

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: Install Juliet balcony to east (rear) elevation and alterations to fenestration to west (front) and north (side) elevations.

LOCATION: Charnwood House, 66 Hauteville, St. Peter Port.

APPLICANT: Mr G Hough

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 02/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Ltd - 23-1476 WD/01 & WD/02A

Application Ref: FULL/2024/0165

Property Ref: A407250000+A407240000

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.

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

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision does not confer consent for any change of use of the ground floor accommodation within the building, which remains ancillary to the use of the adjacent property to the north-east, known as Charnwood House, and is not to be used as a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission.

The first floor accommodation comprises a separate unit of accommodation and falls within Residential Use Class 2 of the Land Planning and Development (Use Classes) Ordinance, 2017, for use as a flat.

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/2024/0165
Property Ref: A407250000+A407240000
Valid date: 02/02/2024
Location: Charnwood House 66 Hauteville St. Peter Port Guernsey GY1 1DQ
Proposal: Install Juliet balcony to east (rear) elevation and alterations to fenestration to west (front) and north (side) elevations.
Applicant: Mr G Hough

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.

INFORMATIVES

For the avoidance of doubt, this decision does not confer consent for any change of use of the ground floor accommodation within the building, which remains ancillary to the use of the adjacent property to the north-east, known as Charnwood House, and is not to be used as a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission.

The first floor accommodation comprises a separate unit of accommodation and falls within Residential Use Class 2 of the Land Planning and Development (Use Classes) Ordinance, 2017, for use as a flat.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a two storey building set gable on to Hauteville to the north, and includes a single storey element to the rear and a parking area and detached car port to the south-west. The building abuts the adjacent protected building to the north-east, known as Charnwood House, and the ground floor accommodation is ancillary to the residential use of that building. The first floor comprises a self-contained flat. The site is bounded by further residential properties to the south-east and south-west, and across the road to the north.

The site is located within a Conservation Area and Main Centre Inner Area in the Island Development Plan.

Relevant History:

FULL/2011/16278 Alterations to existing dwelling – remove existing doors and side screens and install window, remove existing French doors and install new door and window all on west elevation. Approved 07/07/2011

FULL/2012/2533 Change of use of studio to Yoga/Pilates studio. Approved 20/09/2012, conditioned as follows:

The use approved shall not be carried on otherwise than by the present occupier of Charnwood House in strict accordance with the details set out in the letter dated 10th August 2012 accompanying the application, and within the terms of Residential Use Class 4 of the Land Planning and Development (Use Classes) Ordinance, 2007, or of any provision equivalent to that Use Class in any Ordinance replacing or re-enacting that Ordinance. On the cessation of the occupancy of the dwelling by the present occupier, the dwelling shall revert to use within Residential Use Class 1 of the Land Planning and Development (Use Classes) Ordinance, 2007.

Existing Use(s):

Ground floor: Ancillary accommodation to the dwelling to the north-east, known as Charnwood House

First floor: Self-contained flat

Assessment: *(Tick as appropriate)*

no representation

X

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 Building (setting)

GP8 Design

GP9 Sustainable Development

GP13 Householder Development

Conclusion/Brief comment:

The proposed external alterations are limited in scale and nature and would not have any adverse impacts on the character of the Conservation Area, the special interest of the adjacent protected building, or the amenity of adjacent residential properties.

The proposed internal alterations would increase the level of containment of the ground floor accommodation, however the reorganisation of the ground floor could be undertaken without the need for planning permission and would not compromise the ongoing separate use of the first floor. The proposal retains the external door in the north-east elevation, allowing access from the ground floor accommodation to the associated dwelling in that direction, and would increase the interface between that accommodation and the shared amenity space with the associated dwelling through the provision of balcony doors in the north-east elevation of the studio/lounge. For the avoidance of doubt, it is however recommended that an informative is attached to any decision issued to reiterate that the ground floor accommodation is to be used for purposes ancillary to the adjacent dwelling only, and no consent is conferred for any separate sale or occupation of that accommodation.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

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.

Recommendation:

Grant with Conditions



Date: 27/03/2024