note CN11 - Windows and Doors in 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/2023/1666
Property Ref: A112800000
Valid date: 13/10/2023
Location: 10 Le Pollet St. Peter Port Guernsey GY1 1WH
Proposal: Replace/refurbish windows to west (rear) elevation and internal alterations (Protected Building).
Applicant: Stonelake Properties (Guernsey) Limited

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The replacement of the triple sash window to the west elevation of the building as proposed would, if approved, have a significant detrimental effect on the overall special interest of the Protected Building. The proposal would be contrary to Policy GP5 (Protected Buildings) of the Island Development Plan and to the advice set out in Guidance Note CN11 - Windows and Doors in Protected Buildings.

OFFICER'S REPORT

Site Description:

The property known as 10 Le Pollet is a four and a half storey Protected Building which was built in the 18th century. The building faces east onto Le Pollet, with attached buildings to the north, south and west. The property is in the St Peter Port Main Centre and Conservation Area as defined in the Island Development Plan.

Relevant History:

PREA/2023/1085 – Replace windows on rear elevation (Protected Building) – Closed June 2023.

FULL/2023/0484 – Internal and fenestration alterations (Protected Building) – Approved May 2023.

Existing Use(s):

Retail use class 10: general retail.

Brief Description of Development:

This application is for planning permission to replace one triple sash first floor window on the west elevation.

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

MC6: Retail
GP5: Protected Buildings
GP8: Design
GP9: Sustainable Development

CN11: Windows and Doors in Protected Buildings.

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.

The whole of the eastern part of the building is protected. It is within the Old Town Character Area of the St Peter Port Conservation Area; however the current proposal would have no material effect on the Conservation Area due to the location of the window.

A Statement of Significance has been provided. This notes the triple sash first floor window as making a 'significant positive contribution to the historic nature of the building' and gauges its age as 1940s. However the Authority's assessment of the age of the triple sash window differs from this because of the proportions and mouldings of the sashes and due to the presence of old glass which can be assessed as such due to its characteristic appearance. It is concluded that the sashes are likely to be 19th century with, perhaps, a 20th century frame. The sill is a modern insertion. It is agreed with the agent that the window makes a positive contribution to the overall special interest of the protected building.

The agent explains that the window has undergone previous repairs and is 'beyond economic repair'. Whilst previous repairs are evident, they are not extensive and the extent of rot is limited. The harm to the special interest of the protected building is not outweighed by the reasonable aspirations of the applicant in this instance. Therefore the replacement of the triple sash window does not comply with Policy GP5 or accord with the advice in CN11.

In summary, the development if approved would have a significant detrimental effect on the overall special interest of the protected building. The proposal would be contrary to Policy GP5 (Protected Buildings) of the Island Development Plan and to the advice set out in Guidance Note CN11 - Windows and Doors in Protected Buildings.

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: 24/11/2023