

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 dwelling above existing garage building.

LOCATION: Sunnybank Parking, Victoria Road, St. Peter Port.

APPLICANT: Mr P Tilden-Smith

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: 17/02/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/12/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Emile Perrot - 81/114(9)05 Rev 1

Application Ref: FULL/2024/1615

Property Ref: A30392B000

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:
a) front railings
b) position, design and appearance of the east boundary fence to sit inside the existing granite wall shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details and the railings and all fencing shown on the approved drawings shall be installed prior to the dwelling hereby approved being first occupied and shall thereafter be retained at all times.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed in the interests of visual and residential amenity.

5.All windows within the development hereby approved shall be of vertical sliding sash design and method of opening and the roof covering shall be carried out using only natural slate.

Reason - To preserve the character and appearance of the Conservation Area.

6.Prior to the commencement of any work in connection therewith details of the proposed external hardstanding to the front and rear of the site shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details and all areas of hardstanding shall be laid in accordance with the agreed details before the dwelling hereby approved is first occupied.

Reason - In the interests of visual amenity.

7.The development hereby permitted shall be constructed in accordance with the details set out in the letter from Peter Tilden-Smith dated 03/09/2024, and in accordance with the details shown on the approved plans regarding solar panels and

electric bike charging. There shall be no occupation any dwelling until the solar panels and charging point to serve it has been installed and made operational.

Reason - In the interests of sustainable development.

Expiry Date: This permission will cease to have effect on 17/02/2028 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/2024/1615
Property Ref: A30392B000
Valid date: 06/12/2024
Location: Sunnybank Parking Victoria Road St. Peter Port Guernsey
GY1 1HY
Proposal: Erect dwelling above existing garage building.

Applicant: Mr P Tilden-Smith

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.

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a) front railings

b) position, design and appearance of the east boundary fence to sit inside the existing granite wall shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details and the railings and all fencing shown on the approved drawings shall be installed prior to the dwelling hereby approved being first occupied and shall thereafter be retained at all times.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed in the interests of visual and residential amenity.

5. All windows within the development hereby approved shall be of vertical sliding sash design and method of opening and the roof covering shall be carried out using only natural slate.

Reason - To preserve the character and appearance of the Conservation Area.

6. Prior to the commencement of any work in connection therewith details of the proposed external hardstanding to the front and rear of the site shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details and all areas of hardstanding shall be laid in accordance with the agreed details before the dwelling hereby approved is first occupied.

Reason - In the interests of visual amenity.

7. The development hereby permitted shall be constructed in accordance with the details set out in the letter from Peter Tilden-Smith dated 03/09/2024, and in accordance with the details shown on the approved plans regarding solar panels and electric bike charging. There shall be no occupation any dwelling until the solar panels and charging point to serve it has been installed and made operational.

Reason - In the interests of sustainable development.

OFFICER'S REPORT

Site Description:

Sunnybank parking is a single level garage building with granite exterior, although the permission required a garage door to be installed this aspect of the development has not been implemented. The building incorporates ventilation features given the current use and to the side is a set of public steps which lead to the proposed access for the site, on top of the flat roof garage building. Properties in the vicinity are primarily residential although commercial premises are scattered along Victoria Road. Properties along Victoria Road are mainly terraced with a mix of houses and

flats. These are generally traditional in their design and appearance often with sliding sash windows installed and railings providing defensible space between the pavement and properties.

To the immediate rear of the application site, accessed from the same public steps is an 'L'shaped two-storey building with render exterior. There are two separate roofs to the different elements of the building a hipped roof with interlocking tiles serves the two dwellings whilst the hipped slate roof is associated with the apartments. Both elements of the building have PVCu sash windows which is divided into several dwellings. A fence/trellis forms the north site boundary between Lavender House and Sunnybank and Sunnybank parking whilst a raised terrace area is enclosed by metal railings to the front/side of the Sunnybank apartments.

The site is located in the Main Centre and Conservation Area (Victoria Road Character Area) as designated in the Island Development Plan.

