

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: Erect two storey extension to west (side) elevation and install captains dormer and balcony at first floor level to south (rear) elevation (Protected Building).

LOCATION: La Bigoterie, 14 Berthelot Street, St. Peter Port.

APPLICANT: Mr & Mrs Green

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: 05/03/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP Architecture: 3090-DR-000C, 100A, 110C, 120A, 130, 200C, 210A & 300B.

Application Ref: FULL/2023/2416

Property Ref: A300790000

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. Prior to the commencement of any work in connection therewith details of:
a) new lead canopy (large scale elevations (1:20) and sections (1.5);
b) the design and appearance of the new balcony railings
have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the works do not have a detrimental impact on the special interest of the protected building and character and appearance of the Conservation Area.

5.Prior to the commencement of any work in connection therewith, a sample and written specification of the roof tiles to be used in the development shall be submitted to the Authority. Only those materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - In the interests of the character and appearance of the Conservation Area and special interest of the protected building.

Expiry Date: This permission will cease to have effect on 05/03/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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/2023/2416
Property Ref: A300790000
Valid date: 12/12/2023
Location: La Bigoterie 14 Berthelot Street St. Peter Port Guernsey
GY1 1JS
Proposal: Erect two storey extension to west (side) elevation and install
captains dormer and balcony at first floor level to south (rear)
elevation (Protected Building).
Applicant: Mr & Mrs Green

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.

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Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the works do not have a detrimental impact on the special interest of the protected building and character and appearance of the Conservation Area.

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Reason - In the interests of the character and appearance of the Conservation Area and special interest of the protected building.

OFFICER'S REPORT

Brief Description of the site:

La Bigoterie, Berthelot Street is a large detached dwelling with a walled garden at a lower level to the east and Arcade Steps to the south, residential neighbours are situated to the west and north of the site. There is also a garden to its south as well as east and the land is terraced with one level behind the property, a second lower terrace alongside the property and a third, lower terrace beyond that, to the east of the second. To the west side of each terrace is a 4m high granite retaining wall.

The application relates to the western part of the property. A two-storey extension is proposed with a pitched and flat roof containing a garage/workshop, plant room, lift, garden WC, and guest suite on the first floor along with the formation of a captains dormer and balcony to the south roofslope of the existing dwelling in order to accommodate a further bedroom. A wine cellar, mud room, study with terrace area and golf simulator room are proposed at ground floor level.

The application was not accompanied by a Statement of Significance, although the application form indicates otherwise.

The application was deferred due to concerns relating to the air source heat pump and as a result this was omitted from the scheme.

The property is located in the St Peter Port Main Centre and Conservation Area as defined in the Island Development Plan. The property is also a Protected Building.

Relevant History:

FULL/2023/0621 - Erect pavilion, alter ground levels, create external steps, pétanque court and landscaping (Protected Building) – granted

FULL/2023/2417 - Erect extension at first floor level to north elevation, install Juliet balcony and canopy and replace balustrade to east elevation, re-render walls, install replacement flat roof covering, internal and fenestration alterations. (Protected building) – under consideration

Pre-application advice was sought in this case.

Existing Use(s):

Residential use class 1: dwelling house.

Assessment: *(Tick as appropriate)*

no representation

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accords with policy

X

within curtilage

X

design acceptable

X

visual amenity acceptable

X

no material neighbour impact

X

traffic not affected

X

Policies considered most relevant:

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representation:

Two letters of representation from one neighbouring property have been submitted commenting on the application and raising the following points:

- Concerns relating to the height of proposed buildings and their impact on views of the Russel
- Could range poles be provided to confirm roof heights?
- The height will block light to windows of the adjoining property (particularly important)
- Privacy will be affected if any windows are proposed facing Chenie

Consultation:

Office of Environmental Health and Pollution Regulation –write further to my letter dated 28th December 2023 with a request for further information regarding the model of ASHP and the number of ASHPs to be installed. I have reviewed the proposed plans for La Bigoterie along-side the requested information and there is an issue of concern that I must raise. Calculations have been made to assess the noise level from the proposed Warmflow AS03-R32 ASHP unit and it is believed that the noise level experienced by a local property could be up to 47 dB. As such, at this stage, I recommend the application be rejected.

I would urge the applicant to reconsider the location of the proposed ASHP and to move this proposed location away from other properties in the area. Alternatively, they may submit plans regarding noise attenuation measures, and we can reconsider the application with this further information and proposed measures. In either case the applicant may require the need of an acoustic consultant.

Conclusion/Brief comment:

La Bigoterie is within the Old Town Character Area of the St Peter Port Conservation Area. The proposed extension would reflect the colours, materials, proportions, vertical emphasis and solid: void ratio of the existing building and surrounding development within this part of the Hillside Town. Positioned as proposed, it would not break the skyline and the majority of mature trees would remain, sufficient to continue to break up development and provide a feature in the Conservation Area. The proposed extension would conserve the character, historic and architectural interest and appearance of the Conservation Area in accordance with Policy GP4 and GP9 of the IDP.

The extension and other external alterations represent a high standard of design offering more efficient and effective use of land with multi-storey accommodation proposed and bringing unused areas of the building into active use e.g. guest suite offering flexible and adaptable accommodation and including a lift will offer accessible accommodation. The scheme also provides good levels of amenity for occupiers of the dwelling in accordance with Policy GP8 and GP13 of the Island Development Plan.

The concerns raised in relation to the impact of the extension on the amenities of the neighbouring occupier are noted. Although site poles have been requested this is not a matter that can, in this instance, be reasonably requested by the Planning Service. The application drawings are produced to scale which provides sufficient detail to enable a full assessment of the development to be undertaken.

The extension is described as being two-storey in height however, this description in isolation does not take into account the changing levels on the site. The lower floor of the extension will provide accommodation that accesses the garden level whilst the level above will serve a garage, and other accommodation, accessed from Clifton

and the access to Arcade Steps. The current area of off-road parking is situated at this level and a high wall is situated to the common boundary with Chenie.

The extension has been designed with a flat roof immediately adjacent to the site boundary so as not to impact on sunlight/daylight to the windows in the east elevation of the neighbouring property, Chenie. There are two elements to the pitched roof, the smaller, northern section being lower than the larger, southern section which are set well away from the common boundary and east facing windows at Chenie. The roof pitches, away from the neighbouring property towards the east and the height of the upper floor of the extension (c. 5m to the ridge from driveway level) would not result in overshadowing or loss of sunlight and daylight to the neighbouring accommodation. Although there may be some impact on views as a result of the extension this is not a material planning consideration that can influence the determination of the application.

The revised application for the extension and other works to the building (omitting the air source heat pump) will not result in unacceptable overlooking or loss of privacy to the occupiers of surrounding dwellings and overall the scheme accords with Policies GP8, GP9 and GP13 relating to residential amenity.

The works proposed, subject to relevant planning conditions, represent a reasonable aspiration of the property owner that would outweigh harm caused to the special interest of the building in accordance with Policy GP5.

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.

In view of the above it is recommended planning permission is granted, subject to

Recommendation:

Grant with Conditions



Date: 22/02/2024

