

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 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).

LOCATION: La Bigoterie, 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: 28/03/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP Architecture: 3090-DR-000A, -100B, -110A, -120A, -130, -140A, -200A, -210B & -300A.

Application Ref: FULL/2023/2417

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 large scale drawings (1:20 elevations and 1:5 details) of all new and replacement external and internal doors and all new and replacement windows shall be 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 approved alterations do not have any adverse impact on the special interest of the Protected Building and character of the Conservation Area.

5.Prior to the commencement of any work in connection therewith large scale drawings, including the means of fixing to the building, of:

a) the juliette balcony; and

b) new lead canopy

shall be 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 approved alterations do not have any adverse impact on the special interest of the Protected Building and character of the Conservation Area.

6.The panelling within the drawing room doorway shall be reused to line the extended opening and, where necessary, supplemented with additional panelling to exactly match the existing panelling to be reused.

Reason - For the avoidance of doubt. To preserve the special interest of the Protected Building.

7.Following work to remove the top skim coat of external render and prior to any further work in connection therewith being undertaken written details of the existing substrate layer, whether it is necessary to remove the substrate back to the stonework and details of the proposed replacement plaster shall be submitted to and approved in writing by the Authority. The work shall be carried out only in accordance with the approved details.

Reason - For the avoidance of doubt. To preserve the special interest of the Protected Building by ensuring an appropriate replacement render system is installed.

9. Prior to the commencement of any work in connection therewith:
a) written details of the different elements of the existing Georgian staircase balustrade to be removed; and
b) details of the balustrade proposed to serve the new staircase, incorporating reused elements from the written details required under criteria a) of this condition shall be 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 elements/extent of existing balustrade, hand rail etc. from the removed section of Georgian staircase to be incorporated into the new staircase. This condition is imposed to ensure that the works do not result in the unacceptable loss of fabric and features that contribute to the special interest of the Protected Building.

Expiry Date: This permission will cease to have effect on 28/03/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In relation to condition 7, if it is deemed necessary to remove the full depth of render, back to stonework, the Planning Service would expect the replacement render to be undertaken in lime. If only the top skim coat is to be removed, with a new render applied on top the appropriate render system will be dependant on the substrate beneath the top skim coat. If the existing substrate is cementitious then a cement based plaster could be accepted.

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/2023/2417
Property Ref: A300790000
Valid date: 06/12/2023
Location: La Bigoterie Berthelot Street St. Peter Port Guernsey GY1 1JS
Proposal: 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).

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.

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 large scale drawings (1:20 elevations and 1:5 details) of all new and replacement external and internal doors and all new and replacement windows shall be 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 approved alterations do not have any adverse impact on the special interest of the Protected Building and character of the Conservation Area.

5. Prior to the commencement of any work in connection therewith large scale drawings, including the means of fixing to the building, of:

a) the juliette balcony; and

b) new lead canopy

shall be 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 approved alterations do not have any adverse impact on the special interest of the Protected Building and character of the Conservation Area.

6. The panelling within the drawing room doorway shall be reused to line the extended opening and, where necessary, supplemented with additional panelling to exactly match the existing panelling to be reused.

Reason - For the avoidance of doubt. To preserve the special interest of the Protected Building.

7. Following work to remove the top skim coat of external render and prior to any further work in connection therewith being undertaken written details of the existing substrate layer, whether it is necessary to remove the substrate back to the stonework and details of the proposed replacement plaster shall be submitted to and approved in writing by the Authority. The work shall be carried out only in accordance with the approved details.

Reason - For the avoidance of doubt. To preserve the special interest of the Protected Building by ensuring an appropriate replacement render system is installed.

9. Prior to the commencement of any work in connection therewith:

a) written details of the different elements of the existing Georgian staircase balustrade to be removed; and

b) details of the balustrade proposed to serve the new staircase, incorporating reused elements from the written details required under criteria a) of this condition

shall be 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 elements/extent of existing balustrade, hand rail etc. from the removed section of Georgian staircase to be incorporated into the new staircase. This condition is imposed to ensure that the works do not result in the unacceptable loss of fabric and features that contribute to the special interest of the Protected Building.

INFORMATIVES

In relation to condition 7, if it is deemed necessary to remove the full depth of render, back to stonework, the Planning Service would expect the replacement render to be undertaken in lime. If only the top skim coat is to be removed, with a new render applied on top the appropriate render system will be dependant on the substrate beneath the top skim coat. If the existing substrate is cementitious then a cement based plaster could be accepted.

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. The main garden is to its south and east and 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 main dwelling and proposes a first floor extension to the property to the north and west of the existing building. The scheme also proposes replacement flat roof coverings, the re-rendering of external walls, replacement balustrade (east elevation), internal alterations, alterations to fenestration including the replacement of various windows and doors and the infilling of windows connected with the proposed Juliette balcony.

Repair of the lead canopies to the south and east elevations represents exempt development under Class 5 of the Exemptions Ordinance, 2024.

The application incorporates a Statement of Significance although this does not provide an overview of the development of the building or the ages of its parts. There is a vague note in the Statement regarding re-use of parts of the main staircase. It was noted that the window and door schedule included did contain some errors regarding age and transposing doors/window.

