

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 works previously approved to extend at first floor level and raise roof height to create accommodation at second floor level for unit 2 - create a roof terrace at 3rd floor level.

LOCATION: Apartment 2, 7 Berthelot Street, St. Peter Port.

APPLICANT: Stone House Properties Limited

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: 07/08/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/01/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners - AA80-10641-04, 20A, 21A & 22A.

Application Ref: FULL/2024/0155

Property Ref: A200370000

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 13/06/2026.

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/2022/2095.

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 details submitted, the 1.6m high obscure glazed balustrade along the north elevation of the terrace is not approved. The north elevation of the terrace shall be finished with a 1.1m high glass balustrade to match the remainder of the balustrade around the roof terrace.

Reason - In the interests of visual amenity and to conserve the character and appearance of the Conservation Area.

5. The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 14/06/2023, issued under planning application reference FULL/2022/2095, and subject to the terms and conditions thereof.

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

Expiry Date: This permission will cease to have effect on 13/06/2026 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/2024/0155
Property Ref: A200370000
Valid date: 25/01/2024
Location: Apartment 2 7 Berthelot Street St. Peter Port Guernsey
GY1 1JS
Proposal: Variations to works previously approved to extend at first floor level and raise roof height to create accommodation at second floor level for unit 2 - create a roof terrace at 3rd floor level.
Applicant: Stone House Properties Limited

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 13/06/2026.

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/2022/2095.

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 details submitted, the 1.6m high obscure glazed balustrade along the north elevation of the terrace is not approved. The north elevation of the terrace shall be finished with a 1.1m high glass balustrade to match the remainder of the balustrade around the roof terrace.

Reason - In the interests of visual amenity and to conserve the character and appearance of the Conservation Area.

5. The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 14/06/2023, issued under planning application reference FULL/2022/2095, and subject to the terms and conditions thereof.

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

OFFICER'S REPORT

Site Description:

The site consists of a traditional 2½ storey building fronting onto Berthelot Street and a series of modern one and two storey flat roof extensions to the rear. The section of the building which fronts onto Berthelot Street is an office with 2 flats within the modern rear extensions.

The site is within the St Peter Port Main Centre Inner Boundary and Conservation Area. The adjoining building to the east is a protected building.

Relevant History:

FULL/2024/0155 – Application pending for variation to previously approved plans to extend at first floor level and raise roof height to create accommodation at second floor level of unit 2 and alterations to fenestration - Omit 1.8m obscured glazed balustrade and install 1.1m high railings (retrospective).

14/06/2023 – FULL/2022/2095 – Permission granted to extend at first floor level and raise roof height to create accommodation at second floor level for unit 2 and alterations to fenestration.

05/12/2018 – FULL/2018/2060 – Application refused to extend and alter building and change of use from office accommodation to two residential units with roof terrace/garden. Alterations to building include new parapet construction, first floor extension, glazed balustrades and apply external render system(Revised). Application subsequently approved at appeal 09/04/2019, PAP/001/2019.

22/05/2018 – FULL/2018/0534 – Permission granted to remove dormer window, demolish chimney, alter and replace fenestration, re-render external wall and install new folding/sliding access doors/gates to front of property. Alter fenestration to side (east) elevation and install three rooflights to rear (partially retrospective).

18/11/2011 – FULL/2011/2749 – Permission granted for the change of use of office accommodation to residential dwelling and office accommodation.

Existing Use(s):

Residential use class 2: flat
Office

Brief Description of Development:

Planning permission is requested for variations to works previously approved to extend at first floor level and raise roof height to create accommodation at second floor level for unit 2 (FULL/2022/2095). The variations involve creating a roof terrace at 3rd floor level.

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

Policy GP4: Conservation Areas
Policy GP8: Design
Policy GP9: Sustainable Development
Policy GP13: Householder Development

Representations:

Two representations were received, main points as follows:

- 1 objection on the basis of the impact on the privacy of the future residents of 34-36 High Street.
- The application does not meet the conditions of the conveyance undertaken when purchased.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. The design and impact of the development on the character and appearance of the Conservation Area.
2. The impact of the development on the amenity of people living in the area.

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).**

Planning permission was granted in June 2023 to extend unit 2 at first floor level and to raise the ridge height to create accommodation at second floor level (FULL/2022/2095). This current application seeks to vary the previous permission and proposes to create a roof terrace at third floor level.

The installation of a 1.1m high glazed balustrade on top of the previously approved extended building to create a roof terrace will generally have a limited visual impact and will not be overly noticeable within public views of the St Peter Port townscape. However, there are concerns about the proposed 1.6m high obscure glazed screen along the north elevation of the terrace due to a combination of its height which projects above the adjacent pitched roof building to the north and due to its opaque nature. As set out in detail below, the proposed 1.6m high obscure glazed screen along the north elevation of the terrace is not considered to be critical to protect the amenities of neighbouring residents to the north and the benefits of improving the privacy of neighbouring residents is outweighed by the harm that the screen would cause to the character and appearance of the Conservation Area. Consequently it is recommended that the 1.6m high obscure glazed screen along the north elevation of the terrace is omitted and is replaced with a 1.1m high glazed balustrade to match the remainder of the proposed balustrades. This can be dealt with by condition.

The site is bounded by neighbouring residential properties to the east, west and north and due to the tight central town location, there currently is and would be a degree of overlooking and reduced privacy between neighbouring properties.

During the course of consideration the application was deferred due to concerns about the impact on the amenities of neighbouring residents. Revised plans have been received which seek to address the concerns raised and include setting back the north elevation balustrade by 1m and installing a 1.6m high obscure glazed screen along the north elevation of the terrace.

Setting back the north elevation balustrade by 1m will reduce the impact on the privacy of the neighbouring property to the north. Due to a combination of the distance to and angle of view towards the neighbours window, and the characteristics of the site which include a tight central town location where there currently is reduced privacy between neighbouring properties, setting back the north elevation balustrade would be sufficient to prevent a material adverse effect on the amenities of the neighbouring residents to the north. Whilst the inclusion of a high obscure glazed screen along the north elevation would further reduce the impact on the amenities of neighbouring residents, this element is not critical to prevent a material adverse effect, and it would have a corresponding negative impact on the character and appearance of the Conservation Area as set out above.

Due to a combination of the distance to and angle of view towards windows and external amenity spaces on neighbouring properties to the east and west, and the characteristics of the site which include a tight central town location where there currently is reduced privacy between neighbouring properties, the proposal is unlikely to have a material adverse effect on the amenities of the neighbouring residents.

The comments in the representation regarding the application not meeting conditions of the conveyance are not material planning considerations. All decisions made by the Authority are without prejudice to third party rights, and the Authority is not able to address civil matters such as boundary, third party disputes or other related matters of ownership. Where necessary such cases should be resolved by seeking legal advice.

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.

It is recommended that the application is approved.

Date: 31/07/2024

