

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: Erect single storey extension to south (side) elevation (Protected Building) (Revised Scheme).

LOCATION: Maison de la Guerre, Route De La Marette, St. Saviour.

APPLICANT: Mr & Mrs M Allez

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: 07/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 6317-02 B1A, B2B & B3B (elevations only)

Application Ref: FULL/2024/0348

Property Ref: E005380000

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.

4.Prior to the commencement of any work in connection therewith details of (specification or sample) of the proposed paving shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed in order to preserve the special interest of the Protected Building.

Expiry Date: This permission will cease to have effect on 07/06/2027 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/2024/0348
Property Ref: E005380000
Valid date: 22/02/2024
Location: Maison de la Guerre Route De La Marette St. Saviour
Guernsey GY7 9XB
Proposal: Erect single storey extension to south (side) elevation
(Protected Building) (Revised Scheme).

Applicant: Mr & Mrs M Allez

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.

4. Prior to the commencement of any work in connection therewith details of (specification or sample) of the proposed paving shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed in order to preserve the special interest of the Protected Building.

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

Brief Description of the site:

Maison de la Guerre is a WWII bunker that has been converted and extended, by way of a single-storey flat roof extension to the northwest, into a dwelling. Access and parking is via a track from Route De La Marette to the east and parking is to the southeast of the dwelling. The property occupies a site on the Richmond Headland with Fort Richmond, a Protected Monument and Building, to the southwest. Residential development exists to the north and east of Route De La Marette whilst land to the west is open, leading to the beach/slipway.

The whole of Maison de la Guerre including the two ancillary structures to the west is a protected building with the exception of the modern extension to the northwest.

Fort Richmond sits on top of the headland and was positioned thus so as to facilitate observation of the sea and coast for military purposes. It is prominent, projecting above the skyline in views over long distances, and is also visible in closer views.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2023/ -

The Authority has recently removed the area of Maison de la Guerre that was within the protected monument (Fort Richmond PM173) from that list and instead added Maison de la Guerre to the protected buildings list (PB1750).

Existing Use(s):

01 dwellinghouse

28 agriculture

Assessment: *(Tick as appropriate)*

no representation

x
x
x

accords with policy

within curtilage

design acceptable

visual amenity acceptable

no material neighbour impact

traffic not affected

x
x
x

Policies considered most relevant:

GP1: Landscape Character and Open Land

GP5: Protected Building

GP6: Protected Monuments (setting)

GP7: Archaeological Remains

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Annex V: Landscape Character

Representation:

One letter has been submitted on behalf of an adjacent property owner objecting requesting the withdrawal of the application and raising the following points:

- Not all the land to which the application relates falls within the ownership and control of the applicant and the land owner has not given permission for the application to be made on the land – extensive information has been provided relating to this matter
- The drawings are inaccurate and fail to show the correct boundary position
- The Statement of Significance is incorrect and misleading

Letters have also been submitted by Advocates apparently acting on behalf of both property owners regarding the matter of land ownership.

Conclusion/Brief comment:

The first matter to address once again, before considering the proposed development, relates to the matter of land ownership. In this case both the applicant and the adjoining property owner at Fort Richmond assert that the land falls within their ownership and control. It is not for the Development & Planning Authority to seek to resolve land ownership disputes nor seek to make its conclusion on this matter. It is acknowledged however, that the application form includes a signed declaration that all information/details etc. contained within the submission are correct. The Planning Service has previously sought to ensure the matter is addressed but this was unsuccessful given the views of both property owners and has not been resolved in the intervening period since the 2023 application was considered.

Ultimately, the matter of land ownership is a private civil matter that cannot influence the outcome of a planning application. Notwithstanding this fact however, in granting permission for a development this does not give the applicant a right to develop on land that is outside their ownership and control. This matter will need to be resolved between the two parties.

The application relates to the erection of a single-storey flat roof extension, with render exterior housing a new entrance hall, garage and WC. The application was deferred in order to address queries relating to the extension and its relationship with an existing first floor doorway and drawing annotation errors.

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

Protected Buildings and Protected Monument

Effect on Maison de la Guerre

The single-storey extension would not have an unacceptable detrimental impact on the setting of the Protected bunker and the scheme is considered to represent a reasonable aspiration of the property owner having regard to Policy GP5.

As originally submitted, the relationship between the proposed extension and the first floor doorway in the southeast elevation of Maison de la Guerre (accessed via the external staircase and not shown on any of the submitted plans) was not clear. Revised plans and information were provided which satisfactorily demonstrate that the proposal would not result in undue harm, in accordance with Policy GP5.

Effect on the setting of Fort Richmond

The proposed extension would not project above the headland and would not be visible in long views of the protected Fort. The scheme represents a reasonable aspiration of the property owner and this scheme accords with both GP5 and GP6 of the IDP.

Residential amenity

The proposed extensions are set sufficient distance from surrounding residential properties in order to ensure they will not result in overshadowing or overlooking to the occupiers of adjoining properties.

The extension will offer more flexible and adaptable accommodation that can respond to the changing needs of occupiers over time and will offer occupiers with good levels of amenity having regard to GP8 and Annex I of the IDP.

Other matters

The approved conversion scheme indicated a rooflight over each of the two bedrooms within the original bunker building. It is noted however, that the layout of the accommodation has altered from that original approval both by planning and Building Control. The bedrooms were both shown as stores on the Building Control drawings although on site one of the two rooms was in use as an occasional bedroom but without the approved rooflight which would impact on outlook and the health and well-being of the existing occupiers/users. This matter may need to be addressed/resolved through a variation or minor amendment to the previously approved scheme.

Conclusion

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.

In view of the above it is recommended permission is granted for the proposed development subject to conditions.

Recommendation:

Grant with Conditions



Date: 06/06/2024

