

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Install replacement windows to east (front) elevation.
(Protected Building).

LOCATION: 2 Queens Road, St. Peter Port.

APPLICANT: Mr & Mrs Baldry

I refer to the application referred to below received as valid on 24/12/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 19/03/2025

Drawing Nos: Tyrrell Dowinton Architects: 2238/03.201 & /03.202. Devils End Joinery letter dated 28/03/2024 and Vertical Sliding Sash details.

Application Ref: FULL/2025/0009

Property Ref: A307080000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The proposed development, if permitted, would result in the removal and permanent loss of the windows to the front of 2 Queens Road that would result in the loss of features which contribute to the special interest of the Protected Building. These works would detract from the special interest of and prove severely detrimental to the character and appearance of the Protected Building contrary to Policies GP5 and GP9 b. of the Island Development Plan.

OTHER REMARKS:-**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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2025/0009
Property Ref: A307080000
Valid date: 24/12/2024
Location: 2 Queens Road St. Peter Port Guernsey
Proposal: Install replacement windows to east (front) elevation.
(Protected Building).
Applicant: Mr & Mrs Baldry

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed development, if permitted, would result in the removal and permanent loss of the windows to the front of 2 Queens Road that would result in the loss of features which contribute to the special interest of the Protected Building. These works would detract from the special interest of and prove severely detrimental to the character and appearance of the Protected Building contrary to Policies GP5 and GP9 b. of the Island Development Plan.

OFFICER'S REPORT

Site Description:

Haute Rive, 2 Queens Road is a dwelling linked to the neighbour to the north by a single-storey extension. The property is three storeys in height with rendered front elevation and granite rear elevation. Haute Rive has multi-pane sliding sash windows to the front and rear.

The western side of the north part of Queen's Road was developed chiefly during the mid-late 19th Century where houses are grand and often constructed using characteristic Georgian proportions with Georgian-style windows, door cases, string courses and parapets. The building is a fine example of a substantial Victorian Villa which has a formal façade based on classical proportions and details.

Of the group of similar buildings Haute Rive and No. 1 to the north stand out as they are very formally fenestrated and have not undergone much in the way of damaging change in the past although small, subservient dormers have been added to No.1 between 2007 and 2009. There have been recent additions of dormer windows to the front elevation (see relevant history below). It is also noted that permission was granted in 2024 for the replacement of chiefly modern windows on the rear (west) elevation.

The site is located in the Main Centre and Conservation Area (King's Road/Queens' Road Character Area of the Conservation Area) as designated in the Island Development Plan. The exterior of Haute Rive is included on the Protected Building list.

Relevant History:

FULL/2020/0329 - Install dormer windows to east (front) and west (rear) roofslopes (revised) (Protected Building) – granted

FULL/2020/1631 - Replace roof slates (Protected Building) – granted

FULL/2021/0497 - Install porch canopy, cladding and alterations to fenestration to west (rear) of property (protected building) – granted

FULL/2022/1881 - Enclose section of basement, install replacement balustrade and alterations to fenestration (Protected Building) – granted

FULL/2024/1165 - Install replacement windows to west (rear) elevation (Protected Building) – granted

Existing Use(s):

01 dwellinghouse

Brief description of development:

The application relates to the replacement of the ground, first and second floor windows to the front/east elevation of no. 2 Queens Road. Paragraphs are included in the covering letter which sets out how the agent considers replacement of the windows to meet GP5 and CN11. A schedule of the replacement windows is provided.

Relevant Planning Policies:

Island Development Plan policies:

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

None

Consultations:

None

Assessment:

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 34 of the Law explains the general functions of authorities in respect of protected buildings. This states that:

It is the duty of any department of the States when exercising its functions under this Law –

(a) to secure so far as possible that the special historic, architectural, traditional or other special characteristics of buildings listed on the protected buildings list (“protected buildings”) are preserved, and

(b) in particular, in exercising its functions with respect to a protected building or any other building or land in the vicinity of a protected building, to pay special attention to the desirability of preserving the protected building’s special characteristics and setting.

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,

Section 15 clarifies that the considerations referred to in paragraphs (b) and (c) of section 14 also apply to protected buildings.

The application relates to the replacement of the ground, first and second floor windows to the front/east elevation of no. 2. The submission outlines that the elevation is exposed to the elements and water ingress is occurring through the reveals and sashes which is causing rot and damage to internal plasterwork. Replacement is proposed to enable remedial work to plaster and to improve the thermal performance of the windows. Paragraphs are included in the covering letter which sets out how the agent considers replacement of the windows to meet Policy GP5 and CN11. A schedule of the replacement windows is provided but no condition schedule of the existing units beyond a letter from a joinery firm dated 27/03/24. In the absence of a comprehensive window survey the Planning Service has undertaken an assessment of the age and condition of the windows.

It is noted that the agent's note relating to criterion b of GP9 erroneously states that the building is neither protected nor in a Conservation Area.

The rot is limited and localised (frames and cills) and repairs and upgrades have been noted but none of this renders the windows incapable of repair and reconditioning.

Although the windows are not necessarily original to the building they have the configuration, detailing, material and method of opening that is appropriate to the architectural style of the building and they complement the architectural composition of the façade. The windows make a positive contribution as an integral part of the very high value east façade of 2 Queen's Road. The harm to the overall special interest of the protected building of the replacement of these windows would be such that it is not outweighed by the reasonable aspiration of the property owner and would fail to comply with Policy GP5 of the IDP.

With regard to improving the thermal efficiency of windows, there are effective and sustainable improvements to the energy efficiency of protected buildings but in ways that do not damage their character. There are very effective ways of upgrading thermal efficiency of other elements of the envelope of a building and consideration should be given to heat loss through the entire building envelope and to the value of installing sympathetic secondary glazing. Interventions such as brush strips, insulated curtains/blinds, etc. are useful in their own right but they are best as complementary to secondary glazing.

With regard to Policy GP4 and the effect of the works on the Conservation Area, provided the works were to be undertaken sensitively, the proposed alterations would conserve the special character, architectural and historic interest and appearance of the Conservation Area.

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

Although the impact on the Conservation Area would be acceptable the effect of the replacement windows on overall special interest of the protected building is such that

the proposals would fail to comply with Policy GP5 and it is therefore recommended that permission is refused.

Date: 19/03/2025

