

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: Variations to works previously approved for the change of use from administrative offices to a dwelling - Create roof terrace at 2nd floor level. (Revised).

LOCATION: Merchant House, Back Street, St. Peter Port.

APPLICANT: Quartet Ltd

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: 20/05/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/02/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD Architects: 3877/CS01C, CS05C & CS06A.

Application Ref: FULL/2025/0346

Property Ref: A302600000

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 on or before 22/11/2027.

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). In this case, as the application is for variations, the time period corresponds with the original permission under application reference FULL/2024/1586.

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 1.5m and 1.7m high obscured screens along the north and south elevations of the roof terrace shall be glazed with obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent) which 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 permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 22/11/2024, issued under planning application reference FULL/2024/1586, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

Expiry Date: This permission will cease to have effect on 22/11/2027 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/2025/0346
Property Ref: A302600000
Valid date: 27/02/2025
Location: Merchant House Back Street St. Peter Port Guernsey GY1 1HS
Proposal: Variations to works previously approved for the change of use from administrative offices to a dwelling - Create roof terrace at 2nd floor level. (Revised).
Applicant: Quartet Ltd

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 on or before 22/11/2027.

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). In this case, as the application is for variations, the time period corresponds with the original permission under application reference FULL/2024/1586.

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 1.5m and 1.7m high obscured screens along the north and south elevations of the roof terrace shall be glazed with obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent) which 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 permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 22/11/2024, issued under planning application reference FULL/2024/1586, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

OFFICER'S REPORT

Site Description:

The site is situated to the south of Back Street and forms a corner plot along the street. The building comprises of 3 storeys with the 3rd storey formed by a mansard roof. Due to the change in levels with ground levels increasing from east to west, there is a stepped change in the floor levels of approximately 0.5 metres between the eastern and western sections of the building.

The site forms part of the St Peter Port Conservation Area which has a fine grain of historic buildings which form the historic townscape. The area has high historic, architectural and townscape value with numerous protected buildings in the immediate vicinity. The site is within the St Peter Port Main Centre Inner Boundary.

Relevant History:

22/11/2024 – FULL/2024/1586 – Permission granted for the change of use from administrative offices (Use Class 16) to a dwelling (Residential Use Class 1).

Existing Use(s):

Office

Brief Description of Development:

Planning permission is requested for variations to works previously approved for the change of use from administrative offices to a dwelling (FULL/2024/1586). The variations involve the creation of a roof terrace at 2nd floor level.

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

Policy MC2: Housing in Main Centres and Main Centre Outer Areas

Policy MC4(A): Office Development in Main Centres

Policy GP4: Conservation Areas

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport Infrastructure and Support Facilities

Policy IP7: Private and Communal Car Parking

Representations:

Two identical objections were received from a neighbouring property to the north in response to the original application, main points as follows:

- Overlooking and loss of privacy.
- Overbearing and overshadowing design.
- Noise disturbance from the use of the terrace and the proximity to neighbouring windows.
- The roof terrace gives no guarantee of green space being created.

Two identical objections were received from a neighbouring property to the north in response to the revised application, main points as follows:

- Previous objections and concerns reiterated and remain relevant.
- Overlooking and loss of privacy.
- Overbearing and overshadowing design.
- Noise disturbance from the use of the terrace and the proximity to neighbouring windows.
- The roof terrace gives no guarantee of green space being created.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Design and impact of the development on the character and appearance of the Conservation Area.
2. The impact of the development on the amenity of people living in the area.

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).**

During the course of consideration the application was deferred due to concerns about the impact of the terrace on the amenities of neighbouring residents. In response revised plans have been submitted which seek to address these concerns by installing a 1.5m high obscure glazed screen along the north elevation of the terrace and a 1.7m high obscure glazed screen along the south elevation of the terrace.

The proposed roof terrace incorporating an altered dormer to create access to the roof terrace which would project 0.6m above the ridge line of the existing building and the installation of high obscure glazed screens around the roof terrace would not achieve a high standard of design. However, the dormer access and high screens would not form a prominent feature from public viewpoints and where it would be visible, it would be seen in context with and against surrounding buildings which would further limit the overall visual impact of the development. On balance, the proposal is likely to have a neutral effect on the character and appearance of the Conservation Area and would have no adverse effects on the setting of the adjacent protected buildings, in accordance with Policies GP4 and GP8.

The roof terrace has the potential to cause a degree of overlooking and intervisibility with neighbouring properties. However, given the dense urban grain of the locality, the relationship between existing windows on the building and neighbouring properties and the effect of the obscured glazed screens at reducing privacy and intervisibility issues, the relationship between the proposed roof terrace and the neighbouring properties in terms of the separation distance and the degree of overlooking and intervisibility is unlikely to have a significant harmful effect. The installation of the high obscure glazed screens will affect private views from neighbouring properties but due to a combination of the separation distance and the overall height of the screens, the proposal is unlikely to have a significant harmful effect in terms of overshadowing or being overbearing. There is the potential for a degree of noise disturbance from the use of the terrace but considering the urban setting of the locality, it is unlikely that the use of the roof terrace in association with the approved dwelling would have a significant additional adverse effect. As a whole, the proposal is unlikely to have a material adverse effect on the amenities of neighbouring residents.

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.

It is recommended that the application is approved.

Date: 20/05/2025

