

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: Increase roof ridge to create additional accommodation and change of use from dwelling house (Use Class 1) to property of multiple occupation (Use Class 6) and replace windows and doors (Revised scheme).

LOCATION: Ave Maria, 6 Burnt Lane, St. Peter Port.

APPLICANT: Mr L Abbott

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: 28/03/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/01/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JM Design Limited - 2309-01 PD/01B, 02B

Application Ref: FULL/2025/0142

Property Ref: A301390000

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 catslide dormer window in the northwest roofslope and the dormer in the southeast roofslope serving the third floor landing area as shown on the approved plans shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and the obscure glazing shall thereafter be retained at all times.

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

5.The conservation rooflights shown in the northwest roofslope of the development hereby approved shall be a minimum height of 1.7m above the finished floor level of the third floor accommodation.

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

6.Prior to the first occupation of any part of the development hereby approved the cycle and bin storage shown on the approved plans shall be installed and made available. The bin and cycle stores shall thereafter be retained at all times.

Reason - In the interests of visual amenity, residential amenity and to provide occupiers with cycle storage to enable them to travel by alternative modes of transport to the car.

Expiry Date: This permission will cease to have effect on 27/03/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please note that planning permission is required to relocate or erect a shed within the rear garden area of the HMO property hereby approved.

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/2025/0142
Property Ref: A301390000
Valid date: 27/01/2025
Location: Ave Maria 6 Burnt Lane St. Peter Port Guernsey GY1 1HL
Proposal: Increase roof ridge to create additional accommodation and change of use from dwelling house (Use Class 1) to property of multiple occupation (Use Class 6) and replace windows and doors (Revised scheme).

Applicant: Mr L Abbott

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.

4. The catslide dormer window in the northwest roofslope and the dormer in the southeast roofslope serving the third floor landing area as shown on the approved plans shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and the obscure glazing shall thereafter be retained at all times.

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

5. The conservation rooflights shown in the northwest roofslope of the development hereby approved shall be a minimum height of 1.7m above the finished floor level of the third floor accommodation.

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6. Prior to the first occupation of any part of the development hereby approved the cycle and bin storage shown on the approved plans shall be installed and made available. The bin and cycle stores shall thereafter be retained at all times.

Reason - In the interests of visual amenity, residential amenity and to provide occupiers with cycle storage to enable them to travel by alternative modes of transport to the car.

INFORMATIVES

Please note that planning permission is required to relocate or erect a shed within the rear garden area of the HMO property hereby approved.

OFFICER'S REPORT

Site Description:

Ave Maria, 6 Burnt Lane is an existing three storey, detached dwelling with a pitched, pantile roof and rendered exterior. Due to changing land levels the ground floor is single aspect only and the garden area is accessed at first floor level. The windows are primarily PVCu sashes with planted glazing bars to form a two over two arrangement. The property is situated just off Mill Street in St Peter Port with a mix of commercial and residential properties in the vicinity of the site. A school, Notre Dame, is situated a short distance away to the west. A timber lean-to exists to the rear of the property along with a shed and a lean-to outbuilding to the west site boundary. The northwest site boundary is marked by a granite wall.

Ave Maria does not form a feature in the Hillside Town or in long views of the site but, by virtue of its height and proximity to the street, is prominent in short views from Burnt Lane.

The survey drawings indicate that the building is currently laid out with a kitchen and living room on the ground floor, two bedrooms and a bathroom on the first floor and two further bedrooms, shower rooms and kitchenettes on the second floor. The survey drawings do not accurately show the style/design of the existing windows. The agent in this case has confirmed that the building is being occupied as a dwellinghouse and not as a premise in multiple occupation (HMO).

The site is located in the Main Centre, Archaeological Area and Conservation Area as designated in the Island Development Plan. A number of nearby buildings are protected.

The site is located in the Old Town Character Area within the Conservation Area Appraisal for St Peter Port. Ave Maria fits the description given:
“Burnt Lane is a narrow, stone-surfaced pedestrian lane, accessed via steps and running with the contours on a valley side in the south part of Town. Traditionally and classically proportioned buildings are in close proximity to the edge of the street. Their height is heavily influenced by changes in level and provides enclosure to the street. A good number of historic buildings survive, some of which are protected. Pitched slate or clay pan-tile roofs predominate, as do stone or smooth rendered walls”.

Relevant History:

FULL/2024/1358 - Increase roof ridge height to accommodate additional accommodation and change of use from dwelling house (Use Class 1) to property of multiple occupation (Use Class 6) and replacement windows and doors – refused due to the substantial changes in the roof form and the proportions of the building by raising the eaves level and leaving a large wall space above the second floor windows along with the loss of swept eaves and chimneys. The dormers to the front and rear roof slopes would not respect the vertical emphasis of the existing building. The development was contrary to Policies GP4, GP8 a. and c., GP9 and, by extension, Policy GP13 of the Island Development Plan.

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

In connection with the proposed change of use of this single dwelling to a premises in multiple occupation (Use Class 6) the existing pantile roof with associated chimney stacks, are to be removed in order for the building height to be increased with raised eaves and ridge level, to facilitate an additional level of residential accommodation

served by flat roof dormers to the front/southeast roofslope and a single catslide roof dormer and two conservation style rooflights to the rear/northwest roofslope. The new roof would have a natural slate finish and the chimney stacks would be reinstated.

Existing windows and doors are proposed to be replaced.

The building would be laid out with shared kitchen and separate living/dining room on the ground floor, two bedrooms and a shared shower room on the first floor with access to the communal utility/laundry room in the attached outbuilding to the rear. Two further bedrooms and two shower rooms are proposed at the existing second floor level. The proposed third floor would contain two further bedrooms. The scheme would offer six double bedrooms.

