

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: Subdivide dwelling into 2 dwellings.

LOCATION: Beauvoir, Les Petites Capelles Road, St. Sampson.

APPLICANT: Mr & Mrs C Corson

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: 10/05/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Chateaux Architectural Design 22-010- 2A & 3A.

Application Ref: FULL/2022/0567

Property Ref: B011060000

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 commencement of any work in connection therewith a scheme showing the provision to be made for secure and covered cycle parking for each dwelling, shall be submitted to and agreed in writing by the Authority. Unit 2 shall not be occupied until the agreed scheme for both dwellings has been fully implemented.

Reason - To encourage the use of bicycles as an alternative to the car in the interests of sustainable development.

5.The fence shown on the approved plans to provide private amenity space and privacy screening to unit 2 shall be installed in its entirety prior to the first occupation of that unit.

Reason - To provide the dwelling with an area of private amenity space and to secure the amenities of the occupiers of unit 2.

Expiry Date: This permission will cease to have effect on 09/05/2025 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/2022/0567
Property Ref: B011060000
Valid date: 04/04/2022
Location: Beauvoir Les Petites Capelles Road St. Sampson Guernsey GY2 4GX
Proposal: Subdivide dwelling into 2 dwellings.
Applicant: Mr & Mrs C Corson

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 commencement of any work in connection therewith a scheme showing the provision to be made for secure and covered cycle parking for each dwelling, shall be submitted to and agreed in writing by the Authority. Unit 2 shall not be occupied until the agreed scheme for both dwellings has been fully implemented.

Reason - To encourage the use of bicycles as an alternative to the car in the interests of sustainable development.

5. The fence shown on the approved plans to provide private amenity space and privacy screening to unit 2 shall be installed in its entirety prior to the first occupation of that unit.

Reason - To provide the dwelling with an area of private amenity space and to secure the amenities of the occupiers of unit 2.

OFFICER'S REPORT

Site Description:

Beauvoir is a detached two and a half-storey dwelling with flat roof dormer and rooflight in the rear roofslope. To the rear is a single-storey flat roof extension. The property is situated between Les Petites Capelles Road and Les Bas Capelles Road with lawned areas to the front and rear.

The site is located Outside of the Centres as designated in the Island Development Plan. Beauvoir is a pre-1900 building.

Relevant History:

None recent and relevant.

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application relates to the subdivision of the existing dwelling into two units of residential accommodation. A four/five bedroom dwelling in the main house and a two bedroom dwelling in the single-storey flat roof building to the rear. Minor alterations are proposed to fenestration to the side and rear of the property associated with the proposed subdivision. Amenity space serving Beauvoir is shown to be provided to the front of the dwelling and also to the rear, by way of a detached

garden beyond the amenity space for the smaller unit proposed and adjacent to Les Bas Capelles Road. Vehicular access for the new unit is shown to be provided via the adjoining property, Brenton House and the amenity space is shown to be enclosed by a 1.8m high fence. The scheme does not clearly identify any off-road parking to serve Beauvoir but specifies that the vehicular access from Les Basses Capelles Road is to be retained.

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

Island Development Plan policies:

OC1: Housing Outside of the Centres
GP8: Design
GP9: Sustainable Development
IP6: Transport infrastructure and support facilities
IP7: Private and Communal Car Parking
IP9: Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed change of use, the future living environment of occupiers of the dwellings along with parking/access arrangements.

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.

Policy OC1 makes provision for the subdivision of a dwelling into two or more self-contained units and provides a gateway for the proposal. The scheme must demonstrate how the development is compatible with the character and amenities of the area, provide a satisfactory living environment for occupiers and should not include more than a modest extension (not relevant in this case).

The locality is characterised by mainly residential development with properties fronting both Les Petites Capelles Road and Les Basses Capelles Road. There are a number of dwellings close to the junction between these two roads where the dwelling fronts Les Petites Capelles Road and the garden extends to Les Basses Capelles Road. An estate agent exists next to the site and a restaurant and car sales garage opposite the site. The introduction of an additional dwelling through the subdivision of Beauvoir would not be out of character or incompatible with surrounding uses in line with the aims of Policy OC1. Although the site layout would be unusual because the new unit to the rear would not occupy a road frontage as other dwellings in the vicinity do, the subdivision proposed would not have a detrimental impact on the local built environment in accordance with Policies OC1 and GP8 of the Plan.

The alterations to fenestration and removal of sheds, porches etc. are considered acceptable and represent a good standard of design (GP8: Design). The subdivision of a large dwelling into two smaller dwellings also represents efficient and effective use of land/buildings by making better use of an existing dwelling.

