

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: Extend and alter dwelling at third floor level (Protected Building) (Retrospective).

LOCATION: 41 Mount Durand, St. Peter Port.

APPLICANT: Mrs T F Roberts

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: 04/04/2024

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: Naftel Associates A230604 SD 10, BC 10B, 20A, & 30.

Application Ref: FULL/2024/0216

Property Ref: A305630000

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 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 04/04/2027 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/2024/0216
Property Ref: A305630000
Valid date: 02/02/2024
Location: 41 Mount Durand St. Peter Port Guernsey GY1 1EB
Proposal: Extend and alter dwelling at third floor level (Protected Building) (Retrospective).

Applicant: Mrs T F Roberts

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 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.

OFFICER'S REPORT

Brief Description of the site:

The property known as '41 Mount Durand' is a two and a half storey attached Georgian town house which is now a building in multiple occupancy. The building is slightly set back from and faces south onto Mount Durand, the attached buildings are to the east and west and there is a long garden to the north. The property is located in the St Peter Port Main Centre and Conservation Area as defined in the Island Development Plan. The property is also a Protected Building.

Relevant History:

FULL/2019/1837 - Demolish and rebuild chimney and render gable to east elevation and internal alterations (retrospective) (protected building) – Approve October 2019

FULL/2019/1225 - Extend dwelling at third floor / roof level (extend the dwelling by infilling the space within the double pile roof incorporating a rooflight). (Protected Building) – Approved October 2019.

Existing Use(s):

Residential use class 6: premises in multiple occupation.

Assessment: *(Tick as appropriate)*

no representation	☒
accords with policy	☒
within curtilage	☒
design acceptable	☒

visual amenity acceptable	☒
no material neighbour impact	☒
traffic not affected	☒

Policies considered most relevant:

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

Consultations

The Office of Environmental Health and Pollution Regulation.

'I have reviewed the proposed plans for provision of an additional sleeping room and shower room which were received by email on 8th February and I do not wish to raise any objections to the proposals.

I am aware from previous visits that this house in multiple occupation has sufficient cooking facilities (two kitchens) to support the additional sleeping room.'

Conclusion/Brief comment:

This is a retrospective application to extend and alter the roof, incorporating rooflights, to create third floor level accommodation in this protected building (bedroom and en-suite plus a store).

This application has been submitted because the roof had been completely removed from the protected building and all the internal structure of special interest had been stripped out which was above and beyond what had been approved in the FULL/2019/1837 application.

The plans show where and how the original timber frame will be re-used. The plans explain that the original brick chimneys were rendered and so the blockwork will also be rendered and ultimately look the same as the original.

The works have resulted in damage to the historic structure that could have been avoided if works had been carried out in a regular fashion. Nonetheless, the works are considered to be acceptable in this particular instance.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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: 03/04/2024