This part of the Conservation Area is characterised by buildings of classical Georgian and Victorian proportions. Smooth rendered roadside walls, often with moulded render copings and ornamental metal railings, separate small front gardens from the highway. Taller stone walls are also prominent and most often, but not always, form the roadside boundaries to the sides and rear of buildings. All give a sense of enclosure to the sloping street. This is emphasised by changes in level with buildings also climbing the hillside to either side of the road. Stone kerbed pavements flank each side of the street.

Various properties along Victoria Road are protected but none are immediately surrounding the application site.

Relevant History:

Pre-application advice was sought in this case.

FULL/2013/3468 - Raise car park walls, install stackers and create roof garden – granted

Conditions:

4. occupation/use criteria
5. details of the vehicle door
6. CCTV details
7. granite
8. landscaping scheme
9. completion of landscaping
10. use shall not commence until all details are completed as approved

Existing Use(s):

Car park/garage

Brief Description of Development:

The application relates to the erection of a single-storey pitched roof dwelling on top of the existing garage. The property has been designed with a render exterior and slate roof. The building is shown to be set back from the front wall of the garage below with a railing installed for safety. Pedestrian access to the site is via the public steps to the west and through an existing gateway. To the rear of the proposed dwelling is a small amenity space to be enclosed to the north and east by a timber fence.

The dwelling comprises two bedrooms, a living room, a lounge/dining room, bathroom, utility room and a cycle store.

The application has been accompanied by a brief statement to address Policy GP9 and sustainable development confirming the use of solar panels, hardstanding around the site and charging points for cycles. The building is specified to be of timber frame construction to comply with the current Building Regulations.

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 support facilities

Annex I: Amenities

Internal Space Standards for New Dwellings (2015)

Representations:

Three letters of representation have been submitted objecting to the application and raising the following points:

Character of locality

- The development would obstruct views of the houses above – these are attractive and the development would mean they would totally disappear behind the site
- The area is already too built up, the development would not be appropriate and it would make the road look very narrow and badly built up
- This proposal is an overdevelopment of the site and would be detrimental to the locality
- The development would be inappropriate in relation to its surroundings in terms of design, layout, scale and siting – the development is out of keeping

with the locality and will detract from/neither preserve nor enhance the Conservation Area

- The development will overshadow Cordier Hill Steps and Victoria Road

Residential amenity

- The development would affect light and natural airflow to houses above – a number of existing properties are damp and this would cause further problems
- The development will result in overlooking and overshadowing of properties and gardens – particularly given the height and relationship of the building to its neighbours/gardens

Traffic/parking

- There is a lack of parking in the vicinity and the development will add to this
- Vehicle movements connected with the development will add to the dangerous traffic in the area and may obstruct the pavement outside the site

Other matters

- The site notice is poorly displayed, on Cordier Hill steps – it should be repositioned
- There is no fire protection system in place for the unfinished garage – of particular concern with vehicles containing lithium batteries and their known fire risk
- The garage was originally proposed to incorporate a roof top garden which has not been provided and the potential for which would be lost as a result of this development
- The garage development is unsightly and unfinished
- Concerns are expressed regarding the proposed development given the long running and unfinished state of the existing garage site below (in terms of timely completion of development and quality of work)
- Concerns regarding access to existing properties during works
- Impact of the development on utility supplies which are already under strain
- During construction there will be noise pollution, obstructions and inconvenience – including impacting access to the garage parking

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed development, the design and appearance of the proposed building and its impact on the character and appearance of the Conservation Area, the amenities of neighbours and occupiers of the development and in relation to parking provision.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

Section 38 of the Law explains the general functions of authorities in respect of conservation areas. This states that:

In the exercise, with respect to any building or other land in a conservation area, of any powers under this Law or any other enactment, special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that area.

In respect of these statutory duties, the word 'preserve' is taken in its ordinary meaning as set out in Chamber's dictionary, which is 'to keep safe from harm or loss'.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely. Relevant policies will be addressed below in assessing the key issues.

