

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 outbuilding/store, erect building containing 2 flats (Use Class 2).

LOCATION: 29 Vauvert, St. Peter Port.

APPLICANT: Mr & Mrs N Piper

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: 28/04/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/07/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Paul Vaudin & Associates Ltd - 22-046-05E, 06E & SEC

Application Ref: FULL/2024/1173

Property Ref: A202190000

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.Unit 1 shall not be first occupied until the 1.8m high fence has been erected to enclose the amenity space in the position shown on drawing ref: 22-046-06E. The fence shall remain as such thereafter.

Reason - To protect the reasonable amenities of neighbouring residents.

5.No cladding to be used on the exterior of the buildings shall be placed on the site until such time as a sample of the material in its finished form has been submitted to the Authority. Only the cladding material and any agreed finish agreed in writing by the Authority shall be used in carrying out the development.

Reason - To secure the satisfactory appearance of the completed development and to ensure that no harm is caused to the character of the Conservation Area.

6.Prior to completion or the first occupation (whichever is the sooner) of unit 1 the window in the south facing elevation at ground floor (serving the shower room) shall be permanently glazed with obscure glass of a minimum industry standard privacy level 3. The window shall be retained as such in perpetuity and no additional windows shall be installed at ground floor level in this elevation unless the Authority has agreed to any variation in writing.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

7.Prior to completion or the first occupation (whichever is the sooner) of unit 2 the window in the south facing elevation at first floor (serving the landing) and the windows in the south and east facing elevation at second floor level (serving the landing) shall be fixed (i.e. non-openable) and shall be permanently glazed with obscure glass of a minimum industry standard privacy level 3. The windows shall be retained as such in perpetuity.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

8.The bin and bicycle storage provided for each residential unit shall be retained for such use for each unit and shall not be removed or used for any other purpose, unless permission in writing has previously been given by the Authority.

Reason - To ensure that adequate cycle and storage provision is maintained on site for the purposes of the occupiers in accordance with the requirements of the Island Development Plan.

Expiry Date: This permission will cease to have effect on 27/04/2028 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.

Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.

It is recommended that site clearance, construction and deliveries are limited to the following times:

Mondays to Saturdays - 0800 hours to 1800 hours.

Action which creates a nuisance may be subject to action by the Office of Environmental Health and Pollution Regulation.

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/2024/1173
Property Ref: A202190000
Valid date: 18/07/2024
Location: 29 Vauvert St. Peter Port Guernsey GY1 1NQ
Proposal: Demolish outbuilding/store, erect building containing 2 flats (Use Class 2).

Applicant: Mr & Mrs N Piper

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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).

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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.

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Reason - To secure the satisfactory appearance of the completed development and to ensure that no harm is caused to the character of the Conservation Area.

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Reason - To ensure that adequate cycle and storage provision is maintained on site for the purposes of the occupiers in accordance with the requirements of the Island Development Plan.

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.

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OFFICER'S REPORT

Site Description:

The application site comprises an outbuilding that forms the end of terrace property with render exterior and pantile roof. A high granite wall exists to the roadside/west boundary and a single-storey lean-to exists attached to the side wall of the neighbouring property to the north. Vehicular access is to the immediate south of the outbuilding and the external space on the site is currently entirely gravelled to provide parking and turning for the site. The outbuilding has been separated/sold separately from no. 29 Isabella House.

The site is located in the Main Centre Inner Area and a Conservation Area as designated in the Island Development Plan.

Relevant History:

FULL/2023/0227	Change of use of outbuilding (Residential Use Class 1) to General Storage and Distribution (Use Class 22).	Granted 24/07/2023
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The current application has also been the subject of various pre-application discussions.

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to demolish the existing outbuilding/store and to erect a building accommodating 2 flats (Use Class 2).

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

Island Development Plan Policies

- MC2: Housing in Main Centres and Main Centre Outer Areas;
- GP4: Conservation Areas;
- GP8: Design;
- GP9: Sustainable Development;
- IP6: Transport Infrastructure and Supporting Facilities;
- IP7: Private and Communal Open Space.

Representations:

Two letters of representation have been received objecting to the scheme. The grounds for objection are summarised as follows:

- The address of the site on the application form needs to be clarified as this is misleading. Number 29 relates to the property Isabella House which does not relate to the application site or proposal;
- The land to the south of the property is owned by the owners of Number 29 Isabella House which is a right of way for the 2 other properties;
- No attempt has been made to discuss the plans with neighbours;
- The proposal will not be able to be built without affecting the right of way to the other properties or without making the 2 other properties on site unavailable;
- The foundations of the property will need to be dug in the right of way area;
- As land owner no permission has been given for this;
- Covenants exist on the conveyance of Isabelle House and the neighbouring properties which this proposal will effect:
 - o Firstly no disruption to the right of access;
 - o Secondly the right to shared drains which currently run underneath the building site as does the supply to other properties;
 - o Drainage will need to be disrupted during the build making Isabelle House impossible to occupy during the works;
- The proposal will block out significant amount of natural light into the main windows of Isabelle House;
- The proposal will cause a loss of privacy with windows facing windows over a short distance;
- The proposal comprises an overdevelopment of the site;
- The proposal rear projection would be only 3 metres from the kitchen window of Vaudinerie and would block out light;
- The proposal would reduce privacy;

- The plans are inaccurate, having laid out the lines of the walls, the corner of the building would be in the middle of a right of way making it impossible to access the car parking space associated with Vaudinerie;
- A soakaway for rainwater is under the middle of the proposed rear building;
- Drains run through a chamber in the existing building on site, these would be affected;
- The proposal would devalue neighbouring properties.

