

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: Demolish outbuilding/industrial unit and erect dwelling (revised scheme).

LOCATION: 12 Paris Street, St. Peter Port.

APPLICANT: Mr N Gale

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: 07/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/01/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A 7 Design: 22-1414 PD/07, 08, 09 & 10.

Application Ref: FULL/2024/0088

Property Ref: A108620000

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.No materials to be used on the exterior of the building, including any new hard surfacing to the front of the new dwelling, shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - To secure the satisfactory appearance of the completed development in order to conserve the character and appearance of the Conservation Area.

5.Notwithstanding the information submitted, on completion of, or prior to the first use (whichever is the sooner) of the roof terrace hereby approved, a 1.8m high privacy screen (measured from the finished floor level of the balcony), glazed with obscure glass to a minimum of Level 3 on the Pilkington scale (or equivalent), shall have been installed along the north-east elevation as shown on the approved drawing (ref: 22-1414 PD/10). The privacy screen shall be retained as such in perpetuity.

Reason - To ensure that the privacy screen is appropriately installed in a timely manner to minimise the effect of the development on the privacy and amenities of nearby residents.

6.For the avoidance of doubt, the windows to the front of the hereby approved dwelling shall incorporate a traditional sliding sash means of opening.

Reason - To ensure that the approved windows to the front of the building respect the traditional style and means of opening of windows in the locality in order to respect the character and appearance of the Conservation Area.

Expiry Date: This permission will cease to have effect on 07/06/2027 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/2024/0088
Property Ref: A108620000
Valid date: 15/01/2024
Location: 12 Paris Street St. Peter Port Guernsey GY1 2BN
Proposal: Demolish outbuilding/industrial unit and erect dwelling (revised scheme).

Applicant: Mr N Gale

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. No materials to be used on the exterior of the building, including any new hard

surfacing to the front of the new dwelling, shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - To secure the satisfactory appearance of the completed development in order to conserve the character and appearance of the Conservation Area.

5. Notwithstanding the information submitted, on completion of, or prior to the first use (whichever is the sooner) of the roof terrace hereby approved, a 1.8m high privacy screen (measured from the finished floor level of the balcony), glazed with obscure glass to a minimum of Level 3 on the Pilkington scale (or equivalent), shall have been installed along the north-east elevation as shown on the approved drawing (ref: 22-1414 PD/10). The privacy screen shall be retained as such in perpetuity.

Reason - To ensure that the privacy screen is appropriately installed in a timely manner to minimise the effect of the development on the privacy and amenities of nearby residents.

6. For the avoidance of doubt, the windows to the front of the hereby approved dwelling shall incorporate a traditional sliding sash means of opening.

Reason - To ensure that the approved windows to the front of the building respect the traditional style and means of opening of windows in the locality in order to respect the character and appearance of the Conservation Area.

OFFICER'S REPORT

Site Description:

No.12 Paris Street comprises a mid-20th century, single storey flat roof industrial building, set back a short distance from the roadside. The building incorporates a garage-style door to the front and is flanked by 2-3 storey residential properties on either side. Paris Street is a narrow, one-way road which directs traffic in a west-east direction onto St. George's Esplanade and Salter Street.

The site is located in St. Peter Port Conservation Area and Main Centre Inner Area as defined on the Island Development Plan (IDP) Proposals Map.

The building line of properties along the southern side of Paris Street is generally consistent, and those properties reflect classical proportions and compositions with traditional design features such as sliding sash windows. The configuration of those windows reflects the Georgian influence on this part of Town.

Most buildings have pitched roofs, either slate or pan-tile, with dormer windows and brick chimney stacks with clay pots. Some are fronted with stone, but many are finished in render. Most of the buildings have narrow front gardens behind low walls, which in turn restricts on-site parking in this area of Town.

Relevant History:

FULL/2022/2150	Demolish outbuilding/industrial unit and erect dwelling.	Refused
No.12 Paris Street	Change of use of property to a dwelling.	Pre-application enquiry - PREA/2022/1002

Existing Use(s):

Light industry.

Brief Description of Development:

Planning permission was refused in 2023 to demolish outbuilding/industrial unit and erect a dwelling-house (FULL/2022/2150). The reasons for refusal was based on two main points, including:

- 1. Due to the proposed irregular building form, the front façade of the proposed dwelling would introduce a discordant element into the street scene and would unduly detract from the traditional rhythm and form of building facades along Paris Street. The overall composition of the front façade would also accentuate the irregular building form and therefore would increase the building's prominence and conspicuousness in the street scene. Consequently, the proposed façade would not conserve or enhance the character or appearance of the Conservation Area (Policy GP4), and does not represent a high standard of design for the purposes of Policy GP8. The proposal would therefore be contrary to the aforementioned Island Development Plan Policies.*
- 2. The proposal is considered to have a significant detrimental effect on the amenities of neighbouring residents, by virtue of the extent of overshadowing and overbearing effect as a result of the second-floor roof extension and its proximity to the north-east boundary. Consequently, the development would be contrary to Island Development Plan Policies GP8, GP9 and MC2.*

In light of the refusal, a revised scheme has been submitted to 'demolish an outbuilding/industrial unit and erect a dwelling'.

