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: Raise roof height of outbuilding and install dormer to east elevation to create 1st floor level, remove garage door and install windows to north elevation.

LOCATION: The Wing, Rue Frairies, St. Andrew.

APPLICANT: Mrs S Whitehead

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: 13/10/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/07/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Mark Frampton drawing no: 2017/611/02

Application Ref: FULL/2021/1558

Property Ref: K00540A000

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. For the avoidance of doubt, this decision authorises the habitable accommodation within the hereby approved outbuilding to be used only as ancillary to the principal dwelling known as The Wing, and does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

Reason - Due to the level of the habitable accommodation provided and due to the ambiguity surrounding the intended use of the ground and first floor of the outbuilding, it is reasonable and necessary to attach a condition to this effect to ensure that it remains integral to the main house.

5. Notwithstanding the information submitted, the ground floor window in the west elevation of the outbuilding the subject of this permission shall be glazed and the existing door in that elevation reglazed with obscure glass to a minimum of Level 3 on the Pilkington scale (or equivalent) before the first use of the extended outbuilding, and that 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.

Expiry Date: This permission will cease to have effect on 12/10/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

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/2021/1558
Property Ref: K00540A000
Valid date: 13/07/2021
Location: The Wing Rue Frairies St. Andrew Guernsey GY6 8XU
Proposal: Raise roof height of outbuilding and install dormer to east elevation to create 1st floor level, remove garage door and install windows to north elevation.
Applicant: Mrs S Whitehead

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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. For the avoidance of doubt, this decision authorises the habitable accommodation within the hereby approved outbuilding to be used only as ancillary to the principal dwelling known as The Wing, and does not permit the creation of a

separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

Reason - Due to the level of the habitable accommodation provided and due to the ambiguity surrounding the intended use of the ground and first floor of the outbuilding, it is reasonable and necessary to attach a condition to this effect to ensure that it remains integral to the main house.

5. Notwithstanding the information submitted, the ground floor window in the west elevation of the outbuilding the subject of this permission shall be glazed and the existing door in that elevation reglazed with obscure glass to a minimum of Level 3 on the Pilkington scale (or equivalent) before the first use of the extended outbuilding, and that 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.

INFORMATIVES

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

OFFICER'S REPORT

Site Description:

The application site comprises a two storey, end of terrace property known as The Wing, that was once subdivided from the larger, original property to the west. The Frairies Court development lies to the rear of the application site.

The application site is located Outside of the Centres and is within a Conservation Area as defined in the Island Development Plan.

Relevant History:

PAPP/1996/4392	Erect double garage	Granted

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to raise the roof height of an existing outbuilding, install a dormer window to the east elevation to create 1st floor accommodation, remove a garage door and install windows to the north elevation.

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

GP4 Conservation Areas
GP8 Design
GP9 Sustainable development
GP13 Householder Development

Representations:

The Authority has received a letter of representation from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Overshadowing
- Loss of privacy
- Right of way and impact of parking.
- Impact on value of property.

Consultations:

None consulted.

Summary of Issues:

- Whether the design of the development is acceptable, including the creation of habitable accommodation that is detached from the main dwelling.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.

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).

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.

With regards to the design of the proposal in order to create first floor accommodation, the scale, mass, form, and materials proposed are considered to respect the character and appearance of the Conservation Area and surrounding built form. Visual amenity will not be adversely affected.

Whilst it is recognised that the proposal will result in increased overlooking and overshadowing, the degree of harm caused is not considered to be so substantial on the amenities of neighbouring residents to warrant refusal.

This assessment takes into account the fact that areas overlooked to the east and south of the application site which comprise the estate road and private and visitor car parking spaces. Due to the relatively limited increase in height of the outbuilding together with its form and orientation parallel to the neighbouring property to the west, the resultant effect is not considered to be significant to undermine the amenities of neighbouring residents in terms of overbearing or overshadowing impacts. However, due to the position and close proximity of the proposed window and existing door at ground floor level to the west boundary, which is defined by a low wall only, it is reasonable to ensure that this window and door are obscure glazed in order to mitigate against harmful overlooking resulting from potential increased use of this outbuilding.

Whilst it is acknowledged that the level of information in respect of the intended use of the outbuilding is vague, and that in most cases additional information would be sought to ensure that the use of the outbuilding remains integral to the main house, it is not considered necessary in this case when taking the constraints of the site, lack of private amenity space and close proximity to the main dwelling. Consequently, the proposal would not be able to be easily converted to form a separate unit of accommodation, something that could be further controlled by way of a restrictive condition making clear that the outbuilding is only to be used for purposes incidental and ancillary to the main dwelling.

In response to the letter of representation received with regards to the impact of the right of way and parking area, any legal rights to access the neighbour's property would be a private civil matter, and in and of itself the proposed development would not affect where vehicles are parked currently. Any planning permission that might be granted would be without prejudice to the normal legal rights and privileges of third parties.

It is also noted that the devaluation of property is not a material planning consideration as defined in Part IV, 13.1 of The Land Planning and Development (General Provisions) Ordinance, 2007.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 08/10/21