

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 extensions, erect two-storey and single-storey extension, raised terrace area and dormer window with Juliet balcony at second floor level to rear elevation, fenestration and internal alterations. (Protected Building).

LOCATION: Muritai, 68 Mount Durand, St. Peter Port.

APPLICANT: Mr & Mrs Sanders

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: 15/04/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/11/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room Ltd: 398/C1A, /C2B, /C3B and /C4B

Application Ref: FULL/2024/1999

Property Ref: A403710000

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.

Expiry Date: This permission will cease to have effect on 14/04/2028 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/2024/1999
Property Ref: A403710000
Valid date: 29/11/2024
Location: Muritai 68 Mount Durand St. Peter Port Guernsey GY1 1DX
Proposal: Demolish extensions, erect two-storey and single-storey extension, raised terrace area and dormer window with Juliet balcony at second floor level to rear elevation, fenestration and internal alterations. (Protected Building).

Applicant: Mr & Mrs Sanders

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.

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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

OFFICER'S REPORT

Site Description:

The property known as 'Muritai' is a two and a half storey early 19th century dwelling which is set back from and faces north onto Mount Durand. There are attached neighbours to the east and west and to the south beyond the garden is a neighbours garden. The property is located in the St Peter Port Main Centre and Conservation Area as defined in the Island Development Plan. Muritai is also a Protected Building.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to demolish the existing extensions and erect a single storey and a two storey extension to the rear of the property as well as a raised terraced area and a dormer window with Juliette balcony at second floor level, also at the rear. Plus some alterations to the fenestration and internal alterations.

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

GP4: Conservation Areas
GP5: Protected Buildings
GP8: Design
GP9: Sustainable Development
GP13: Householder Development

Representations:

There was one letter of representation received along with some images and the issues are:

1 Loss of Light

- a) The proposed two-storey extension along the western boundary rises approximately 5.5 metres in height, far exceeding the existing ground-floor sun room (conservatory) at No. 70 where I spend considerable time.
- b) The combination of a vertical projection of approximately 2.5 metres and a horizontal projection of 3 metres southwards along the boundary wall adjacent to my glass roofed sun room would create a tunnel effect, blocking direct sunlight to my sun room and patio for much of the day. Currently, these spaces enjoy sunlight throughout the day, and this substantial reduction would significantly diminish my use and enjoyment of them.

2 Disproportionate Scale and Placement

- a) The proposed extension is disproportionately large and concentrated on the western boundary, where it rises to over 5.5 metres. In contrast, the eastern side of the property remains single-storey, despite neighbouring properties to the south (Nos. 66 and 64) featuring more balanced two-storey extensions.

3 Party Wall and Construction Impact

- a) The proposal design appears to rely on the shared party wall, yet no prior discussions regarding construction methods have taken place.
- b) I am concerned that scaffolding or construction work could encroach on my property, causing inconvenience, noise, and debris. I spend considerable time in my garden, patio, and sun room, so these potential disruptions are particularly concerning.

4 Loss of Privacy

- a) The proposed second floor south-facing bedroom window, measuring approximately 1.5 metres wide and 1.2 metres tall, is positioned on the western side of the façade and would directly overlook my garden, significantly reducing my privacy.
- b) The third-floor plan to replace the dormer window with a Juliette balcony reposition in a southerly direction by approximately 0.7 metres would exacerbate this issue, further compromising my privacy and enjoyment of my home.

5 Access and Construction Logistics

- a) The site has very limited access, with only approximately 5.3m x 3.5m of space available at the front for vehicles and materials. This is inadequate for the scale of the proposed works.
- b) Mount Durand is a narrow two-way road with several pinch points and limited parking. Construction vehicles and materials storage would inevitably disrupt on-street parking and worsen existing road safety issues, including pavement parking. While I do not own a car, I am concerned about the inconvenience this would cause to neighbours and road users.
- c) Should an application be approved, I urge the developers to collaborate with their architects and contractors to establish a well-managed construction plan to minimise disruption for neighbours.

6 Design Concerns

- a) The proposed design is boxy and starkly modern, clashing with the traditional character of the surrounding properties. The architect's justification that this highlights differences between historic and modern practices is unconvincing, as little of the original rear façade would remain visible once the extension is built. The resulting structure would dominate the existing building and obscure much of the original architecture. It would also dominate the neighbouring properties, particularly No. 70.
- b) A more sympathetic design could achieve the desired increase in living space without compromising the charm and character of this terrace of older homes.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

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

Having looked at the plans and carried out a site visit, the letter of representation motivated a deferral. The deferral requested a reduction in size of the first floor extension or a sun path exercise needed to be carried out to show the path of the sun during a normal day to see whether or not the neighbours property would be cast in shadow for a significant amount of the day.

In the past, two storey flat roof extensions were disregarded, however, in this instance, the architect has tried to redesign the space, but has found it very difficult to get the desired extra bedroom and bathroom into the extension. Therefore the shadow analysis was carried out, which showed the extension would not affect the neighbours as much as initially thought.

The sun path exercise shows that for an average day in April the extension would only cause some sun shading at 9am in the morning, but by 10am the sun has moved around and by 11am and for the rest of the day the neighbouring property would not be affected by the extension. This would only improve in the summer months and although it would be slightly worse during the winter when the sun is lower, it is not thought to have such a detrimental impact to warrant a refusal on the basis of over shadowing.

The property already has first and second floor windows which overlook the gardens of each of the neighbours, the first floor window, because of the extension, will be pushed further southward, which will actually give the westerly neighbour more privacy because the views would be of further down the garden and not of the most private areas, which are generally closer to the rear elevation of the property.

Changing an existing window to a set of doors with juliette balcony does not increase the amount of overlooking, that would remain the same as the overlooking form the existing window.

The proposals are now considered to achieve a good standard of design, using materials which complement the existing materials. The extension will provide adequate levels of sunshine and daylight, and give the occupiers more flexible and adaptable accommodation.

The scale and massing of the new extension is not considered to have a detrimental effect on the quality, character and amenity of the surrounding conservation area, nor will it have any impact on either of the immediate neighbours. The proposals are considered to comply with policy GP5 and not impact on the special interest of the protected building.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 15/04/2025