The application was deferred due to concerns relating to the replacement of two doors (door 3 and door 8) given their positive contribution to the special interest of the Protected Building. Clarification was also sought in relation to the replacement of external render, the ground floor flagstones and the main staircase. As amended, the two doors are confirmed as being retained and the matter of the flagstones has been clarified. No, exempt, exploratory work is proposed at this time therefore the application submission has been unable to confirm what is below the modern top skim coat of external render. The scheme hopes, therefore, to remove only the top, skim coat and for this to be replaced with a smooth render if however, following opening up works it is identified as not possible it is proposed that the entire thickness of render will be removed, back to stonework, and then replaced.

The matter of the notes relating to the staircase remain unclear following the deferral of the application.

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 (including the roadside wall).

North parts of the building are the oldest, pre-dating 1759, but with the roof altered during the 1990s. The southern parts of the house is early 19th Century with a Regency canopied bay window to the east. Internal and external alterations were approved and undertaken during the 1990s.

Relevant History:

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

FULL/2023/1519 - Remove and replant hedge to north-east boundary (Protected Building) – granted

FULL/2023/2416 - Erect two storey extension to west (side) elevation and install captains dormer and balcony at first floor level to south (rear) elevation and install air source heat pumps to north of property (Protected Building) – granted

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:

One letter of representation has been submitted expressing concerns regarding the scale and mass of the proposed development, the height of the proposed buildings and how this will impact on views towards the Russel.

Conclusion/Brief comment:

The proposed extensions and alterations to the dwelling represent a high standard of design that respects the local built environment, character and appearance of the Conservation Area. The extension and other works contribute to efficient and effective use of land, provide satisfactory amenities for occupiers and offer flexible and adaptable accommodation that can respond to the changing needs of occupiers.

The proposals will not result in harm to the occupiers of surrounding properties in terms of overshadowing or overlooking. Although a loss of view has been expressed as a concern this is not a material planning consideration that could influence the assessment and determination of an application.

The replacement of the windows and doors, as amended, and subject to a condition relating to details accord with the aims of Policy GP5.

The removal of the external shutters to the south elevation would have a positive effect on special interest and represents a reasonable aspiration of the property owner in accordance with Policy GP5.

The following works represent a reasonable aspiration of the property owner that would outweigh any harm to the special interest of the Protected Building in accordance with Policy GP5:

- Replace 2 first floor windows with doors and a Juliet balcony and lead canopy in place of formerly removed chimney breast (east elevation) – subject to details of the doors, balcony rail and canopy
- Replace first floor iron balustrade in glass
- Erect hip-roofed first floor extension
- New ground floor window with shutters (east elevation) – subject to details
- Re-cover/replace flat roof in Alkor
- Remove ground floor cupboard and alter partitions and position of door, frame and architrave
- Form first floor 'bridge'/steps extension over stairs and alter balustrade
- Reposition and enlarge ground floor dining room and drawing room doorways and replace doors with half-glazed units and reuse existing – subject to conditions relating to the reuse of the drawing room panelling requiring it to be reused and supplemented and details of the new doors
- Reconfigure first floor partitions
- Install ground floor partitions to form shower room in utility area
- Reconfigure first floor layout to enlarge bathroom
- Replace first-second floor staircase
- Lift ground floor flagstones and re-use

With regard to the replacement render, following the deferral of the application it was not established whether the full depth of render would be removed (back to stonework) or the top skim coat of modern plaster only nor what the existing substrate below the top skim coat is. The removal of the skim coat or full depth of plaster represents a reasonable aspiration of the property owner however, the extent of works will determine the appropriate approach in terms of replacement render having regard to the special interest of the protected building. This is a matter that can be managed by planning condition.

Unfortunately, the additional information did not provide the level of clarity anticipated to ensure suitable protection for the staircase. In relation to the original Georgian staircase the Statement of Significance states:

As many of the existing components as possible will be reused dependant on current [sic] building regulations

It is understood that where sections of the existing Georgian staircase is to be removed this will be incorporated into the new staircase and it is reasonable to condition that this occurs. What is difficult to ascertain based on the submission however, is how much would be lost vs. how much would be reused which means it is not possible for the Planning Service to fully assess the impact of the works to the staircase against Policy GP5 as the impact on special interest of, unspecified levels of alteration, cannot be assessed.

Some alteration to the staircase is acceptable, set out as being the removal of part of the balustrade at first floor level so that a new staircase can be installed to access the extension and proposed extension (within existing roofspace) and with reuse

proposed the impact on special interest would be reduced. This represents a reasonable aspiration of the property owner. The new staircase would, of course, need to comply with current Building Regulations however, this could be achieved whilst utilising existing elements of the original staircase e.g. reuse of spindles but if they do not comply with current Regulations in terms of height for safety then ways could be explored for them to be mounted to raise their height or to incorporate a glass balustrade in front/behind them to ensure the staircase is compliant. In order to enable the application to progress to determination it is considered reasonable to deal with the matter by condition. This would establish the extent of the permission and a condition would relate to the extent of alteration approved/if any further details are required regarding the retained, Georgian staircase.

In order to enable the application to progress to determination it is considered reasonable to deal with the matter by condition, to omit reference to unclear/inappropriate works that would be harmful to the Protected Building.

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 permission is granted for the proposed works.

Recommendation:

Grant with Conditions



Date: 26/03/2024