Section 13 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, sets out a number of general material considerations, the following of which are considered to be relevant in this instance:

- (b) the character and quality of the natural and built environment which is likely to be created by the development,
- (c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,
- (d) the likely effect of the development on the character and amenity of the locality in question,

It is noted that permission was granted under the 2013 for the rooftop of the garage to be utilised as a garden area. It was assumed that residents of adjacent dwellings (in the original development) would make use of the amenity space. These dwellings were however, approved without access to this area of amenity space and are, in

any event, situated in a central location within easy access of the coast and public amenity space such as Cambridge Park etc. The garage has been largely completed and surface level parking (no stackers) has been undertaken for a considerable period of time. The rooftop area is concrete and the garden has never been implemented. Nonetheless, this would not preclude an application being brought forward to develop the garden/open space which has now occurred.

Policy MC2 supports proposals for housing development. The size of the site does not allow for a mix of housing types/mix of accommodation but building above the existing garage represents effective use of land (GP8/MC2).

The site represents a gap-site at first floor level above the single-storey garage. The proposed building has drawn from buildings in this part of Victoria Road, with a render exterior, slate roof and sash windows proposed. At ridge and eaves level, it would follow the gradient of Victoria Road and would reflect the level and the building lines of adjacent street-side buildings. It would also respect the contours of the hillsides to the north and south of Victoria Road. The proportion and solid: void ratio of the proposed house fits with those of other buildings in the vicinity and with the single-storey nature of the building proposed.

The building would not impinge on public views nor have an overbearing effect on Victoria Road. Although it would further enclose the venelles to either side of the site this would not detract from the character of either route (Cordier Hill Steps and private house access). The scale and mass of the proposed building is considered appropriate having regard to the character and appearance of the locality within a Conservation Area (GP4, GP8 and GP9). An existing fence marks the north site boundary but is largely screened from public view.

An existing timber screen fence exists along the rear site boundary and this is not highly visible from outside the site. A new timber fence is proposed along the top of the east boundary wall for safety and privacy reasons. To set the fence inside the granite boundary wall rather than on top of it would help reduce its effect on the locality although it is acknowledged that the fence will also be partially screened by existing buildings around the site. This matter can be managed by condition and will help conserve the character and appearance of the Conservation Area.

The matter of residential amenity is assessed elsewhere in this report.

The neighbouring properties fronting Victoria Road have blank gables facing the application site and due to the relationship between buildings, orientation and position of the proposed dwelling it will not result in overshadowing or light to these adjoining properties. Given the high wall on the southeast boundary of 46 Victoria Road and that additional screening is proposed to the southeast site boundary (a matter that can be managed by condition) the development will not result in unacceptable overlooking or loss of privacy to the two adjoining dwellings in Victoria Road itself. Although two lounge windows are proposed in the northwest elevation of the development these would be secondary, likely to be screened by the existing

walls of 46 Victoria Road and could be required to be obscure glazed if considered appropriate.

The site opposite is not currently in residential use and so the development will not result in harm to residential amenity. It is noted however, that permission has been sought on a number of occasions recently to redevelop the site at 41/43 Victoria Road for residential purposes. Even if this neighbouring site were in residential use there would not be an unacceptable degree of overlooking or loss of privacy across the street.

The single-storey nature of the development is such that with appropriate boundary screening the development will not result in overlooking or loss of privacy to the properties to the rear of the site, Sunnybank and Lavender House or their attached neighbour, the apartments at Sunnybank. Being situated to the south of these properties there would be potential for overshadowing to occur however, as the proposed dwelling is situated at the front/south of the site furthest from these neighbouring properties and due to its single-storey design the development will not result in an unacceptable degree of overshadowing to the north.

Outlook from these dwellings will alter as a result of the development and the building would be situated c. 7m from the south elevation of these neighbouring properties. The existing 1.8m high fence/trellis marking the south boundary will provide an element of screening with c. 0.75m above this to the eaves of the proposed building, the roof of which then slopes away from the existing neighbouring properties and overall the scheme is not considered to have an unacceptable adverse impact on the amenities of these adjoining dwellings.

Policy GP8 requires that the units created consider the health and well-being of the occupiers by means of providing adequate daylight, sunlight and private/communal open space, and directs proposals to be considered against Annex 1 of the Plan: Amenities.

New developments should be planned and built to support the health and well-being of occupants and users and maintain appropriate amenities for those of neighbouring property.

