

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: Variations to previously approved plans to erect two storey extension to west (side) elevation and install captains dormer and balcony at first floor level to south (rear) elevation (Protected Building) - Increase floor area to north, erect balcony to south elevation, install rooflight, alterations to roof form and fenestration.

LOCATION: La Bigoterie, 14 Berthelot Street, St. Peter Port.

APPLICANT: Mr & Mrs Green

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: 13/08/2024

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

Drawing Nos: DRP Architecture - 3090-WD-001, 110, 120, 200 & 210.

Application Ref: FULL/2024/1096

Property Ref: A300790000

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 on or before 05/03/2027.

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 (at 1:20 scale) to show the altered junction between the new and existing wall and roof at the northwest corner of the west part of the protected building 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. This condition is imposed to ensure that the works do not have an adverse impact on the special interest of the protected building and does not have an adverse impact on the character of the conservation area.

5.The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 05/03/2024, issued under planning application reference FULL/2023/2416, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

Expiry Date: This permission will cease to have effect on 05/03/2027 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/2024/1096
Property Ref: A300790000
Valid date: 02/07/2024
Location: La Bigoterie 14 Berthelot Street St. Peter Port Guernsey GY1 1JS
Proposal: Variations to previously approved plans to erect two storey extension to west (side) elevation and install captains dormer and balcony at first floor level to south (rear) elevation (Protected Building) - Increase floor area to north, erect balcony to south elevation, install rooflight, alterations to roof form and fenestration.

Applicant: Mr & Mrs Green

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 on or before 05/03/2027.

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 (at 1:20 scale) to show the altered junction between the new and existing wall and roof at the northwest corner of the west part of the protected building 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. This condition is imposed to ensure that the works do not have an adverse impact on the special interest of the protected building and does not have an adverse impact on the character of the conservation area.

5. The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 05/03/2024, issued under planning application reference FULL/2023/2416, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

OFFICER'S REPORT

Brief Description of the site:

La Bigoterie, Berthalot Street is a large detached dwelling with a walled garden at a lower level to the east and Arcade Steps to the south, residential neighbours are situated to the west and north of the site. There is also a garden to its south as well as east and the land is terraced with one level behind the property, a second lower terrace alongside the property and a third, lower terrace beyond that, to the east of the second. To the west side of each terrace is a 4m high granite retaining wall.

Permission has been granted for works to the western part of the property comprising a two-storey extension (garage/workshop, plant room, lift, garden WC and guest suite) and the formation of a captains dormer and balcony to the southern roofslope of the existing dwelling. A wine cellar, mud room, study with terrace area and golf simulator room were all approved at ground floor level.

The application relates to variations to the approved scheme. The enlargement of the floor area of the approved garage extension (housing a new lobby and a store in addition to the reconfigured plant room, lift, WC), projecting further north (rear of the approved garage) with a flat roof and new fenestration facing the west site boundary (doors to lobby and WC). Part of the approved pitched roof has been omitted to be replaced with a flat roof to tie into the approved, substantially flat roof

garage extension and a flat roof rooflight is shown to be provided. French doors serving a small balcony are now proposed to the south elevation serving the approved first floor guest suite.

As noted on the application drawings, changes to the approved pitched roof extension to the north of the dwelling are to be the subject of a separate application.

It is worth noting that in addition to the bubbled variations there seem to be some inconsistencies between the approved and proposed drawings:

- The ridge height (and possibly the eaves height) of the west part of the PB is higher on the currently proposed drawings than on the approved drawings;
- The approved extension now projects further east than on the approved drawings yet this is not bubbled on the current proposal;
- The approved ground floor canopied area is now deeper, projecting further east than on the approved drawings. This is not bubbled on the current proposal;
- The north wall of the interior of the loft space of the west part of the protected building is now proposed to be lined. This is not bubbled on the current proposal;

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/2023/0621 - Erect pavilion, alter ground levels, create external steps, petanque court and landscaping (Protected Building) – granted

FULL/2023/2417 - Erect extension at first floor level to north elevation, install Juliet balcony and canopy and replace balustrade to east elevation, re-render walls, install replacement flat roof covering, internal and fenestration alterations. (Protected building) – granted

FULL/2023/2416 - Erect two storey extension to west (side) elevation and install captains dormer and balcony at first floor level to south (rear) elevation (Protected Building) – granted

Pre-application advice was sought in this case.

Existing Use(s):

Residential use class 1: dwelling house.

Assessment: *(Tick as appropriate)*

no representation

☒

visual amenity acceptable

☒

accords with policy

x

within curtilage

x

design acceptable

x

no material neighbour impact

x

traffic not affected

x

Policies considered most relevant:

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Conclusion/Brief comment:

The changes outlined above would conserve the character, historic and architectural interest and appearance of the Conservation Area and Hillside Town in accordance with Policy GP4 and GP9 of the IDP.

The extension and alterations proposed represent a high standard of design offering more efficient and effective use of land and the scheme provides good levels of amenity for occupiers of the dwelling in accordance with Policy GP8 and GP13 of the Island Development Plan.

With regard to the impact on the amenities of the neighbouring occupier, the reduced height of part of the approved extension (changed from a pitched to a flat roof) will not impact on sunlight/daylight to the windows in the east elevation of the neighbouring property, Chenie, and nor will the proposals result in overshadowing or loss of sunlight and daylight to the neighbouring accommodation. The proposed fenestration in the west elevation will face the boundary wall and will not result in overlooking and loss of privacy to the occupiers of Chenie in accordance with Policies GP8, GP9 and GP13 relating to residential amenity.

Some concerns exist regarding the altered junction between new and existing at the northwest corner of the west part of the building because this change would now see the new overlap the northwest corner, interrupting the end of the roof of the protected building. Nonetheless, subject to a condition, given that this part of the building is relatively recent and has undergone certain changes, the effect on overall special interest of the proposed alteration would be outweighed by the reasonable aspirations of the owner.

The works proposed, including lining the internal wall of the west part of the protected building, subject to necessary conditions, represent a reasonable aspiration of the property owner that would outweigh harm caused to the special interest of the building in accordance with Policy GP5.

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.

Recommendation:

Grant with Conditions



Date: 12/08/2024