Following further deferral of the application to address clarity regarding site ownership and the red and blue outlines shown on the 1:500 block plan, the neighbours that had made representations were renotified of the revised drawings allowing 14 days for further comment. One email was received from a neighbour concerning land ownership and that the rights of way are incorrectly shown which is addressed in detail within the report below.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. The principle of new housing.
2. Design and impact of the development on the appearance and character of the Conservation Area.
3. The impact of the development on the amenity of people living in the area.
4. Parking and access.
5. Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.

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).**

The principle of new housing

The proposal currently comprises a former residential storage building that previously formed part of an adjacent residential dwelling 29 Vauvert (formerly known as 1 Randells Yard, now known as 29 Vauvert Isabella House). The site was subdivided in 2023 when the property to the south (29 Vauvert Isabella House) was sold to new purchasers with the ownership of the site the subject of this application (as edged in red on the application drawings) retained by the vendor. In 2023 planning permission was granted to change the use of the premises from residential

(Use Class 1) to General Storage and Distribution (Use Class 22), however, to date this permission has never been implemented. In planning terms the recognised use of the application site and building is for residential purpose.

As set out in policy MC2, the majority of the Island's housing supply is to be provided within and around the Main Centres. The site is located in a Main Centre Inner Area and does not form Important Open Land. As such policy MC2 supports the development of the site for housing where it accords with all other relevant policies of the Island Development Plan and where able to, the site provides an appropriate mix and type of dwellings.

The proposal includes the provision of two one bedroom units which meets the current housing needs. Although a mix of dwelling types on this site would be preferred, in this instance due to the relatively limited size of the site, the mixture and type of housing that can be provided is restricted. Furthermore, the units as proposed make the most effective and efficient use of the site in accordance with planning policy. On balance therefore it would seem unreasonable in this instance to request a varied mix and type of units and provided that the development accords with other relevant policies of the Island Development Plan, the principle of the proposed residential development at this site is acceptable.

Design and impact of the development on the appearance and character of the Conservation Area

The site is within a Conservation Area. It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting Conservation Areas, to secure so far as possible that the special historic, architectural, traditional or other special characteristics are preserved. This is reflected in Policy GP4 which supports development that conserves, and where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area concerned.

Within Conservation Areas Policy GP8 seeks to ensure that new development achieves a particularly high standard of design whilst making effective and efficient use of land and respecting the character of the local built environment or the open landscape concerned.

The part of Vauvert immediately surrounding the site is characterised by a relative narrow, one-way sloping street which is enclosed on the south/west side by high stone retaining walls and, on the north/east side by buildings, typically 2-3.5 storeys in height. Here, traditionally, and classically proportioned buildings are constructed as terraces with the broad side of the building fronting the street and with ridges, eaves and openings stepping up/down with the changing land level. Buildings are typically rendered with slate or clay pan-tile roofs often with dormer windows. Window patterns and openings are of Georgian proportions and have been replaced, on the whole sympathetically, in PVCu.

As initially proposed the scheme included a 3.5 storey building the ridge, eaves height and window levels of which were designed to match and continue the levels of those features of the adjoining building to the northwest. This approach did not reflect the character of the terrace as referred to above which in turn was considered to undermine the architectural composition of the buildings and street. The application was deferred to seek revised plans to address these concerns. Concerns were also raised with regard to the internal layout of unit 2 which required alterations to satisfy building regulation requirements.

Revised plans have been submitted and the scheme has been redesigned. The window levels, pitch height and eaves level of the roof have all been lowered to reflect the stepped nature of the street scene and the adjacent building. The internal layout has also been altered to comply with building regulation requirements. The alterations have addressed the previous reasons for concern.

At present the existing building projects beyond the front elevation of the neighbouring property to which it is attached. This together with its lean-to roof form, appears at odds to the character of the properties to the north. As part of the proposal, the front elevation of building has been set back slightly from the attached property and this together with the alterations achieved through the revisions (as referred to above) represents a well-designed scheme that forms an appropriate end to the terrace, which enhances the character of the Conservation Area. The materials proposed also reflect those of the surrounding built environment and overall, the scheme would have no significant adverse effects on the character and appearance of the Conservation Area in accordance with Policies GP4 and GP8.

The impact of the development on the amenity of people living in the area

Policy GP8 requires *inter alia* that proposals for new development will be expected to consider the health and well-being of the occupiers and neighbours of the development by means of providing adequate daylight, sunlight and private/communal open space. This is also reflected in criterion (b) of Policy GP9 which requires developments not to have unacceptable impacts on the amenities of neighbouring properties.