The agent has set out in their covering letter dated 12th January 2024 that *'the scheme has been redesigned to address the areas of contention, in this respect barring the design of the front elevation and impact on neighbouring amenity to the north-east.'* Both these issues are discussed below.

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

MC2 Housing in Main Centres and Main Centre Outer Areas
MC5(C): Industry, Storage and Distribution Uses in Main Centres and Main Centre Outer Areas – Change of Use.
GP8 Design
GP9 Sustainable Development
IP7 Private and communal parking
IP9 Highway Safety, Accessibility and Capacity

Representations:

The Authority has received two letters of representation from one party objecting to the original and revised proposal. Grounds for objection principally relate to the following issues:-

Original proposal:

- Footprint of the proposed property.
- Loss of light.
- Scale of the property and build size.
- Loss of privacy.

Revised proposal:

- The revised scheme does not alter the grounds of objection as set out in the original representation.

Consultations:

None.

Summary of Issues:

Whether the revised scheme overcomes the reasons for refusal, including;

- The design and impact of the development on the character and appearance of the Conservation Area.
- The impact of the development on neighbour amenity.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

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.

For the avoidance of doubt, the 'summary of issues' for consideration as set out in the Planning Officer's Report, including 'whether the loss of industry is acceptable', 'whether the creation of a new dwelling is acceptable in this location', and 'access and parking' have all been considered and deemed acceptable in principle as part of the previous scheme (FULL/2022/2150). The remaining issues are discussed below.

The design and impact of the development on the character and appearance of the Conservation Area:

As set out in Policy GP8, building design within sensitive surroundings can adopt a traditional or contemporary design but, *'whatever the chosen approach, new development in such circumstances should consider, without necessarily replicating, the scale, mass, detail and special interest of the surrounding built form to complement the local character.'*

The former irregular form to the front façade of the proposed dwelling has been omitted from the design, and a traditional Georgian inspired townhouse with a contemporary twist, has been adopted. The proposal incorporates a more formal and traditional façade, with a contemporary rear elevation set over three floors. Consequently, the form of the façade of the building would comfortably sit well in the street scene, thereby respecting the traditional rhythm and form of building facades along Paris Street. Moreover, the large art-deco inspired windows have been replaced with what appears to be traditional sliding sash windows. The integral garage and a double pile pitched roof remains unchanged. The eaves on the building façade are high, although given the mix height of eaves along this section of Paris Street, this wouldn't remain a serious concern that would reasonably justify grounds for refusal.

With regards to 'reading' the side and rear elevations of the building from public vantage points, the extent of the building that is likely to be visible is considered to be limited due to the position of similar sized (mostly two and three storey) buildings in the vicinity and a large granite wall to the west of the site. Glimpsed views from in and around the harbours, including the East Breakwater, North Beach car park and La Salerie car park, are likely to be achievable once built, although the development

is unlikely to detract from the Conservation Area when viewed against other properties.

The vantage points available in the surrounding area would unduly emphasis the bulk and mass of the building when taking into account the various roof forms, and dormer windows to the rear which will in turn help to break-up the massing. Policy GP8 expects new development to demonstrate the most effective and efficient use of land (whilst respecting the character of the local built environment), and therefore whilst there are some concerns with regards to the bulk and mass of the proposed dwelling and its relationship to the rear built form along Paris Street, these concerns would not be substantial enough to justify refusal when taking into account the limited harm caused as a result of the development. In addition, there is no consistent building line to the rear of properties along Paris Street to give substantial weight to reduce the footprint of the dwelling, and the footprint of the existing industrial building is considerably larger than the ground floor of the proposed dwelling. Consequently, despite its change to the rear building line of residential properties, the proposed footprint, mass and bulk is considered acceptable in this instance.

Overall, this blend of both traditional features such as the sliding sash windows, mixed in with the integral garage and parking area to the front, and the contemporary style Juliet balcony on the 2nd floor, and large sliding doors at 1st floor level to the rear, is considered to adopt a high enough design for the purposes of Policy GP8, and conserves the character and appearance of this part of the Conservation Area, and when viewed in context with the wider area (Policy GP4). Consequently, the revised scheme accords with both Policy GP4 and GP8.

Although, due to the ambiguity of the means of opening of the windows to the front of the building on the drawings submitted, it is necessary and reasonable to require that these windows be of sliding sash configuration to respect the character and appearance of the Conservation Area. It is acknowledged however that the agent's letter dated 5th April 2024 notes that these windows are to be of vertical sliding sash which gives some assurance that said, the condition is still required.

