

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 extension, erect single storey extension, alter ground levels to extend terrace to north (rear) elevation, create gated pedestrian access to north boundary (Protected Building).

LOCATION: Meadow View, 8 Mount Row, St. Peter Port.

APPLICANT: Mr L & Mrs N Brito

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: 25/03/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects: 1238_14, 16, 17, 18, 19, 20, 21, 22, 23, 24

Application Ref: FULL/2024/0200

Property Ref: A307320000

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 25/03/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

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/2024/0200
Property Ref: A307320000
Valid date: 07/02/2024
Location: Meadow View 8 Mount Row St. Peter Port Guernsey
GY1 1NS
Proposal: Demolish extension, erect single storey extension, alter ground levels to extend terrace to north (rear) elevation, create gated pedestrian access to north boundary (Protected Building).
Applicant: Mr L & Mrs N Brito

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

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

OFFICER'S REPORT

Site Description:

The application site consists of a mid-terrace dwelling, known as 'Meadow View', located north of Mount Row. The whole of the building is protected.

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

Relevant History:

FULL/2019/0827	Demolish existing extension and outbuilding, erect flat roof extension to north elevation and 1st floor flat roof extension to west elevation, alterations to external steps and erect fence to enclose oil tank (Protected Building).	Granted
----------------	--	---------

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to demolish an extension and outbuilding and erect a replacement single storey extension. The application also includes altering the ground level to incorporate the extension and create a terrace to the rear. The drawings also show a new gated pedestrian access to the north boundary, backing onto the Clos road to the north (Clos De La Grande Marche).

The extension will consist of two elements, the first comprising a shallow pitched roof structure, parallel to the main house. This will serve as a kitchen, dining and living room and will be connected to the original house by a glazed link walkway, utility, toilet and pantry.

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

Representations:

The Authority has received two letters of representation from two parties objecting to the proposal. Grounds for objection principally relate to the following issues:-

- The incorporation of a new gateway to the north of the application site. No right of way exists over the clos road.
- Granting planning permission would be contrary to the Humans Rights Law, 2000.

Consultations:

None.

Summary of Issues:

- Whether the loss of the existing structures would have a detrimental effect on the fabric of the protected building.
- Whether the proposal would have a detrimental effect on the fabric of the protected building in terms of its design, scale, mass, siting, form and materials.
- Whether the proposal would affect 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).

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

Whether the loss of the existing structures would have a detrimental effect on the fabric of the protected building, and whether the proposal would have a detrimental effect on the fabric of the protected building:

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings, to secure so far as possible that the special historic, architectural, traditional or other special characteristics (including setting) are preserved. This duty is reflected in Policy GP5 of the IDP.

The principle to demolish the existing kitchen and outbuilding have been accepted as part of a previous planning decision (application ref: FULL/2019/0827) which was considered under the same Island Development Plan policies and Law. The creation of a new doorway between the original house and the proposed glazed link is considered to have limited harm to the special interest of the building and is outweighed by the reasonable aspirations of the property owner to extend and alter their dwelling (Policy GP5).

Policy GP13 of the Island Development Plan is generally supportive of proposals for domestic extensions, alterations and other such householder development where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations, and they do not adversely affect the special interest of a Conservation Area or Area of Biodiversity Importance or protected building or protected monument.

In light of the policy context above, the proposal is subservient to the original house by virtue of its scale, and the massing and bulk of the extension has been broken up by a mix of flat and pitched roofs and the proposed palette of material. The extent of the proposed extension would not adversely affect the rear building line of neighbouring properties and together with its siting would not raise concerns in respect of changing the character of the area or visual amenity.

The design has carefully considered the amenities of the occupiers by positioning the main function of the extension north of the house to maximise natural sunlight and outlook, whilst creating a granite stone courtyard. The degree of excavation to incorporate the proposed extension and terrace will be limited.

The creation of a new pedestrian gateway to the north of the site raises no significant concerns in terms of the impact on the character and appearance of the clos to the north, and is not highly visible from Kings Road. Any potential right of way issues is addressed below in the report.

Consequently, the proposal achieves a 'high' standard of design (Policy GP8 – Design) in terms of its scale, mass, form, siting and materials.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development). The agent has produced a Sustainability Statement which recognises the importance of sustainable building design.

Whether the proposal would affect the character and appearance of the Conservation Area:

Under Section 38 of The Land Planning and Development (Guernsey) Law, 2005 the Authority has a duty to pay *“special attention to the desirability of preserving and enhancing the character and appearance”* of Conservation Areas. This duty is encapsulated in Policy GP4 (Conservation Areas) which states that *“proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.”*

The development is located to the rear of the property and thus the majority of the extension will not be visible in the public realm. Although, it is acknowledged that the western part of the pitched roof might be visible from Mount Row, this will not have a detrimental effect on the character or appearance of the Conservation Area. The proposal is considered to 'conserve' the Conservation Area for the purposes of Policy GP4.

The impact of the development on neighbour amenity:

Careful consideration has been given to the effect of the development on the amenities of neighbouring residents.

The pitched roof element of the design is setback from the rear elevation of the neighbouring property, known as Mulberry House and the shallow, asymmetrical pitch roof has been designed in such a manner that limits the shadowing effect when compared to a more traditional pitched roof, whilst maximising solar panel provision.

Overall, the single storey design of the proposal is not considered to cause significant harm with regards to overshadowing, overbearing or loss of sunlight to warrant refusal.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; the effect of the proposed which the site could be put without further planning permission; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

In response to the letters of representation, right of way issues are not a material planning consideration and therefore cannot be taken into account in determining this application. Although, it is important to note that that any grant of planning permission would be without prejudice to the normal legal rights and privileges of third parties. An informative to this effect should be attached to the decision to make the applicant aware of the issues raised.

Whilst a letter of representation has drawn attention to the Human Rights (Bailiwick of Guernsey) Law 2000, any grant of planning permission would be without prejudice to the normal legal rights. The granting of planning permission does not override or prejudice any legal rights or constraints.

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

The proposal would not impact on any protected trees, monuments or on any SSS's.

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: 20/03/24