Annex I sets out that building at higher densities brings challenges with respect to ensuring reasonable amenities are provided. There must be a balance between the most effective and efficient use of land and the requirement to ensure that proposed living and working conditions are acceptable and that the higher density Main Centres, in particular, remain attractive places to live and work. It seeks opportunities for development occupiers to benefit from interesting or attractive outlook within the urban centre identified for example, as views over urban open spaces, public parks, landscape features or longer vistas over the townscape.

The Annex considers sunlight alongside daylight and their ability to enter a building will not, alone, be a determining factor when considering development proposals, providing that other amenities objectives are appropriately addressed. All new developments are encouraged to provide adequate levels of daylight and sunlight to all rooms, or at least principal rooms, gardens, balconies or communal external open spaces; these aspirations are qualified for sunlight by “where possible”. This reflects the constraints imposed by aspect relative to the movement of the sun, shading by existing development.

The development would be dual aspect and have good aspect and outlook to the front/south to the street and also to the amenity space to the rear/north. Given the height and relationship of existing buildings to the site these are unlikely to result in overshadowing or loss of light to the building or amenity area. With fenestration proposed to the north, south and west elevations the accommodation will benefit from good access to sunlight and daylight.

The Annex states that development will be expected to be designed with windows an adequate distance apart and / or suitably orientated to ensure that the level of privacy that could reasonably be expected to be enjoyed by an occupier is not adversely affected and that the use of obscure glazing alone to achieve privacy will not, normally, be considered acceptable.

The relationship between the development and the buildings surrounding it is considered satisfactory in this urban setting and the proposed accommodation will not experience an unacceptable loss of privacy from surrounding properties.

The Annex states that the value of external open space becomes increasingly important in higher density development with all development having safe and convenient access to it. An area of amenity space, to be enclosed by existing walls and proposed fencing (a matter that can be addressed by condition) will offer safe and convenient access to the on-site provision. It is noted that this will be situated to the north of the dwelling and is likely to be overlooked to a degree given the close knit relationship between buildings in this location. Nonetheless, the space is considered beneficial for future occupiers. It is also noted that the site is located within walking distance of the sea front and other public open spaces within the town centre which could provide towards the external space provisions for the properties in line with the aims of Policy GP8 d.

The development exceeds the internal space provision for Part G of the Building Regulations and the best practice DCLG Technical housing standards.

The dwelling proposed satisfactorily considered the health and well-being of future occupiers and represent a good standard of design in line with Policy GP8 criteria a. and d. and Annex I of the IDP.

As drawn, the building does not appear to show a level threshold for the building to comply with the Building Regulations but this matter will be addressed at that later stage. The site would be served by public steps only although the site and dwelling itself would be single level. This would likely preclude access for wheelchair users however, the staircase would offer access by ambulant disabled. The site does present some barriers to accessibility for people of all ages and abilities but the generous accommodation site and building layout could be adapted at a later date to meet the changing needs of occupiers (e.g. grab rails in WCs/bathrooms, installation of hoists provided bedroom and bathroom ceilings are constructed in an appropriate manner and careful and appropriate siting of service controls). On balance therefore, the scheme therefore addresses GP8 criteria f. and g.

Cycle storage has been incorporated into the development which addresses the aims of IP6. It is acknowledged that the site and store would only be accessible via public steps, so there would be no opportunity to introduce a ramp to the site and the cycle storage would be challenging/inconvenient to use. There would be no way to offer step free cycle storage within the development site however and it is acknowledged that not only is the site in a highly sustainable location, within walking distance of town with its amenities and facilities, to bus stops but also to public cycle stands which could be utilised. The shortcomings of on-site cycle provision alone would not warrant the refusal of planning permission in this case.

The application has been accompanied by a brief Sustainability Statement which sets out that the scheme will meet the appropriate statutory requirements of the Building Regulations. Limited reference is made to hardstanding around the site although this is a matter that can be managed by planning condition if appropriate, when considering the hardsurfaced nature of the existing site with limited opportunity to introduce permeable paving/SUDS. The introduction of solar panels and cycle charging points are welcomed and can also be controlled by condition in order to ensure that the scheme complies with Policy GP9.

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

- Solar panels and cycle charging
- Paving/hardstanding details
- Railing details
- Natural slate
- Sliding sash windows

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality;

any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 07/02/2025

