

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: Convert garage/outbuilding to a dwelling.

LOCATION: Shoreline, Cobo Coast Road, Castel.

APPLICANT: Mrs M Ashdown

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: 19/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/01/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 2111 03.01, 03.02A & 03.03A

Application Ref: FULL/2022/0144

Property Ref: D01310B000

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.No use or occupation of the dwelling hereby permitted shall begin until the boundary treatment has been fully completed in accordance with the approved plans.

Reason - To ensure the appropriate division of the site and to secure the satisfactory appearance of the completed development.

Expiry Date: This permission will cease to have effect on 18/10/2025 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/2022/0144
Property Ref: D01310B000
Valid date: 13/01/2022
Location: Shoreline Cobo Coast Road Castel Guernsey GY5 7HF
Proposal: Convert garage/outbuilding to a dwelling.

Applicant: Mrs M Ashdown

RECOMMENDATION - Grant: Planning Permission with Conditions:

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4. No use or occupation of the dwelling hereby permitted shall begin until the boundary treatment has been fully completed in accordance with the approved plans.

Reason - To ensure the appropriate division of the site and to secure the satisfactory appearance of the completed development.

OFFICER'S REPORT

Site Description:

The site is currently under development, with the former dwellinghouse having been demolished and a substantial new dwelling with linked garage under construction. The new buildings are currently wind and watertight, although not yet habitable.

The site is located on the southern side of the junction between Cobo Coast Road and Rue des Cornieilles. The coast road extends along part of the north boundary of the site and the Rue des Cornieilles wraps around the remainder of the north boundary and along the east boundary. The dwelling is served by two access points in the north boundary.

The garage/store building which forms the subject of the current application comprises a single storey pitched and flat roof structure located in the south-west corner of the site. The structure benefits from separate access from Rue des Cornieilles in the south-east corner of the site.

The property is bounded by residential properties to the west and south, and across the road to the east and north-east, with views across the common land to the coast to the north.

The site is located Outside of the Centres in the Island Development Plan.

Relevant History:

10/08/20 FULL/2020/0832 Permission granted for a revised scheme to demolish existing and erect replacement dwelling, erect garage/workshop/plant room, widen existing vehicular access and install fencing.

26/05/20 FULL/2018/1000 Refusal to convert existing garage/store to dwelling.

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

Permission is sought to convert the existing garage/store building to the south of the site to a separate one bed dwelling. A 2m high timber fence is to be erected along the boundary between the existing and new dwellings, with supplementary hedge planting. The existing dwelling would retain the accesses in the north boundary, and the new dwelling would use the existing access in the south-east corner of the site, with the driveway resurfaced in block paving.

The submitted plans indicate the following works to the building:

- Installation of internal insulation to walls, floor and roof;
- Installation of partitions;
- Patch repairs to roof finish;
- Installation of bifold doors in the apertures for the two garage doors.

In support of the application the following points are made:

- The building is solid block and timber roof with slate;
- Policy states that a structural survey will usually be required, ie not always;
- The garage is structurally sound, as evident on site;
- The 2020 application for the replacement dwelling included a more suitably placed garage/workshop and there is no requirement for two of the same type of building.

A Sustainability Statement has been received in respect of Policy GP9.

Following deferral, a Structural Report has been provided, prepared by Plan B, together with updated plans.

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

OC1	Housing Outside of the Centres
GP8	Design
GP9	Sustainable Development
GP16(A)	Conversion of redundant buildings
IP7	Private and Communal Car Parking

Representations:

None received.

Consultations:

None undertaken.

Summary of Issues:

Whether the proposal complies with policy.

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).**

Principle of residential development

The Spatial Policy of the Island Development Plan, expressed through Policy S1 (Spatial Policy), is to, *“concentrate the majority of new development in the Main Centres and the Main Centre Outer Areas to maintain the vitality of these areas...and to allow for development Outside of the Centres in identified specific circumstances, in accordance with the Strategic Land Use Plan.”*

This approach is reinforced through Policy S4 (Outside of the Centres) and the introduction to Part 3 of the Plan *Policies for Outside of the Centres* which, whilst acknowledging that the Plan makes provision for certain types of development Outside of the Centres, states that proposals for new housing will not generally be supported.

Policy OC1 (Housing Outside of the Centres) sets out potential exceptions to this direction, stating that the creation of new dwellings Outside of the Centres will only be supported where it is achieved through the subdivision of an existing dwelling or the conversion of an existing redundant building, and directs proposals for conversion of redundant buildings to be considered principally under Policy GP16(A) (Conversion of Redundant Buildings).

Conversion of the existing building

The proposal is addressed against the criteria of Policy GP16(A) below.

a. it is demonstrated that the building is no longer required or capable of being used for its current or last known purpose;

The building previously formed garaging and storage ancillary to the former dwellinghouse at the site. It is currently in use as a site office for the management of the development.

At the time of consideration of the previous application to convert the building, works had not commenced on the redevelopment of the dwelling. It was concluded that the garage remained useful to serve the existing dwelling at that time (which did not have

any other form of garaging or storage) and to maintain the associated land and, consequently, that it had not been demonstrated that the building was no longer required or capable of being used for its current or last known purpose.

Subsequent to the previous refusal, the former dwellinghouse has been demolished and a new dwellinghouse with large linked garage erected at the site. The new structure incorporates both storage and garaging to serve the new dwelling.