The proposal will achieve a good standard of accommodation for the occupiers when taking into account factors such as internal space provision, daylight, private amenity space, privacy, parking provision and outlook over the east coast. Whilst the house will be set against a high granite wall which will reduce outlook to the south and result in a loss of sunlight to the rear garden during the middle and latter parts of the day, the proposal overall achieves a high enough standard of design to outweigh these negatives, and is somewhat to be expected for a windfall development site such as this. The proposed dwelling could also be altered over time to respond to changing needs in terms of flexible and adaptable accommodation should this be required, for example level thresholds, door widths and/or a stair lift.

The impact of the development on neighbour amenity:

As set out in the agent's letter of 12th January 2024, changes have been made to the scheme in attempt to reduce the impact upon neighbouring residents. It is noted that the proposed first floor to the rear of the building is now projecting 2m less than the previous application (FULL/2022/2150). It is also noted that the height of the 1st floor extension and the height and width of the 2nd floor dormer window has been reduced when compared to the refused scheme. This has resulted in less massing and bulk and less of an impact on neighbour amenity which is discussed in more detail below.

The scheme will undoubtedly have an impact on neighbour amenity as it will project approximately 3m beyond the first floor rear elevation of No.14. Although, when taking into account the wider spatial pattern of development along Paris Street, and most importantly the relationship between the rear building line of No.16 which appears to project beyond the first floor rear elevation of No.14 by approximately 2m, the degree of harm is not considered to be so extensive to justify refusal in this case.

With regards to overshadowing, the agent has 2D sun path analysis, and through deferral has submitted 3D drawings which show the projected shadowing on the neighbour's property. The agent has also provided further analysis of the extent of existing shadowing compared to the proposed shadowing as set out on drawings 22-1414 PD-13 and 14. It is also noted in the agent's letter (dated 5th April) that the Sun Path analysis drawings (22-1414 PD-11 and 12) also show a comparison between the extent of shadowing (hatched in red) as part of the recent refusal (FULL/2022/2150). This is helpful to understand and analyse the difference between the existing shadowing, proposed shadowing, and the extent of shadowing as part of the refused scheme.

The agent has focused on the most sensitive parts of the neighbour's property including the first floor bedroom window, kitchen roof lantern, and garden area. Any shadowing effect on the 2nd floor bedroom of No.14 is very limited.

Attention has also afforded to the height of the existing flat roof building (shown with a dashed red line on the 22-1414 PD-13 and 14) which is likely to an extent, improve light levels to the rear garden of the neighbouring property.

There will be a negligible effect between proposed development on the rear garden area of No.14 when taking into account the sun path analysis, and in some parts of the year/day, is likely to improve light levels.

Overall, based on the additional information submitted, the agent has satisfactorily demonstrated that the proposed development will not cause unacceptable harm to the amenities of neighbouring residents with regards to overshadowing. It is acknowledged that the proposal will result in some additional overshadowing, generally from around Midday up to 16:00 during the equinoxes and solstices, which

is emphasised more or sometimes less depending on the particular equinox and solstice and time of day. As a consequence, the proposal will to some extent negatively affect neighbour amenity, particularly the amount of light reaching the first floor bedroom window and roof lantern serving the kitchen, although this effect is not considered to be so substantial to reasonably warrant refusal when viewed in context with the existing situation and as a result of the changes to the design of the scheme.

With regards to overlooking, the first floor terrace area incorporates a 1.8m high privacy screen which extends 1m beyond the south-east edge of the terrace. This provision will help to prevent any overlooking towards the most sensitive part of No.14. Any views that are achievable from the first floor terrace and second floor Juliet balcony towards the neighbour's garden area will be limited to oblique angles. These oblique angles will not undermine the privacy that neighbouring residents can reasonably expect to enjoy in this area of Town, where a degree of overlooking is inevitable given the high density urban environment. Consideration has also been afforded towards neighbouring residents to the west of the application site from the Juliette balcony at 2nd floor level.

With regard to the criteria of Policy GP9 (Sustainable Development), the application has been accompanied by supporting information that confirms that the proposed development will comply with Building (Guernsey) Regulations 2012, and has taken into account the use of energy, resources and environmental considerations.

In addition, a Waste Management Plan has also been submitted as part of this application which is encouraging, although the proposal doesn't involve a 'replacement dwelling on a one for one basis' as set out in Policy GP8 and GP9 therefore there is no requirement to attach a condition to monitor its effectiveness.

With regard to the points made contained in the letters of representation, these have been carefully considered as part of the assessment of the application and where pertinent have been discussed within the main body of the report.

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.

Date: 07/06/24

