

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: Erect 1.5 storey extension to form carport and dower unit to west elevation of outbuilding (Protected Building).

LOCATION: Le Gele Farm, Rue Du Gele, Castel.

APPLICANT: Mr & Mrs Vhadra

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: 25/03/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/10/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: SOUP Architects - 406/005(A), /100(A), /120(A) -proposed roof plan only, /300(A) & /350(A).

Application Ref: FULL/2021/2267

Property Ref: D004630000

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.

Expiry Date: This permission will cease to have effect on 24/03/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the erection of an extension to the existing domestic garage to be used only incidental to the enjoyment of the principal dwelling presently known as Le Gele Farm. It 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.

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/2021/2267
Property Ref: D004630000
Valid date: 13/10/2021
Location: Le Gele Farm Rue Du Gele Castel Guernsey GY5 7LW
Proposal: Erect 1.5 storey extension to form carport and dower unit to west elevation of outbuilding (Protected Building).

Applicant: Mr & Mrs Vhadra

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.

INFORMATIVES

For the avoidance of doubt, this decision permits the erection of an extension to the existing domestic garage to be used only incidental to the enjoyment of the principal dwelling presently known as Le Gele Farm. It 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.

OFFICER'S REPORT

Site Description:

The site is located in an area where ribbon residential development exists to either side of the road.

The site is located Outside of the Centres as designated in the Island Development Plan. Le Gele Farm is a Protected Building.

Relevant History:

Pre-application advice was sought in this case where it was advised that there would be scope to create a dower unit but noting that the development would be approximately 25m from the dwelling which may not represent well-related ancillary accommodation but could be tantamount to a new building dwelling which is contrary to policy. Attention was also drawn to the potential impact of the development on the trees along the south site boundary and the potential impact on the setting of the Protected Building.

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application as originally submitted related to the erection of a one and a half storey extension to the west of the existing detached garage to provide a carport, storage and dower unit comprising an open plan living, kitchen, dining room, ground floor WC and first floor bedroom and wetroom.

The application has been accompanied by supporting information that sets out that the dower is for relatives of occupiers of the main house. It has been designed to be fully disabled compliant and with accessible ground floor WC. The vehicular access being close to the dower is of benefit for disability and emergency access. The submission sets out that the dower is not self-contained, main meals will be provided in the main house which is a short distance from the dower (three access

points to the main house) and parking and utility supplies will be shared with the main house. The application sets out that conditions relating to the use/occupancy of the building would be welcomed by the applicant.

The application was deferred in order to address concerns relating to the size of the proposed unit, its distance from the main house and separation of parking for the house and dower. The original scheme would have generated a dower with an internal floor area of approximately 35sqm on the ground floor and 36 sqm above (reduced to approximately 29 sqm within the roofspace and comprising a bedroom, store and bathroom only). The identified store, served by two rooflights, could be used as a bedroom (possibly for a carer) and overall, the development would provide 64sqm of usable floorspace which would exceed the Guernsey Building Control Technical Standards for a dwelling or flat occupied by 4 people (53 sqm) however the Technical Standards do not apply to such proposals.

Revised plans saw the proposed carport omitted and along with it the first floor storeroom and the proposed one bedroom dower attached to the east of the garage. A covered timber deck (which represents floor area for the purposes of planning, is also proposed wrapping round the building (east and north elevations). The scheme as amended reduces the level of accommodation proposed and seeks to overcome the concerns outlined above.

The extension has been designed to be taller than the existing garage to provide first floor accommodation in the roofspace and is shown to have a timber clad exterior, slate roof and with first floor accommodation served by rooflights and a flat roof dormer in the south elevation.

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

Island Development Plan policies:

OC1: Housing Outside of the Centres
GP5: Protected Building
GP8: Design
GP9: Sustainable Development
GP13: Householder Development
IP7: Private and Communal Car Parking

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the design and appearance of the outbuilding/dower and its likely effect on the character and appearance of the locality, the potential impact on residential amenity and its proposed/intended use.

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.

Principle of erecting a detached domestic outbuilding

The application is for a domestic outbuilding, it may however, be used for any other purpose which is incidental to the enjoyment of the dwelling. This may include but is not limited to use as a games room, craft room, storage etc. Any other use (e.g. as a self-contained dwelling unconnected with Le Gele Farm) would need to be the subject of a separate application considered against the policies in place at that time. The principle of constructing a domestic outbuilding containing a carport/garage, store and some ancillary living accommodation is therefore acceptable.

