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: Variation to previously approved plans to erect replacement dwelling with associated works, relocate and create gated vehicle access to west boundary - Increase floor area to west, reduce width of gated vehicle access, alterations to external material and fenestration.

LOCATION: The Cottage, Fermain Road, St. Peter Port.

APPLICANT: Mr N Kealy

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: 19/09/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/05/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Soup Architects Ltd: 425/005, 320 (E), 500(B), 505(B), 510(B)

Application Ref: FULL/2025/0840

Property Ref: A41113A000

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 12/12/2024, issued under planning application reference FULL/2024/0640, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

5. The cladding fin detail to the west elevation shall be fully installed prior to first occupation of the dwellinghouse at this site and shall thereafter be retained at all times.

Reason - To ensure the satisfactory visual appearance of the development.

Expiry Date: This permission will cease to have effect on 18/09/2028 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

States of Guernsey
Planning Service

PLANNING APPLICATION REPORT

Application No:	FULL/2025/0840
Property Ref:	A41113A000
Valid date:	20/05/2025
Location:	The Cottage Fermain Road St. Peter Port Guernsey GY1 2TB
Proposal:	Variation to previously approved plans to erect replacement dwelling with associated works, relocate and create gated vehicle access to west boundary - Increase floor area to west, reduce width of gated vehicle access, alterations to external material and fenestration.
Applicant:	Mr N Kealy

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 permission hereby granted relates only to the variation specified above. In all

other respects the development shall be carried out in full accordance with the permission dated 12/12/2024, issued under planning application reference FULL/2024/0640, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

5. The cladding fin detail to the west elevation shall be fully installed prior to first occupation of the dwellinghouse at this site and shall thereafter be retained at all times.

Reason - To ensure the satisfactory visual appearance of the development.

OFFICER'S REPORT

Site Description:

The rectangular site is located on Fermain Road, at the junction with Rue de la Douzaine, and is currently occupied by a detached bungalow, to the east of the converted Morley Chapel.
The site is Outside the Centre as designated in the Island Development Plan.

Relevant History:

FULL/2024/0640- Demolish dwelling, erect replacement dwelling with associated works, relocate and create gated vehicle access to west boundary -
(Approved 12/12/2024)

Existing Use(s):

01 Residential Development

Brief Description of Development:

Planning permission was originally sought (under application FULL/2024/0640) to demolish the existing dwelling and erect a replacement dwelling with associated works including relocated gated vehicle access to the west boundary.

This variation application proposes an increase in floor area to the west to accommodate a plant room adjacent to the garage, resulting in a slight increase in footprint and a slight reduction to the gated vehicular access width from 5.6m to 5.1m approx and alterations to the external materials and fenestration.

The alterations to fenestration include the reduction in the size of the windows in the ground floor, south elevation, along with the removal of three of the four windows to the first floor west (front) elevation. In the consideration of the original application, it was deferred to address concerns regarding the proposed design, and

revised plans were submitted which introduced 3x additional windows at first floor to the west (front) elevation. This variation proposes the removal of these 3x additional windows.

The originally submitted variation also included the removal of the cladding fins from the design, however, through revised plans, these have now been retained to the west elevation.

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

Island Development Plan Policies:

- GP8: Design;
- GP9: Sustainable development;
- GP13: Householder Development;

Representations:

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

- Loss of sea views from neighbouring dwelling
- The stated requirement to remove windows to give new occupants privacy is insulting to neighbours.

Consultations:

The Guernsey Architects' Panel met to discuss the original application (FULL/2024/0640) on the 5th December 2024, and made the following observations:

- Scale and mass of the proposed replacement dwelling is wholly consistent with residential dwellings in the vicinity.
- High front wall/corner is characteristic of Guernsey, traditional vernacular, high quality and will blend well into the street scene.
- Design is of a high standard and the site lies outside of any sensitive designation.
- Materials proposed are of a high quality and will ensure the optimal design result.

Summary of Issues:

The proposed design, form and impact on the character of the area are important considerations, along with the impact of the development on the amenity of neighbours.

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.

