

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 lean-to covered gazebo and alteration to fenestration to west (front) elevation of building.

LOCATION: Firkin, La Maison Au Compte, Vale.

APPLICANT: Mr & Mrs N Glass

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: 29/06/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/02/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: MAT Ltd: 19-103-03.

Application Ref: FULL/2022/0366

Property Ref: C010800000

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 use of this building must remain ancillary to the main dwelling and cannot be used as a separate unit of accommodation.

Reason - The use of the building as a separate unit of accommodation would fall to be considered under different planning policies and would be precluded under those policies. The domestic outbuilding as such must be used in connection with the main house.

Expiry Date: This permission will cease to have effect on 28/06/2025 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/2022/0366
Property Ref: C010800000
Valid date: 11/02/2022
Location: Firkin La Maison Au Compte Vale Guernsey GY3 5HE
Proposal: Erect lean-to covered gazebo and alteration to fenestration to west (front) elevation of building.

Applicant: Mr & Mrs N Glass

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

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be considered under different planning policies and would be precluded under those policies. The domestic outbuilding as such must be used in connection with the main house.

OFFICER'S REPORT

Site Description:

The property known as 'Firkin' is a mid-20th century bungalow which has been extended over the years. The dwelling is set back from and faces south onto La Maison au Compte and Maison de Bas Road runs diagonally along the northwest boundary. There are close neighbours to the northeast and east. There are also neighbours across the road to the south and one to the northwest. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2021/0905 - Convert outbuilding into dwelling, create access and parking (revised scheme) – Refused July 2021.

FULL/2020/0902 – Convert and extend outbuilding to a dwelling, create vehicular access – Refused November 2020.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to erect a lean-to covered gazebo to the west elevation of the domestic outbuilding, and replace the garage door with bi-folding doors.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There have been two letters of representation and the issues are;

- The garage has been subject to two previous applications to change the use to a separate dwelling, both of which were refused due to the garage not

being a redundant building and that it is too close to the boundaries and neighbouring dwellings.

- The new proposals considerably enlarge the footprint of the garage, perhaps as much as 30% and this will be permanent. This will make it more likely to be converted into a dwelling at a later date.
- Once planning permission is given to this application then the permission may be varied and further enlarged. Neighbouring properties would be adversely affected, and the enjoyment of those properties diminished.
- The application is disingenuous, in particular the inclusion of the bi-fold door unit to the front of the 'garage'
- The two rooms, a gazebo and bi-fold doors all seem to point towards a domestic dwelling.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

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.

Changing a garage door to bi-fold doors is considered to be acceptable development. The erection of a gazebo is also considered acceptable.

The gazebo is a lightweight structure, which would be attached to the west elevation of the existing domestic outbuilding. The outbuilding is set back from the road and the existing building line, and with the property's mature roadside boundary planting, the gazebo would not be seen from any public vantage points. The addition of the proposed gazebo would be set behind the current building line. Therefore it is considered that the structure would not affect the character or appearance of the surrounding area.

The height of the proposed gazebo is less than a single storey extension, meaning there would not be any issues of overlooking or overshadowing of the neighbours, therefore it is considered that the neighbours' amenity would not be affected.

Although concerns have been raised by the neighbours regarding the future potential of the building and the submission of additional planning applications for the conversion of the building to a dwelling, the outbuilding is contained within the site, and as such is an ancillary structure to the main residential use of the site. Although the garage has been refused permission to become a separate dwelling, it is possible to utilise the building for several other ancillary uses including that of a dower unit providing it remains ancillary to that dwelling. The inclusion of a gazebo to this structure and the change of the door to bi-fold doors retains this ancillary domestic use.

In this instance the proposals are considered to comply with the relevant policies and conditions will be added to ensure the garage/outbuilding remains ancillary to the main dwelling.

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

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 29/06/2022