Objections have been received from the occupiers of neighbouring properties objecting to the scheme. The grounds for objection are summarised in the representation section of this report above.

With regards to concerns raised regarding the loss of privacy, although the windows proposed in the south facing elevation will serve non habitable accommodation (a shower room and landings), given the close relationship with the neighbouring properties in this direction (29 Isabelle House and 2 Vaudinerie) in this instance they would increase the feeling of being overlooked resulting in harm to residential amenity. Given that these windows are for the provision of light only and are not required for ventilation purposes or to provide a means of escape (i.e. are not required

to satisfy Building Regulation requirements), it is recommended that a condition be included on any permission for these windows to be obscure glazed and fixed shut.

Windows are also proposed at ground floor and second floor in the east facing elevation of the property that will face towards the garden areas of the properties 2 Vaudinerie and No. 1 Vauvert Terrace. However, views from the ground floor window (serving the lounge) will be screened by the existing boundary screening and by a fence proposed along the eastern boundary. Furthermore, as proposed, the second floor window will be a high level obscure glazed window, which will prevent any overlooking ensuring that no undue harm is caused. Windows are already present on all three floors in the west facing elevation serving the property attached to the north (1 Vauvert Terrace), the windows proposed in the west facing elevation would therefore not cause any additional harm to neighbour amenity above that already in existence.

With regard to overshadowing, the property will face west and despite the comments received from the occupiers of neighbouring properties to the south, it would not cause any significant harm to these properties. Although the proposal has the potential to overshadow the space to the rear of No.1 Vauvert Terrace to the north, given that a large single storey extension and covered carport area is attached to the rear elevation of that property and that at first floor the scheme has been designed with a lean to style roof, any additional harm above that already present would not be so substantial to warrant the refusal of permission.

The concerns raised with regard to inaccuracies relating to the property names and addresses and that 29 Isabelle House was edged in blue (indicating that the applicant owned the property) led to a further deferral of the application to seek amended plans and a further consultation period with neighbours to allow them the opportunity to review the plans and make any further comments. The amended plans received according to the applicant correctly show the extent of land ownership at the site. Although objections remain and a further letter from the occupiers of a neighbouring property has been received claiming that the rights of way are inaccurately drawn, any landownership disputes are not a material planning consideration that can be taken into account in the determination of this planning application and would need to be resolved privately. Furthermore, should planning permission be granted it would be under the Land Planning and Development (Guernsey) Law, 2005 which does not override or prejudice any legal rights or constraints which exist in relation to the application site. It is recommended that an informative is included on any permission to this effect.

Issues relating to disturbance to land drains, rights of way over land, covenants on deeds and the devaluation of neighbouring properties are all none material planning considerations and cannot therefore be taken into account in the assessment of this application.

Based on the above, the proposal would not cause significant harm on the amenities of nearby residential properties and complies with policies GP8 and GP9 in this respect.

Parking and access

Policy IP7 requires the Authority to take into account in proposals for development the provision of appropriate levels of private and communal car parking in accordance with Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessments.

No parking is proposed as part of the planning application. However, the site is situated in a sustainable urban location within a Main Centre Inner Area where new housing development is encouraged by States-approved planning policy. The site is situated within walking distance of the shops and services provided in town and various car parks and locations that provide on-street car parking, and bicycle parking. Furthermore, being situated close to the main Town bus terminus the site is accessible by other more sustainable means of transport than the motor car.

A covered cycle store is proposed to each unit and although the allocated space is limited for unit 1 the site is situated within a Main Centre and close to other forms of available bicycle parking. The proposal would not cause any detriment to highway safety and complies with the provisions of Policy IP7.

Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings

The health and well-being of the occupiers of the development requires consideration as set out in part (d) of Policy GP8 and explained in more detail in Annex I (Amenities). The objective to build at high densities is to be balanced, but does not override, the need to create acceptable living environments. Although there are no rigid standards for amenity provision, the factors to be considered include internal space provision, privacy, aspect/outlook, access to external open space and daylight/sunlight.

The proposed dwellings substantially exceed the Guernsey Technical Standards minimum internal space standards and they exceed the best practice minimum internal space standards which are published on the Authority's website. The proposed units would have adequate daylight and sunlight and a good outlook from the main habitable rooms. The privacy within the dwellings would be good.

Although no private amenity space is provided for as part of the application, given the limitations of the site and the fact that it is situated within St Peter Port Main Centre and close to public outdoor amenity spaces the refusal of permission based on this would not be reasonable.

In summary, although there would be some deficiencies, as a whole the proposal would provide a satisfactory quality of residential environment for future occupiers, in accordance with Policy GP8.

Other Matters

The size, layout and ground floor facilities of the units are sufficient to demonstrate that the development provides adequate accessibility and offers flexible and adaptable accommodation, in accordance with Policy GP8.

Policy GP9 is wide-ranging and includes requirements for sustainable design and construction with reference to the design, layout and orientation of buildings, flood risk and surface water run-off, renewable energy, the use of materials and the management of waste. Taking into account the nature of the development, the information submitted is sufficient to demonstrate that the development has been designed to take into account the use of energy and resources, in accordance with Policy GP9.

Date: 23/04/2025

