

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: Subdivide to create 2 dwellings, demolish extension/outbuilding, extend at ground floor and first floor levels to north-east (side) elevation (Protected Building) (Revised Scheme).

LOCATION: Feldspar, Les Grandes Maisons Road, St. Sampson.

APPLICANT: Mr & Mrs L Doherty

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: 23/02/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton - 2311 03.01A, 03.02B & 03.03C

Application Ref: FULL/2023/2379

Property Ref: B001630000

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.Notwithstanding the plans hereby approved, the doors and architraves of the openings to be blocked shall be retained in situ on the wing side of the former opening and the architraves shall be retained on the hallway side.

Reason - To make sure the works respect the special character of this protected building, as required by Section 34 of The Land Planning and Development (Guernsey) Law, 2005.

5.Prior to removal of the existing, large scale drawings (1:20 elevations; 1:5 sections) of all new and replacement doors and windows and of the new door case shall be submitted for the written agreement of the Authority.

Reason - To make sure the works respect the special character of this protected building, as required by Section 34 of The Land Planning and Development (Guernsey) Law, 2005.

6.Prior to commencement of the development, the materials of the first floor lean-to extension shall be agreed in writing with the Authority.

Reason - To make sure the works respect the special character of this protected building, as required by Section 34 of The Land Planning and Development (Guernsey) Law, 2005.

7. Prior to their installation, details of the routes, position and external appearance of all new drains, vents and extractors shall be agreed in writing with the Authority.

Reason - To make sure the works respect the special character of this protected building, as required by Section 34 of The Land Planning and Development (Guernsey) Law, 2005.

Expiry Date: This permission will cease to have effect on 22/02/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Should lining of ceilings or additional lining of walls be proposed, further discussion must be had with the Authority (the Conservation and Design Team and/or Development Control Team) so that the impact upon cornices, architraves and other joinery can be fully considered.

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/2023/2379
Property Ref: B001630000
Valid date: 30/11/2023
Location: Feldspar Les Grandes Maisons Road St. Sampson Guernsey
GY2 4JH
Proposal: Subdivide to create 2 dwellings, demolish
extension/outbuilding, extend at ground floor and first floor
levels to north-east (side) elevation (Protected Building)
(Revised Scheme).
Applicant: Mr & Mrs L Doherty

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. Notwithstanding the plans hereby approved, the doors and architraves of the openings to be blocked shall be retained in situ on the wing side of the former opening and the architraves shall be retained on the hallway side.

Reason - To make sure the works respect the special character of this protected building, as required by Section 34 of The Land Planning and Development (Guernsey) Law, 2005.

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7. Prior to their installation, details of the routes, position and external appearance of all new drains, vents and extractors shall be agreed in writing with the Authority.

Reason - To make sure the works respect the special character of this protected building, as required by Section 34 of The Land Planning and Development (Guernsey) Law, 2005.

INFORMATIVES

Should lining of ceilings or additional lining of walls be proposed, further discussion must be had with the Authority (the Conservation and Design Team and/or Development Control Team) so that the impact upon cornices, architraves and other joinery can be fully considered.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Feldspar' is a Victorian detached two and a half storey granite faced dwelling which is set back from and faces northwest onto Les Grandes Maisons Road.

There are neighbouring properties to the southwest and southeast and a small terrace of dwellings across the road to the northwest. To the northeast is the St Sampson Church Community Hall. The property is located within the St Sampson Main Centre and is within a Conservation Area as defined in the Island Development Plan.

The property is a Protected Building. The whole of the building presently known as 'Feldspar', together with the roadside wall and railings is listed as part of the protection.

Relevant History:

FULL/2023/1682 - Demolish extension, erect single storey extension to south-east (rear) elevation (Protected Building) – Approved November 2023.

FULL/2023/1013 - Sub-divide to create 2 dwellings. Demolish extension/outbuilding, extend at ground floor and first floor levels to north-east (side) elevation (Protected Building) – Refused November 2023.

FULL/2021/1049 - Demolish extension and erect dwelling to north-east of site (Protected Building) – Approved August 2021.

Existing Use(s):

Residential use class 1: dwelling house.

