

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 2 dwellings and erect 3 dwellings and associated works.

LOCATION: 1 & 2 Rosaire Avenue, St. Peter Port.

APPLICANT: Quinault Developments Limited

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: 27/03/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/12/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd: 6475/A/2a & /3a.

Application Ref: FULL/2024/1977

Property Ref: A203770000 + A203760000 + A203740000

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.The existing timber door to No 1 Rosaire Avenue shall be protected during the approved works in accordance with details to be submitted to and agreed with the Planning Authority and retained thereafter. If the door is required to be removed from the site for preservation during the works, details of this and the reinstatement in Unit 1 shall be agreed with the Planning Authority before the removal. Thereafter, the development shall be carried out in accordance with the agreed details.

Reason: To preserve or enhance the character and appearance of the Conservation Area.

5.Prior to commencement of work, precise details of the external railings shall be submitted to and agreed in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details.

Reason: To preserve or enhance the character and appearance of the Conservation Area.

6.The roadside wall shall be completed in accordance with the approved plans prior to completion of the development, or occupation of the new units, whichever is the sooner.

Reason - To secure the satisfactory appearance of the completed development.

7.No part of the building or development hereby permitted shall be used or occupied until the agreed scheme for cycle storage/sheds has been fully implemented.

Reason - To encourage the use of bicycles as an alternative to the car.

Expiry Date: This permission will cease to have effect on 26/03/2028 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/2024/1977
Property Ref: A203770000 + A203760000 + A203740000
Valid date: 16/12/2024
Location: 1 & 2 Rosaire Avenue St. Peter Port Guernsey GY1 1XY
Proposal: Demolish 2 dwellings and erect 3 dwellings and associated works.

Applicant: Quinault Developments Limited

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.

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Reason - To encourage the use of bicycles as an alternative to the car.

OFFICER'S REPORT

Site Description:

The application site comprises a pair of terrace dwellings to the south of Rosaire Avenue. No 1 forms the end of terrace, with No2 physically attached to the west.

The site is surrounded by residential properties in all directions. Those opposite on Rosaire Avenue are newly built under 2021/0691, those to the south and east front on to Brock Road with gardens extending towards the site, and those to the south face towards the site from the opposite side of Rosaire Avenue. The property to the west is attached to the building at the application site and forms part of the same terrace.

The site is located within a Main Centre Outer Area in the Island Development Plan, within a designated Conservation Area.

Relevant History:

n/a

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

Permission is sought to demolish the existing two end of terrace dwellings and to erect three x 3bed terrace dwellings. The building would comprise a 2.5 storey structure with pitched roof. Each dwelling would benefit from a private garden to the rear, each with shed/bike store and access from the road via existing path.

The roadside boundary would be enclosed with a low wall, with railings and brick piers, forming a shared access and parking for units 1 and 2 and separate access and parking for unit 3.

Revised plans to include the retention of the historic front door, moving the built form further forward within the site to respect the existing building line and inclusion of chimneys were submitted following a request by the Planning Officer.

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

MC2 Housing in Main Centres and Main Centre Outer Areas
GP4 Conservation Areas
GP8 Design
GP9 Sustainable Development
IP6 Transport Infrastructure and Support Facilities
IP7 Private and Communal Car Parking

Representations:

One letter of representation was received, and this has been summarised:

- The additional bulk and mass will impact upon the levels of natural daylight to neighbours
- Overshadowing and impact of development on enjoyment of property and garden.

Consultations:

None undertaken.

Summary of Issues:

Impact on the character of the Conservation Area;
Impact on neighbour amenity.

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 current proposal is to replace an existing residential building with a new building, housing an increased number of residential units (3no 3bed dwellings). The proposal would therefore comprise a more efficient use of land and would be in accordance with identified housing requirements, and would therefore be permissible, in principle, under Policy MC2.

Design & impact on the character of the area

Whilst Policy MC2 allows, in principle, for the demolition of the existing buildings and erection of a new residential building at the property, Policy GP4 only allows for the demolition of an existing building which contributes to the character of the area where any replacement building makes an equal or enhanced contribution to the character of that area. Furthermore, Policy GP8 requires that, within Conservation Areas, development achieves a particularly high standard of design.

In this case, 1 & 2 Rosaire Avenue are a pair of 2 and 2.5 storey houses that form part of a short terrace in the street. They have single storey wings with matching building lines and ridges, eaves and windows at different heights due to land gradient. They are smooth rendered with slate roofs and brick chimneys, the former with a bay window and decorative timber carved door and the latter with a dormer. Smooth rendered walls surmounted by decorative metal railings enclose an area to the front of No.1. On-site parking is available in front of No.2 and the single storey element of No.1. Although in need of cosmetic maintenance, these buildings, and No.1 in particular, make a positive contribution to the Conservation Area.

The design concept for the proposed replacement buildings, replicating and extending the terraced development, incorporating the stepped level of ridges, eaves and windows are characteristic of the Conservation Area.

Following construction of the houses the roadside wall and railings would be replaced on the same line and with similar pillars and height as the existing. The old metal railings would be lost and as these are a characteristic feature of this part of the Conservation Area the specification of the replacement must be carefully considered, and details required by condition prior to installation.

A decorative timber carved door (likely a Guille door given the number and positioning of flowers) is present in No.1. This appears to be in good condition and is a feature of this part of the Conservation Area and such doors are rare. The revised application sees the retention of this door and reuse in Unit 1 and this will be secured by condition.

Chimneys have also been included in the revised plans and assists in ensuring the development respect the characteristic detailing of buildings in this part of the Conservation Area.

In summary, the revised plans propose a form of development which will made an equal contribution to the character of the Conservation Area and Policy GP4 is met.

Amenity of the proposed units

The proposed dwellings would exceed the requirements of the Guernsey Building Regulations but fail to meet the National Space Standards which are UK best practice. The proposed units would therefore be of appropriate size, with all rooms served by appropriate levels of fenestration.

The dwellings are dual aspect, with good size rear gardens providing appropriate amenity space for the size of the dwellings.

Provision of parking and cycle storage

The proposal includes a single parking space for each dwelling and is in accordance with the requirements of the Parking Standards. The proposal would therefore accord with Policies IP6 and IP7.

Impact on neighbour amenity

The site is located in a relatively high-density residential area and is bounded by residential properties in all directions. Taking into account the position of the proposed replacement building on site relative to the existing structures and surrounding development, it is not considered that there would be significant adverse impacts in terms of overshadowing or overbearing. The closest dwellings to the east (along Brock Road) back onto the site, with a separation distance of at least 10m from the side elevation of the proposed dwellings to the rear of the neighbours. This separation is considered sufficient to ensure there is no overbearing physical or visual impact or a considerable impact on light levels, particularly as the rear section is single storey.

No fenestration to the side (east) elevation is proposed. The additional windows at second floor are not considered to significantly change the existing relationship or levels of overlooking of adjacent properties.

In summary, the proposal is not considered to have a significant impact on the amenities of adjoining properties.

Sustainable development

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and the current Building Regulations

in accordance with Policy GP9 (Sustainable Development). Whilst the orientation and positioning of the building have been driven primarily by the need to respect surrounding development, this has resulted in a south facing orientation, maximising light and solar gain opportunities to the living spaces.

Conclusion

The proposed development accords with the purpose of the Law, material considerations and relevant planning policies and consequently it is recommended that the application be approved.

Date: 23/03/2025