The external alterations and subdivision of the dwelling will not result in an unacceptable increase in the potential for overlooking and loss of privacy to surrounding occupiers and, as outlined above, the proposed use is compatible with those around the site. Parking and turning currently takes place in the rear garden of the property and, given existing boundary treatments with the neighbouring dwellings, the continuation of such activities in the garden northwest of the building and will not result in unacceptable noise and nuisance to adjoining occupiers (GP8 and GP9).

Unit 2 is on a single level therefore is able to provide access to and within the building for people of all ages and abilities. Beauvoir is an existing dwelling and is therefore more constrained in terms of offering accessible accommodation. Nonetheless, the ground floor is largely in a single level to offer accessible accommodation. Furthermore, both properties could be altered (or in the case of unit 2 extended) to offer more flexible and adaptable accommodation that can respond to the needs of occupiers over time. The scheme therefore accords with Policy GP8 in this respect.

The layout of accommodation is such that that both properties benefit from adequate sunlight and daylight. To maintain the privacy of occupiers of unit 2, a new boundary is shown to the side of the property to ensure that whilst occupiers of Beauvoir are able to access the amenity space to the rear, the potential for overlooking and loss of privacy can be managed through the introduction of a 1.8m high fence. This fence would however, impact on outlook and may also affect light to the bedroom accommodation. One bedroom is dual aspect and will be less affected by the fence however, the en-suite bedroom would have very limited outlook. Although a 1.8m high fence is proposed, exempt development would allow for an alternative boundary treatment to be provided to balance the need for privacy against the living environment for occupiers. As bedroom accommodation it does

not represent primary living accommodation and on balance this aspect of the scheme is considered satisfactory with regard to Policies OC1 and GP8 of the Plan.

Each property has also been allocated an area of external amenity space. Given the extent of the flat roof rear of Beauvoir and that the first-floor windows of the main house serve a landing, bedroom and shower room the proposed amenity space to serve Unit 2 would not suffer from unacceptable overlooking and loss of privacy from the main house nor from any surrounding dwellings.

As shown, Unit 2 has limited amenity space because the area allocated to serve this two-bedroom dwelling is also shared with its allocated parking. The proposed patio would offer a defensible space between the living accommodation and parking proposed. Furthermore, future occupiers could choose to alter the layout of the amenity space to suit their own needs with regard to the location and extent of hardstanding for vehicles. The amenity space for proposed unit 2 is therefore considered satisfactory.

With regard to Beauvoir, the property is set back from Les Petites Capelles Road and benefits from an area of lawn to the front of the property. The large dwelling would also be served by an ample area of amenity space to the rear however, it is noted that this is detached which does not make it so convenient for family living. Nonetheless, although this amenity space is situated adjacent to Les Basses Capelles Road it is screened from the road by mature landscaping and is of sufficient size that its use and enjoyment would not be adversely affected by vehicles using the road to the northwest of the site.

Although off-road parking is not shown to be provided for Beauvoir it is noted that an existing access is to be maintained from Les Basses Capelles Road and that hardstanding would constitute exempt development. The siting of parking to the rear of the site, in the detached garden, would be less convenient for occupiers of Beauvoir due to the distance between the garden and front door (there is no side/back door proposed). Nonetheless, there would remain the option for planning permission to be sought to form a vehicular access to the front of the site and the provision of parking to the rear is insufficient to warrant the refusal of planning permission in this case.

Overall therefore, the scheme would provide a satisfactory living environment for the occupiers of both dwellings proposed and accords with Policies OC1 and GP8 of the IDP.

The site is located Outside of the Centres where development is generally of lower density and there tends to be less pressure for development and less congestion caused by it. Car parking requirements for a site such as this are assessed on a case by case basis. The level of parking proposed to serve unit 2 is considered satisfactory. Vehicular access is shown to be retained but no parking provided to serve Beauvoir at the rear, nonetheless, the site is well situated having regard to access to public transport and local facilities. The subdivision of the site will not result in the

unacceptable intensification of the use of accesses at the site nor have an adverse impact on the local road network in accordance with Policies IP7 and IP9 of the IDP.

The scheme does not make provision for secure and sheltered cycle parking in line with Policy IP6 however, given the size of the site it would be possible to accommodate cycle parking to serve both dwellings, a matter that can be controlled by condition.

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.

In view of the above, it is recommended planning permission is granted for the development proposed.

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: 29 April 2022