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:

MC2: Housing in Main Centres and Main Centre Outer Areas

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Conclusion/Brief comment:

This application is to subdivide the dwelling into two dwellings, by demolishing the outbuilding and removing the roof of the northeast wing and erecting a one and a half storey extension to the northeast elevation, incorporating the ground floor walls of the existing wing. The main part of the dwelling will consist of the main front door and the southwest part of the structure and the new dwelling will have a new front door (in the wing) and will make up the northeast part of the structure. Both dwellings will have three bedrooms.

The key issues in this case relate to the principle of the proposed subdivision, the effect of the works on the special interest of the Protected Building, impact on residential amenity and the health and well-being of future occupiers.

Policy MC2 makes provision for additional housing units in this location and offers a gateway for the subdivision of an existing building to form two units of accommodation, both providing three bedrooms.

Although current housing requirements for the Island are generally for two and three bedroom properties this application relates to the subdivision of a substantial dwelling that would have 5+ bedrooms at present and not the erection of a new, 5 bedroom dwelling. This does not therefore, conflict with policy.

The purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

Section 34 of the Law explains the general functions of authorities in respect of protected buildings. This states that:

It is the duty of any department of the States when exercising its functions under this Law –

(a) to secure so far as possible that the special historic, architectural, traditional or other special characteristics of buildings listed on the protected buildings list (“protected buildings”) are preserved, and

(b) in particular, in exercising its functions with respect to a protected building or any other building or land in the vicinity of a protected building, to pay

special attention to the desirability of preserving the protected building's special characteristics and setting.

In respect of these statutory duties, the word 'preserve' is taken in its ordinary meaning as set out in Chamber's dictionary, which is 'to keep safe from harm or loss'.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely. Relevant policies will be addressed below in assessing the key issues.

Section 13 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, sets out a number of general material considerations, the following of which are considered to be relevant in this instance:

- (b) the character and quality of the natural and built environment, which is likely to be created by the development,
- (c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,
- (d) the likely effect of the development on the character and amenity of the locality in question,

Section 15 clarifies that the considerations referred to in paragraphs (b) and (c) of section 14 also apply to protected buildings.

For the purpose of this report BS 7913:2012 has been used to assess the magnitude of impact of the development against the value of the special interest of the building.

The application has been accompanied by a Statement of Significance, although this has not been updated to reflect the revised proposals.

Policy GP5 will be met where there is no adverse effect on the overall special interest of a protected building or the works are considered a reasonable aspiration of the property owner to outweigh the harm to the protected building.

Following an initial assessment some of the proposed works did not have enough information to assess whether they would be harmful to what is special about the protected building contrary to the requirements of Policy GP5.

The existing outbuilding and utility are considered to detract from the special interest of the property and therefore the removal is acceptable. The single storey lean-to wing however does not detract and therefore the presumption against its loss is not outweighed by other benefits. The walls of that structure have therefore been retained and incorporated into the design.

The proposals to erect a single storey flat roof extension and a two storey lean to extension are considered to be a reasonable aspiration outweighing the harm to the protected building, as are the majority of the internal alterations. However, some conditions will be added to the decision to ensure the blocking up of internal doors along the party wall, the new windows and drains vents and first floor materials are all done with care and respect for the protected building.

The proposed external alterations and extensions represent a high standard of design that respects the local built environment. The proposed extension would reinforce the local character and in this respect the scheme meets the aims of Policy GP8 of the Plan.

The subdivision proposed with associated internal layout, extensions and alterations will not result in unacceptable harm to residential amenity with regard to loss of privacy in line with the aims of Policy GP8 and GP9 of the Plan.

The proposed development considers the health and well-being of occupiers of the dwellings in relation to adequate sunlight and daylight to the accommodation and access to external open space.

Both dwellings could see the rooms put to different uses to meet the changing needs of occupiers. In both dwellings, subject to permissions, alterations internally and extensions could be provided to offer more flexible and adaptable accommodation that can respond to the needs of occupiers over time.

As the proposal relates to the subdivision of an existing Protected Building, there will be some challenges relating to access to and within the buildings for people of all ages and abilities. The accommodation would generally be accessible by ambulant disabled and on balance offers reasonable access given the constraints of the building.

In this respect the scheme meets the aims of Policy GP8 of the Plan.

The existing property has a large front parking area, which can be zoned for each dwelling with a central entrance. There are no concerns about the provision of car parking and there are no issues with highway safety.

Although no sheds/outbuildings are proposed, there would be space within the garden areas for the erection of outbuildings to serve as secure and covered cycle storage so that occupiers can travel by alternative modes of transport.

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

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: 20/02/2024

