

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Variations to previously approved plans to erect flat roof extension to north (rear) elevation, install dormer windows to south (front) and north (rear) elevations and internal alterations - Internal and fenestration alterations (retrospective) (Protected Building).

LOCATION: 1 Le Sommet, Mount Durand, St. Peter Port.

APPLICANT: Mr H Gorcan

I refer to the application referred to below received as valid on 29/01/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 03/10/2024

Drawing Nos: The Drawing Room - 251 C1 C & Timber Windows Direct Details.

Application Ref: FULL/2024/0170

Property Ref: A306330000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The original windows have been removed and destroyed without permission. The works proposed within this retrospective application have resulted in permanent and irreversible harm to the authenticity and special interest of the Protected Building, contrary to Island Development Plan Policy GP5 and the strong presumption in section 35 of the Land Planning and Development (Guernsey) Law, 2005.

OTHER REMARKS:-**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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2024/0170
Property Ref: A306330000
Valid date: 29/01/2024
Location: 1 Le Sommet Mount Durand St. Peter Port Guernsey GY1 1DY
Proposal: Variations to previously approved plans to erect flat roof extension to north (rear) elevation, install dormer windows to south (front) and north (rear) elevations and internal alterations - Internal and fenestration alterations (retrospective) (Protected Building).
Applicant: Mr H Gorcan

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The original windows have been removed and destroyed without permission. The works proposed within this retrospective application have resulted in permanent and irreversible harm to the authenticity and special interest of the Protected Building, contrary to Island Development Plan Policy GP5 and the strong presumption in section 35 of the Land Planning and Development (Guernsey) Law, 2005.

OFFICER'S REPORT

Site Description:

The property known as '1 Le Sommet' is a late 19th century two storey dwelling which is one half of a semi-detached building, which faces south directly onto Mount Durand. The other semi is to the west and the neighbour to the east is separated by a covered walkway. The property is located within the St Peter Port Main Centre and within a Conservation Area as defined in the Island Development Plan. The dwelling is a Protected Building.

Relevant History:

FULL/2021/1246 - Erect flat roof extension to north (rear) elevation, install dormer windows to south (front) and north (rear) elevations and internal alterations (Protected Building) – Approved January 2022.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This is a retrospective application for a variation to the previously approved application FULL/2021/1246, the variation proposes some internal alterations and changing all the front façade windows. Originally permission was granted to repair these windows.

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

GP4: Conservation Areas
GP5: Protected Buildings
GP8: Design
GP9: Sustainable Development
GP13: Householder Development

Conservation Advice Note 11 (CN11) – Windows and Doors in Protected Buildings

Representations:

None

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:**1 - Purposes of the law.**

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The previous application only requested to change one rear window and the rear external door. However, the three first floor windows and the ground floor window on the front façade were changed without the benefit of planning permission.

The original windows were noted on the previously approved planning drawings as 'to be retained'. No justification has ever been submitted to the Planning Authority to show how or why the original windows could not have been repaired and refurbished, or evidence provided to show that the condition of the original windows was beyond repair to justify their replacement.

1 Le Sommet is a protected building. When considering applications affecting protected buildings, it is a duty of the Authority under section 34 of The Land Planning and Development (Guernsey) Law, 2005, to secure so far as possible that the special historic, architectural, traditional or other special characteristics of protected buildings are preserved, this is also reflected in Policy GP5.

In addition, section 35 of The Land Planning and Development (Guernsey) Law, 2005 states:

"There is a strong presumption against planning permission being granted for any development which -

- (a) involves the demolition or destruction of or of any part of a protected building, or
- (b) adversely affects its special character or features".

The variation proposal has an adverse effect on the special interest of the protected building. Although the works carried out to the building superficially retains its original appearance, the works have in fact resulted in sustained permanent and irreversible harm to its authenticity and its special interest. This harm has been caused by completely replacing the front windows, which during an earlier site visit were assessed as in reasonable condition, and although some repair works may have been required in relation to the window frames, the sashes could have been retained and installed in replacement sash boxes.

The windows to the front elevation, internal joinery and doors have been removed without permission and contrary to the conditions that were applied to the previous planning permission. The historic windows, joinery and door have been destroyed. Their condition cannot be checked and they cannot be reinstated.

It has not been demonstrated that the economic, social or other benefits of the development would outweigh the presumption against adversely affecting that special interest. The proposal therefore conflicts with Policy GP5 and section 35 of The Land Planning and Development (Guernsey) Law, 2005.

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Trees or Monuments or on SSS's.

Date: 03/10/2024