Policy GP13: Householder Development sets out a number of criteria that should be satisfied including the need for development to respect the amenities of neighbouring properties and to take account of the surrounding character.

Policy GP8: Design seeks to ensure that development respects the quality of the physical environment, recognising that development that has been designed to relate well to its surroundings can make a positive contribution to the character of an area.

In this regard policy GP8 supports development that achieves good design that respects the local character but demonstrates an effective and efficient use of land and uses soft and hard landscape where appropriate to help mitigate and/or assimilate a scheme within its setting. The policy recognises the importance of development of a residential nature to allow for flexibility and adaption to suit needs whilst also assuring that proposals have addressed the health and well-being of the future occupiers and neighbours.

The application site is not within a Conservation Area or close to any Protected Buildings. There is a variety of building forms and styles in the surrounding area. Paragraph 19.9.5 of the IDP which forms the preceding text to Policy GP8 states that: '*In other, less sensitive areas'* (not within Conservation Areas, Sites of Special Significance and Protected buildings)*, 'a good standard of design will be expected, however the Island Development Plan adopts a supportive position with regard to building design in these areas to enable the property owner to exert personal choice in design matters. This adopts the flexible and proportionate approach that underpins the Plan Objectives of the Island Development Plan.'*

The proposed alterations to increase the footprint, reduce the width of the vehicular access and alter the proposed windows to the south elevation are considered appropriate and acceptable in design terms due to the small-scale alteration proposed and minimal visual changes.

With regards to the proposed alteration to remove three of the four first floor front windows, in the original application for the replacement dwelling, concerns were raised both through the public consultation process and by the Planning Officer regarding the utilitarian and blank appearance of the building, along with the unusually shallow roof pitch, giving rise to a building with the potential to harm to the character of the area. As a result, the application was deferred to address this and revised plans were submitted. The revisions included adding three additional windows to the first floor west (front) elevation, and incorporating protruding window surrounds into the design to add articulation, shadow and detail which prevented the stark appearance of this elevation.

While the Architects' Panel were supportive of the whole scheme and advised that the design was appropriate in scale, mass and the use of the proposed materials would secure a high quality, contemporary design, the scheme considered by the Panel was the revised scheme with the additional windows at first floor.

In terms of design, the removal of these first-floor windows therefore reverts back to the previously submitted design, whereby the front elevation of the dwelling has only one window to the southern end of this front elevation, resulting in a 13.8m length of blank grey cement bonded wood particle board cladding at first floor. This elevation faces the road and runs almost the entire width of the plot, meaning it would be highly visible on the main approach from the west (Fort Road).

However, the agent has, through the submission of revised plans, retained simplified cladding fins to the west elevation and provided 3D solar simulations to demonstrate that these create sufficient articulation, interest and detail to this elevation to prevent a return to the blank, utilitarian style of building which was previously resisted. On balance, it is therefore considered that the retention of the fin detailing results in a design which is acceptable in context and accords with the relevant policies of the IDP.

<u>Impact of the development on the amenity of people living in the area</u>

GP8: Design indicates that new development will be supported where it is demonstrated that it will not have an unacceptable impact on neighbouring amenity and considers the health and well-being of the occupiers.

As previously considered, the development is not expected to have a significant impact on sunlight and daylight to surrounding properties, or result in harmful overlooking. The proposed first floor of the front elevation is set circa 18m from the front elevation of the property within the converted Morley Chapel to the west, with the road and parking/access to the chapel in between. This separation distance is sufficient to prevent overlooking and to maintain privacy for the occupants of both dwellings.

The scheme will alter the relationship of the property on this site to those dwellings in the immediate area however it will not result in unacceptable harm to the amenities of surrounding residential occupiers and the scheme accords with Policies GP8 and GP13 in this respect.

The effect of development on private views is not a material planning consideration and therefore cannot be considered in determination of the application.

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; the likely effect on roads and other infrastructure, traffic and essential services; any possible fall-back position by way of extant planning permissions or exempt development; and 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 impact on protected trees, monuments or buildings.

It is concluded that the scheme accords with the aims of Policies GP8 and GP13 of the Island Development Plan and it is recommended that the application is approved.

Date: 18/09/2025