

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 two-storey extension and external steps to south (rear) elevation, porch to north elevation, internal and fenestration alterations. Erect single storey extension to east and west elevations, internal and fenestration alterations to outbuilding to create a dower unit and garden store. (Protected Building).

LOCATION: Les Paysans, Rue Des Paysans A La Pomare, St. Pierre Du Bois.

APPLICANT: Mr & Mrs R Cherrett

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: **24/10/2022**

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/02/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Ltd: 21-1325/PD/ 01A, 02A, 03A, 04A, 05B & 06.

Application Ref: FULL/2022/0442

Property Ref: F000540000

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.Prior to the removal of any of the existing windows and doors large scale drawings (1:20 elevations and 1:5 sections) of all new windows and doors shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the replacement windows and doors will preserve the special interest of the Protected Building and do not have any adverse impact on the character of the area.

5.Prior to the commencement of any work in connection therewith details of the means by which the porch and extensions to both Les Paysans and the carriagehouse would be attached to the existing buildings shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed works. This condition is imposed to make sure that the works will not have a detrimental impact on the special interest of the Protected Building.

6.Prior to the commencement of any work in connection therewith details of the proposed paving for the patio and ramp shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details

of the proposed features. This condition is imposed to make sure that these external works preserve the setting of the Protected Building and does not have any adverse impact on the character of the area.

7. This permission does not confer any alterations to the stone paving within the hallway of the main house.

Reason - For the avoidance of doubt and to preserve the fabric and special interest of the Protected Building.

Expiry Date: This permission will cease to have effect on 23/10/2025 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 former carriage house to be used as an integral part of and incidental to the principal dwelling presently known as Les Paysans. 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.

The Authority does not recognise all of the land outlined on the submitted plan(s) as forming the domestic curtilage associated with the dwelling presently known as Les Paysans. The land recognised as domestic curtilage by the Authority is identified on the plan enclosed with this decision notice.

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/2022/0442
Property Ref: F000540000
Valid date: 21/02/2022
Location: Les Paysans Rue Des Paysans A La Pomare St. Pierre Du Bois
Guernsey GY7 9JX
Proposal: Erect two-storey extension and external steps to south (rear) elevation, porch to north elevation, internal and fenestration alterations. Erect single storey extension to east and west elevations, internal and fenestration alterations to outbuilding to create a dower unit and garden store. (Protected Building).
Applicant: Mr & Mrs R Cherrett

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. Prior to the removal of any of the existing windows and doors large scale drawings (1:20 elevations and 1:5 sections) of all new windows and doors shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the replacement windows and doors will preserve the special interest of the Protected Building and do not have any adverse impact on the character of the area.

5. Prior to the commencement of any work in connection therewith details of the means by which the porch and extensions to both Les Paysans and the carriagehouse would be attached to the existing buildings shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed works. This condition is imposed to make sure that the works will not have a detrimental impact on the special interest of the Protected Building.

6. Prior to the commencement of any work in connection therewith details of the proposed paving for the patio and ramp shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

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7. This permission does not confer any alterations to the stone paving within the hallway of the main house.

Reason - For the avoidance of doubt and to preserve the fabric and special interest of the Protected Building.

INFORMATIVES

For the avoidance of doubt, this decision permits the erection of an extension to the former carriage house to be used as an integral part of and incidental to the principal dwelling presently known as Les Paysans. 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.

The Authority does not recognise all of the land outlined on the submitted plan(s) as forming the domestic curtilage associated with the dwelling presently known as Les Paysans. The land recognised as domestic curtilage by the Authority is identified on the plan enclosed with this decision notice.

OFFICER'S REPORT

Brief Description of the site:

Les Paysans is a detached dwelling situated on the junction of Route des Paysans, Rue des Paysans au Val and Rue des Paysans a la Pomare.

The application relates to the demolition of an existing extension and erection of a two-storey pitched roof extension to the south of the main dwelling with associated raised patio offering access to the land associated with Les Paysans. A new porch is proposed to the north of the dwelling and various internal works are proposed at ground and first floor level in connection with the proposed extension and associated remodelling.

A detached outbuilding is situated to the north of the dwelling which is currently an outbuilding/workshop. The application relates to the removal of a store and oil tank to the east of the outbuilding and the erection of an extension to its east and west. The east extension is in relation to its conversion to a dower unit/annexe and the west extension is for use as a garden store. The application sets out that the annexe will be used by a relative of the applicant, is in close proximity to the main house with shared courtyard in between and with services ducted from the main dwelling and utilities provided in the main house.

The application has been accompanied by a Statement of Significance.

The application was deferred in order to seek further details in relation to the extension to the main house, to ensure that the means of opening and configuration of replacement windows reflected those to be replaced and due to the scale of the proposed dower accommodation. Information and plans to address these concerns were submitted and provide clarification regarding the scale of accommodation proposed in the dower given the medical condition(s) of the occupier and drew attention to the physical relationship between the dower and main house. Amended plans were also supplied to address the comments of Building Control.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan. The whole of Les Paysans is protected together with the carriage house, cobbled yard, roadside boundary walls and sties. The conservatory is not protected.

Relevant History:

None.