A timber cycle store (for four bikes) and separate bin store are proposed within the front garden area of the property and the existing shed is indicated as being replaced and relocated within the garden area for garden maintenance/storage purposes although the drawings do not show the new location for this shed.

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

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

IP6: Transport infrastructure and support facilities

Annex I

Annex VII

Conservation Area Appraisal: Old Town (incl. Sections 4, 5, 7)

Bicycle Parking Advice Note

Representations:

None.

Consultations:

Office of Environmental Health and Pollution Regulation – do not wish to raise any objections to the proposals, however I would like it noted that the plans, as submitted, indicate the property is suitable for a maximum of 12 occupants.

Summary of Issues:

The key issues in this case relate to the design and appearance of the proposed changes to the building, the effect of these alterations on the character and appearance of the locality, within the Conservation Area, how the changes to the building and the change of use proposed will impact on the amenities of surrounding buildings and the health and well-being of future occupiers of the building.

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 agent has confirmed the building is occupied by a single household. In the Use Classes Ordinance (2017) a household is defined as:

- (a) a person living alone,
- (b) any number of people living together as a family, or
- (c) up to six people living together as a single household,

The IDP supports new housing development in Main Centre locations, such as this. The property is already in residential use but would introduce a premises in multiple occupation thereby contributing towards the mix and type of accommodation available in this central and sustainable location. In this regard therefore, the scheme complies with Policy MC2.

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,

Developments in a Conservation Area must conserve and, where possible, enhance the special character, interest and appearance of that Conservation Area.

Wholesale replacement of windows and doors and the conversion of the rear building to a laundry and replacement of the roof pan-tiles with slate accord with the requirements of Policies GP4, GP8, GP9 and GP13.

This proposed revised scheme would see alterations more sympathetic to the architectural composition of the existing building and when considering the character of the local built environment. Overall, the proposals represent a high standard of design that would conserve the Conservation Area.

The amenities of occupiers of the proposed development would be reasonable in terms of aspect/outlook, privacy, access to open space and internal space standards for lodgings (Part G of the Building Regulations). Sunlight and daylight would be reasonable due to the set back nature of the building in its own plot, thereby creating greater separation to the tall properties to the south. It is also noted that upper floor accommodation is dual aspect for the purpose of sunlight/daylight and aspect/outlook purposes (GP8 d. and Annex I).

It is noted that all floors are currently served by a staircase only and which would not alter as a result of the development. This would likely preclude access for wheelchair users however, the staircase would offer access to the upper floors by ambulant disabled. The existing building presents some barriers to accessibility for people of all ages and abilities. The internal layout of the building could be changed in future or an extension added (subject to relevant permissions) thereby allowing for changes and adaptation in future having regard to access for people of all ages and abilities. The scheme therefore addresses GP8 criteria f. and g.

The development is situated to the north of properties in Mansell Street and separated from them by a path and the frontage area of Ave Maria itself. The existing building already casts shadow across the frontage area of Mayflower, to the north east and the proposed roof extension would increase this however, the impact on amenity in terms of sunlight/daylight would remain within acceptable limits.

With regard to the matter of privacy and overlooking, this is currently a multi-storey building with fenestration to the front and rear. Due to the topography of the area the first-floor bedrooms (two windows) would be situated at garden level, screened from other properties by existing/exempt boundary treatments. As such it is the two bedroom and landing windows (proposed to be reduced in size) to the rear that would be visible from neighbouring properties, generating a degree of overlooking/mutual overlooking between properties in this area where properties are situated very close to one another.

The fenestration to the northwest roofslope is shown as a staircase dormer to provide headroom to the accommodation and could reasonably be required to be obscure glazed, a matter controlled by planning condition. The two rooflights, one per bedroom, could also be required to be situated a minimum of 1.7m above the finished floor level so as to provide light not outlook. This would not undermine the amenities of future occupiers with conventional windows proposed in the dormers to the front/southeast elevation. The two additional bedroom windows in the front roofslope would not unacceptably increase overlooking to properties to the south and the third dormer, serving a landing area, can be required to be obscure glazed.

The proposed bin/bike store would likely result in the removal of tree(s) in the frontage area of the property although this work would not require permission in its own right. The proposed bike and bin stores are modest in height but would be visible above the boundary wall. Their modest size and simple design are such that they will not result in unacceptable harm to the character and appearance of the Conservation Area nor the amenities of surrounding residential occupiers.

The site is located in a highly sustainable location, within walking distance of local services and facilities. The scheme incorporates a degree of shared, covered cycle parking. It is acknowledged however, that given the stepped access to the building and to the rear garden area, which could offer further space for cycle parking, this will not be particularly convenient for this purpose. Nonetheless, the scheme has sought to address this matter so as not to preclude occupiers from using bicycles. It is also noted that the site will be within ready access of public cycle stands. On balance the scheme is considered satisfactory with regard to Policy IP6.

There are no exemption rights relating to HMOs therefore the erection of a new shed or the dismantling and re-erection of the existing shed within the garden area of an HMO would require planning permission. This matter could be highlighted by way of an informative note.

The position of Ave Maria is such that it is viewed in isolation from the majority of neighbouring buildings and is not prominent in the setting of nearby protected buildings. A change in height of the roof would not alter this and the proposals accord with Policy GP5 and the requirements of the Law in relation to Protected Buildings.

In view of the above it is recommended permission is granted.

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 or sites.

Date: 28/03/2025