

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: Variations to previously approved plans to extend and alter at ground, 1st floor level and 2nd floor level with a lean-to roof and rooflights to north-west (rear) and install captains dormer and rooflights to south-east (front) elevation - Increase floor area and alter layout to ground, 1st and 2nd floor level to rear extension, to create porch, relocate rooflights, block up internal opening, install fence and install obscure glass to rear of property prior to occupation.

LOCATION: 2 Portland Place, Cambridge Park Road, St. Peter Port.

APPLICANT: Mr H Prabhu

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: 21/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/01/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arctech - HP-23-1152-02B.

Application Ref: FULL/2024/0030

Property Ref: A112100000

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 on or before 21/09/2025.

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). In this case, as the application is for variations, the time period corresponds with the original permission under application reference FULL/2021/0367.

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 information submitted, the roof-lights to the front of the property shall be no greater than 990mm (l) x 660mm (w) as confirmed in the agent's e-mail of 20th March 2024.

Reason - To clearly define the permission and to respect the character and appearance of the Conservation Area.

5. Prior to occupation of the dwelling-house (No.2 Portland Place), the internal opening at first floor level between No.1 and No.2 Portland Place shall be blocked up in materials to match the construction of the main house.

Reason - To re-establish the properties as two independent dwelling-houses falling within Residential Use Class 1 in the Land Planning and Development (Use Classes) Ordinance, 2017.

6. Prior to occupation of the dwelling-house (No.2 Portland Place), the hereby approved 1.8m high fence located to the rear of the dwelling shall be erected.

Reason - To provide satisfactory demarcation between the two properties in the interests of neighbour amenity.

7. Prior to occupation of the dwelling-house (No.2 Portland Place), the existing window serving bedroom 1 of the annex building to the rear of the site shall be replaced and fitted with obscure glass to a minimum of Level 3 on the Pilkington scale (or equivalent) and shall thereafter be retained at all times.

Reason - in the interests of neighbour amenity.

8. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 22/09/2022, issued under planning application reference FULL/2021/0367, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation only.

Expiry Date: This permission will cease to have effect on 21/09/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt No 2 Portland Place comprises an independent dwellinghouse, falling within Residential Use Class 1 in the Land Planning and Development (Use Classes) Ordinance, 2017. Any use for any other purpose, including as a House of Multiple Occupation, would require a formal application for planning permission.

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/2024/0030
Property Ref: A112100000
Valid date: 30/01/2024
Location: 2 Portland Place Cambridge Park Road St. Peter Port
Guernsey GY1 1UF
Proposal: Variations to previously approved plans to extend and alter at ground, 1st floor level and 2nd floor level with a lean-to roof and rooflights to north-west (rear) and install captains dormer and rooflights to south-east (front) elevation - Increase floor area and alter layout to ground, 1st and 2nd floor level to rear extension, to create porch, relocate rooflights, block up internal opening, install fence and install obscure glass to rear of property prior to occupation.

Applicant: Mr H Prabhu

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 on or before 21/09/2025.

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). In this case, as the application is for variations, the time period corresponds with the original permission under application reference FULL/2021/0367.

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 information submitted, the roof-lights to the front of the property shall be no greater than 990mm (l) x 660mm (w) as confirmed in the agent's e-mail of 20th March 2024.

Reason - To clearly define the permission and to respect the character and appearance of the Conservation Area.

5. Prior to occupation of the dwelling-house (No.2 Portland Place), the internal opening at first floor level between No.1 and No.2 Portland Place shall be blocked up in materials to match the construction of the main house.

Reason - To re-establish the properties as two independent dwelling-houses falling within Residential Use Class 1 in the Land Planning and Development (Use Classes) Ordinance, 2017.

6. Prior to occupation of the dwelling-house (No.2 Portland Place), the hereby approved 1.8m high fence located to the rear of the dwelling shall be erected.

Reason - To provide satisfactory demarcation between the two properties in the interests of neighbour amenity.