Existing Use(s):

01 dwellinghouse

28 agriculture

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

Island Development Plan policies:

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Consultation

Building Control – Part G

For the Room sizes Table 3 sets out Minimum room sizes for sleeping accommodation

Purpose Group Occupancy factor Dwellings or Flats 2 person, Minimum Area (m²) 12.0m, Minimum Dimension (m) 2.7m.

In addition a Single person bedsit¹ (excluding cooking and bathing area) Occupancy factor for 1 person, Minimum Area (m²) 14m, Minimum Dimension (m) 3.0m.

As long as meets with these minimum requirements BC have no objections to how large a space is.

We also note for our submission the agent considers.

Part F

Background ventilation to each room.

Part B

Fire separation between the garage/ store and dower unit. The windows need to be considered in this circumstance.

Conclusion/Brief comment:

The conservatory is not of historic or architectural interest to warrant its retention and its removal is accepted.

The replacement windows, porch, two-storey extension and extensions to the outbuilding/carriage house represent a high standard of design that respect the local built environment. The extensions will not have an adverse impact on the amenities of any surrounding residential neighbours. The extension to the main house offers more flexible and adaptable accommodation that can respond to the needs of occupiers over time. Although the ground floor accommodation is not on a single level the accommodation would remain accessible for ambulant disabled. The extensions and alterations to the carriage building will offer habitable accommodation on a single level thereby offering accommodation that is accessible by people of all ages and abilities. The scheme therefore meets the aims of Policies GP8, GP9 and GP13 of the Island Development Plan (IDP).

The scheme incorporates changes to ground levels, the construction of walls and steps and laying of paving. These works will not have a detrimental impact on the setting and special interest of the Protected Building nor the character of the local area in line with the aims of Policies GP5, GP8 and GP13 of the IDP. It would be appropriate to impose a condition relating to specifications of the proposed paving in order to preserve the setting of the Protected Building.

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. A dower unit 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. 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. In order to prevent dower units being used as conventional dwellings, proposals will be expected to clearly demonstrate that the unit will not be a wholly self-contained unit of residential accommodation and that it cannot readily be converted to such.

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 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.

The size of the existing outbuilding alone is such that, if altered to create habitable accommodation, would meet the Guernsey Building Control Technical Standards for a dwelling or flat in multiple occupancy. GTS for new residential accommodation do not apply to such proposals and the amendments have seen the size of accommodation significantly reduced.

The submission sets out that the accommodation is not excessive and provides examples of other dower accommodation granted permission by the Development & Planning Authority. It should be noted however, that no two application sites are the same and each application must be considered on its own merits. The submission sets out that *"the unit has been reduced to a size to provide the minimum maneuverability standards internally for a wheelchair user, whilst providing a suitable level of independence."*

Having regard the accessible accommodation provided and the interrelationship between the ancillary outbuilding and main house is such that there would be potential for mutual overlooking between the two buildings. This being the case, the dower could not readily be subdivided and separated. As the accommodation in the detached outbuilding would be occupied as ancillary accommodation the potential for overlooking is not unacceptable and meets the aims of Policies GP8, GP9 and GP13.

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). The original submission indicated that the extension to the main house would support family dining and that the majority of meals would be prepared and enjoyed together. Given this, and the further information provided with the revised plans, the scheme does propose accommodation that would be ancillary and incidental to the main house given the relationship between the buildings, occupiers and the shared spaces and facilities proposed. In this respect the scheme does address the requirements of Policy GP13 and the guidance offered in the Advice Note referred to above. An informative note may be placed on the permission regarding the use/occupancy of the accommodation.

GP5

The value of elements of the building will be assessed against the magnitude of impact of the works to establish the effect of the development on the overall special interest of the protected building. The matrix on page 16 of BS 7913:2013 is a useful tool for this purpose.

Extension

As originally submitted the drawings did not clearly show the relationship between the extension and the roof/eaves of the main house. This matter has been addressed through the submission of revised plans and the works accord with Policy GP5.

Windows and doors

The application outlines that wholesale replacement of windows and doors is proposed (house and carriage house). The windows are modern insertions but are sympathetic to the buildings and their contribution to the overall special interest is positive, they are of medium value and the impact of replacement would be major and the effect on overall special interest would be moderate/large (BS 7913:2013). Given the age of the windows there is scope for their removal. Following the amended of the scheme so that the means of opening and configuration of the replacement windows matched those they replace it is the replacement windows are supported by Policy GP5, subject to condition relating to joinery/construction.

Porch, extensions to carriage house, internal alterations and works within the grounds of the Protected Building

The exterior of the rear of the house and the carriage house are medium in value. The construction of a porch and extensions to the carriage house (as amended) would have a minor impact on special interest, the overall effect on special interest would be slight. The means of attaching the new structures to the existing must be carefully undertaken and is a matter that can be controlled by condition. The proposals therefore satisfactorily address the requirements of Policy GP5.

The extent of alterations made to the interior of the buildings has resulted in a low value. This is with the exception of the paving in the main hallway and the eastern fireplace, neither of which would appear to be directly affected by the proposals but for the avoidance of doubt a condition may be placed on the permission regarding the stone paving in the hallway of the main house. The effect on overall special interest of the different aspects of the development would range from neutral to slight/moderate and this aspect of the proposal complies with Policy GP5.

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.

In view of the above it is recommended permission is granted for the works outlined in this report.

Recommendation:

Grant with Conditions



Date: 20 October 2022