

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: Variation to previously approved plans to extend at first floor level and raise roof height to create accommodation at second floor level of unit 2 and alterations to fenestration - Omit 1.8m obscured glazed balustrade and install 1.1m high railings (retrospective).

LOCATION: 7 Berthelot Street, St. Peter Port.

APPLICANT: Stone House Properties Ltd

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: 31/07/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/06/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners Ltd: AA-80 10641-S1-30A

Application Ref: FULL/2024/0907

Property Ref: A200370000

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 31/07/2027 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/2024/0907
Property Ref: A200370000
Valid date: 05/06/2024
Location: 7 Berthelot Street St. Peter Port Guernsey GY1 1JS
Proposal: Variation to previously approved plans to extend at first floor level and raise roof height to create accommodation at second floor level of unit 2 and alterations to fenestration - Omit 1.8m obscured glazed balustrade and install 1.1m high railings (retrospective).

Applicant: Stone House Properties Ltd

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:

Retrospective planning permission is requested for variations to works previously approved to extend and alter the building and for the change of use from office accommodation to two residential units (PAP/001/2019). The variations involve omitting a 1.8m high obscured glazed balustrade along the east elevation of the 1st floor terrace and retaining existing 1.1m high railings.

The site consists of a traditional 2½ storey building fronting onto Berthelot Street and a series of modern one and two storey flat roof extensions to the rear. The section of the building which fronts onto Berthelot Street is an office with 2 flats within the modern rear extensions.

The site is within the St Peter Port Main Centre Inner Boundary and Conservation Area. The adjoining building to the east is a protected building.

Relevant History:

FULL/2024/0155 - Application pending to create roof terrace at 3rd floor level to north of building.

14/06/2023 – FULL/2022/2095 – Permission granted to extend at first floor level and raise roof height to create accommodation at second floor level for unit 2 and alterations to fenestration.

05/12/2018 – FULL/2018/2060 – Application refused to extend and alter building and change of use from office accommodation to two residential units with roof terrace/garden. Alterations to building include new parapet construction, first floor extension, glazed balustrades and apply external render system(Revised). Application subsequently approved at appeal 09/04/2019, PAP/001/2019.

22/05/2018 – FULL/2018/0534 – Permission granted to remove dormer window, demolish chimney, alter and replace fenestration, re-render external wall and install new folding/sliding access doors/gates to front of property. Alter fenestration to side (east) elevation and install three rooflights to rear (partially retrospective).

13/02/2018 – FULL/2017/2162 – Application refused to extend and alter building and change of use from office accommodation to two residential units with roof terrace/garden and office accommodation. Alterations to building include new parapet construction, first floor extension, installation of roof lights, alterations to fenestration, demolish chimney and dormer window and apply external render system (partially retrospective).

18/11/2011 – FULL/2011/2749 – Permission granted for the change of use of office accommodation to residential dwelling and office accommodation.

Existing Use(s):

Residential use class 2: flat
Office

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:**

Policy GP4: Conservation Areas

Policy GP8: Design

Policy GP9: Sustainable Development

Policy GP13: Householder Development

Conclusion/Brief comment:

The design of the existing railings achieves a high standard of design and has no adverse effects on the character and appearance of the Conservation Area or the setting of the adjacent protected building.

The omission of the previously approved 1.8m high obscure glazed screen and its replacement with 1.1m high railings has the potential to adversely affect the amenities of the occupiers of the neighbouring building. However, the terrace is set back 1.5 metres from the windows, the windows are obscure glazed and the characteristics of the site include a tight central town location where there currently is reduced privacy between neighbouring properties. On balance, the potential harm to the amenities of the neighbouring residents is not so substantial as to have a material adverse effect on the amenities of the neighbouring residents to the east.

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.

It is recommended that the application is approved.

Recommendation:

Grant with Conditions

**Date:** 31/07/2024