7. Prior to occupation of the dwelling-house (No.2 Portland Place), the existing window serving bedroom 1 of the annex building to the rear of the site shall be replaced and fitted with obscure glass to a minimum of Level 3 on the Pilkington scale (or equivalent) and shall thereafter be retained at all times.

Reason - in the interests of neighbour amenity.

8. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 22/09/2022, issued under planning application reference FULL/2021/0367, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation only.

INFORMATIVES

For the avoidance of doubt No 2 Portland Place comprises an independent dwellinghouse, falling within Residential Use Class 1 in the Land Planning and Development (Use Classes) Ordinance, 2017. Any use for any other purpose, including

as a House of Multiple Occupation, would require a formal application for planning permission.

OFFICER'S REPORT

Brief Description of the site:

The application site known as No.2. Portland Place comprises a two storey mid-terrace property with ancillary accommodation to the rear located to the west of Cambridge Park Road.

The property is located in a Main Centre Outer Area and Conservation Area as defined in the Island Development Plan.

No 2. Portland Place is not a protected building, nor is No.1 or No.3 Portland Place, although the surrounding area comprises a mix of protected buildings.

It is noted that the applicant owns both No.1 and No.2 Portland Place as outlined on the drawings submitted, however each is recognised as an independent dwelling house and there is no consent for any linkage between the properties, or for the use of either property other than as a single dwelling house.

Planning permission was granted in 2022 to extend the property at ground, 1st and 2nd floor level and install a captain's dormer and roof-lights to the front elevation.

Permission is now sought to vary the permission by increasing the floor area and altering the internal layout to the ground, 1st and 2nd floor level to rear extension. The proposal also seeks to enlarge the roof lights to the front and rear elevations to 660mm x 1400mm.

The two storey flat roof extension to the rear will marginally increase in width by approximately 400mm, towards the north boundary. The scheme has been accompanied by a Sun Path analysis.

The scheme also seeks to block up a rear window serving a landing area and erecting a single storey extension in order to 'square-off' the rear of the building. The property will still be served by 6 bedrooms as approved under application FULL/2021/0367.

The agent's letter also seeks to vary the wording of conditions 4, 5 and 6 previously attached to planning permission FULL/2021/0367. It is proposed to increase the timeframe to carry out these works i.e. blocking up the internal opening between both properties, installing a new fence to demarcate between No1 and No.2 Portland Place, and to install obscure glazing to the rear annex. The request is to carry out these works prior to occupation of the dwelling.

Relevant History:

FULL/2021/0367	Extend and alter at ground, 1st floor level and at 2nd floor level with a lean-to roof and rooflights to north-west (rear) and install captains dormer and rooflights to south-east (front) elevation.	Granted
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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:**

GP4 Conservation Areas

GP8 Design

GP9 Sustainable Development

GP13 Householder Development

Conclusion/Brief comment:

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.

Overall, the increase in the width of the two storey flat roof extension will have an additional overshadowing effect which will be limited and does not cause sufficient harm or justification to warrant refusal. This is evident by the sun-path analysis.

Consequently, the proposal adopts a good standard of design (by virtue of its scale, form, massing, siting and materials), and due its position and design, the proposal will not have a detrimental impact on the character of the area or visual amenity.

Some concerns were raised over the size of the roof-lights to the front of the property which were not considered to conserve or enhance the Conservation Area. The large openings would have a slight detrimental effect and would be discordant with other roof-lights to the front of properties in the immediate vicinity which are typically smaller in size. The agent has subsequently agreed to reduce the size of the roof-lights to be no greater than 990mm (l) x 660mm (w) as confirmed in the agent's

e-mail of 20th March 2024. It is reasonable and necessary to condition this accordingly in order to respect the character and appearance of the Conservation Area.

All other alterations are considered acceptable under Policy.

The alterations to the wording of Conditions 4, 5 and 6 in respect of FULL/2021/0367 are reasonable and therefore acceptable. It is considered that the variations to these conditions are attached as part of this decision notice to supersede the original conditions.

No representations have been received as part of this application.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 15/05/24