Whilst the garage building which forms the subject of this application would physically remain capable of providing garaging facilities, which was the intended purpose of the building, the size and extent of accommodation provided within the new dwelling has effectively made the building redundant. Furthermore the building is located at a distance to the new dwelling and is unlikely to be practically used for other forms of ancillary accommodation. Exceptionally in this circumstance, it would therefore be difficult to argue that the garage remains required in connection with its authorised purpose, as garaging. On this basis, the proposal is now considered to comply with criterion a).

b. the conversion will result in the establishment of either residential, social and community, industrial, storage and distribution, convenience retail in coastal locations in accordance with Policy OC4, visitor accommodation or office use or provide facilities for outdoor formal recreation or informal leisure and recreation uses;

The proposal would result in the establishment of a residential use.

c. the existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding;

In light of a recent appeal decision (Ref: PAP/008/2019 for the refusal of application ref: FULL/2018/0826) this criterion will be assessed in two parts - there will be an assessment of whether the building is of sound and substantial construction (in relation to the use originally intended), followed by an assessment as to whether the building is capable of conversion without extensive alteration or rebuilding.

A Structural Report was submitted following deferral. Although that report did not explicitly confirm that the building was of sound and substantial construction for its authorised use, the conclusions drawn in respect of the condition of the building, in conjunction with a site visit and the photographs provided, adequately demonstrate that this is the case, with limited repair work (west elevation of store, replacement of roof coverings and replacement of rain water goods).

In terms of the extent of alterations required to support the proposed conversion, in deciding the appeal (referred to above) the Tribunal considered it appropriate to distinguish between three distinct categories of building work that have different underlying purposes; structural repair, upgrading and renewal; upgrades to meet the Building Regulations; and works to facilitate the proposed use. The works proposed

as part of the current application, additional to those previously identified in the Structural Report, are set out under the Brief Description of Development above.

The submitted Report states that the building is capable of conversion into a habitable building with very little structural improvement.

The works to upgrade the building to meet Building Regulations appear to be limited to the installation of breathable membrane to the roof and installation of insulation to the floor, roof and walls. In determining the previously cited appeal, the Tribunal concluded that these forms of work, necessary to bring the building fabric up to current Building Regulation standards in terms of freedom from damp and thermal and sound insulation, are known to be a common feature of schemes involving the conversion of buildings and therefore such works were considered to be neutral in terms of their impact on the objectives of Policy GP16(A).

In respect of the other works proposed to facilitate the conversion, according to the submitted plans, these are limited to the installation of bifold doors within the existing apertures for the garage doors. Notwithstanding the comments made on the submitted plans, taking into account the Structural Report and the comments made in the agent's covering letter, it is apparent that as part of the conversion it would be necessary to replace timber panels to the west elevation of the building and the pitched roof coverings. The Structural Report did not include a comprehensive review of the flat roof covering, therefore, taking into account the comments made in the previous survey, it is possible this element may also need re-covering. These works, taken together with those identified under the Brief Description of Development above, would not however comprise extensive alteration for the purposes of this policy.

With regard to the internal fittings, the creation of new room arrangements and the provision of new services, these works are representative of the types of alterations that are generally required for the conversion of buildings into alternative uses and are therefore considered to be neutral for the purpose of GP16(A).

Overall the works required to enable the conversion would not amount to extensive alteration or rebuilding, and the proposal would meet the requirements of criterion (c) of Policy GP16(A).

d. the proposals would have no adverse impacts on the special interest of a protected building and that such interest is appropriately and proportionately preserved and, where possible, enhanced;

The building is not a protected building, and is not located within the setting of a protected building.

e. the proposals would have no unacceptable impacts on the contribution a building of character makes to the character and appearance of the area;

The existing building is a single storey structure set back from the roadside and is of limited visibility within the wider area. The proposed alterations would not alter the scale, bulk or massing of the existing building and there would be no additional impact on the character of the area.

f. the conversion and any ancillary development associated with it can be implemented without having any unacceptable adverse impacts on the character and openness of the landscape;

The building is located within the domestic curtilage associated with the existing dwelling and the site is surrounded by residential development. The area would not therefore be characterised as open and the proposed conversion would not impact adversely on landscape character or openness.

The fencing proposed to provide the internal division of the site is of greater height adjacent to the roadside than is normally permissible, however in this case the substantial roadside hedging would limit any impact on the wider character of the area.

g. the conversion would not require more than modest extension to the existing building for it to be achieved;

No extension is proposed under this application.

h. the proposal would have no unacceptable adverse impacts on the amenities and enjoyment of neighbouring properties and the surrounding area.

The application site is surrounded by residential properties.

Those on the opposite side of the road to the east are sufficiently distant from the site to prevent any impact as a result of the proposals.

There would be no alteration to the building envelope, and there would be no additional impact on the residential properties to the west and south in terms of overshadowing or overbearing.

No fenestration is proposed to the south wall. Two existing windows are proposed to be retained to the west elevation however, these are at ground floor level and the intervening boundary treatment and increase in levels to the property to the west would prevent any significant impact on the amenity of that property.

The change of use to form a second dwellinghouse at the site would not result in a significant intensification of use of the site and would not in itself result in significant impact on the amenities of the adjoining properties.

The dwelling under construction is located to the north-west of the site and is set away from the conversion proposed under this application. The relationship between the dwellings would be acceptable.

Residential amenity and facilities

The new dwelling would be served by an existing access, driveway and parking area, independent to those serving the existing dwelling at the site.

The converted building would provide an appropriate level of accommodation for a single storey one bed dwelling, exceeding the requirements of the Building Regulations and exceeding the guidance set out within the Department for Communities and Local Government's Technical Housing Standards - nationally described space standard. The size and quality of the outdoor space would be acceptable. Overall the proposed dwelling could provide an adequate living environment, in accordance with Policy GP8(d) and Annex I: Amenities.

Sustainability, accessibility and adaptability.

In terms of accessibility to and within the building and the provision of flexible accommodation, it is noted that the accommodation provided is on a single level and benefits from level access, in accordance with the requirements of Policy GP8.

Confirmation has also been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

Conclusion

The proposal accords with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 11/10/2022