Design and appearance

The building has been designed taking into account the scale of development on the site and in the locality which comprises one and a half and two-storey dwellings. Although taller than the existing garage, the building would not appear as an intrusive form of development out of character with the local built environment, although visible from the road it will be seen in the context of the existing garage.

The proposed extension, with a timber clad exterior and slate roof, represents a good standard of design that respects the character of the local built environment and which will not result in harm to any open landscape area in accordance with Policies GP8 and GP13 of the Island Development Plan.

The proposed extension to the outbuilding will not have a detrimental impact on the setting of the main house which is a Protected Building given the distance separation between the two buildings and the high-quality design and appearance of the proposed development.

Impact on residential amenity/health and well-being of occupiers

The siting and design of the building in relation to the site boundaries and having regard to its relationship with neighbouring properties, associated parking and gardens is such that it will not result in unacceptable overshadowing or loss of light. The surrounding residential neighbours are set away from the south site boundary and ground floor windows and blank dormer, served by flat roof rooflight, in the south elevation are limited and will not result in unacceptable overlooking or loss of privacy to the occupiers of the adjoining dwelling in accordance with the aims of Policies GP8, GP9 and GP13 of the IDP.

The interrelationship between the ancillary outbuilding, including external decked area, and main house is such that the potential for mutual overlooking is not unacceptable and meets the aims of Policies GP8, GP9 and GP13. The arrangement of internal space and light to the accommodation has considered the health and well-being of future occupiers/users.

Parking and landscaping

The application includes details regarding the position of trees along but outside the site boundary and the siting of an existing fence.

The existing vehicular access arrangements will not alter as a result of the proposed development and the level of off-road parking provision (retained garage and parking) is acceptable having regard to IP7 and the Supplementary Planning Guidance.

Dower accommodation

The SLUP acknowledges that there is an aging population on the Island and the need to meet housing requirements to enable people to remain in their own homes for as long as possible. An “additional living unit to be linked to, either physically or through association with, the main dwelling” is one way to manage this situation and dower units may be “acceptable in circumstances where a completely independent unit of accommodation would not”. They can take the form of extensions, conversion of existing or the construction of new outbuildings where they are well related to the principal dwelling. The IDP acknowledges that dowers may aim to offer a degree of independence for members of a shared household, but dower units must not become separated from the principal use of the dwelling as a single household.

Although the planning policies in Planning Advice Note 1: Dower Units - A guide to development have been superseded by those in the Island Development Plan the main principles of the document remain relevant. As dower units are not considered as separate dwellings, the normal requirements regarding access, parking, garden space and level of residential amenity are not applied. A main issue when dealing

with proposals for dower units is whether the accommodation to be provided is to remain ancillary or incidental to the occupation of the dwelling.

The Advice Note indicates that if a proposal provides all the facilities for self-contained day to day existence, contains excessive floorspace and/or contains more than one bedroom this would be unlikely to be regarded as a dower unit.

The Advice Note contains several points which may help establish whether a dower unit would be ancillary or incidental to the main dwelling. Dower accommodation should provide an element of independence whilst providing an element of support for occupiers. The advice note sets out that a basic 'kitchenette' type facility would be acceptable where it clearly remains ancillary to the main dwelling (e.g. family meals to be shared in the main house and with breakfast and lunch prepared in the dower unit). At Le Gele Farm the application does satisfactorily address matters relating to kitchenette facilities, shared meals, services, garden and parking along with the relationship between occupiers and connection between the building and main house.

The purpose of a dower is not for the occupiers to live independent from the main house but allow them to retain their independence by way of offering shared facilities and support as necessary. In this case, the level of accommodation, as amended, has been designed to be accessible at ground floor level for wheelchair users and with support offered by the main house along with shared utilities, parking and gardens. In this case, the revised scheme meets the aims of Policy GP13 and the Island Development Plan in terms of providing ancillary living accommodation.

Although the applicant has indicated that they would accept a planning condition in relation to occupancy, imposition of such a condition would not be appropriate given that a separate application with its own consideration of policies in place would be necessary should the building be used as an independent and self-contained dwelling.

Sustainable development

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

Conclusion

In view of the above it is recommended planning permission is granted for the extension to the domestic outbuilding at Le Gele Farm. An informative note may be placed on the condition drawing attention to the authorised use as ancillary accommodation associated with Le Gele Farm only.

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, buildings or sites.

Date: 24 March 2022

