

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Erect single storey extension to south (side) elevation and alterations to fenestration to convert detached garage to dower unit. Erect shed to north west boundary.

LOCATION: Malburt, Fort Road, St. Peter Port.

APPLICANT: Mrs M Willcocks

I refer to the application referred to below received as valid on 11/04/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 28/11/2022

Drawing Nos: Chris Workman & Co Ltd: GW:21:21 02 + Brochure details of shed

Application Ref: FULL/2022/0617

Property Ref: A409370000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The proposed dower unit is not demonstrably ancillary nor well-related to the main dwelling for the purposes of Policy GP13. If approved, the additional accommodation would be tantamount to a new dwellinghouse by virtue of its size, the layout and extent of facilities, together with its relationship to the main dwelling. Consequently, the development would be contrary to Island Development Plan Policies OC1 and GP13.

OTHER REMARKS:-**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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2022/0617
Property Ref: A409370000
Valid date: 11/04/2022
Location: Malburt Fort Road St. Peter Port Guernsey GY1 1ZU
Proposal: Erect single storey extension to south (side) elevation and alterations to fenestration to convert detached garage to dower unit. Erect shed to north west boundary.
Applicant: Mrs M Willcocks

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed dower unit is not demonstrably ancillary nor well-related to the main dwelling for the purposes of Policy GP13. If approved, the additional accommodation would be tantamount to a new dwellinghouse by virtue of its size, the layout and extent of facilities, together with its relationship to the main dwelling. Consequently, the development would be contrary to Island Development Plan Policies OC1 and GP13.

OFFICER'S REPORT

Site Description:

The application site known as 'Malburt' comprises a semi-detached dwellinghouse located west of Fort Road. The dwelling is served by a detached garage to the rear, accessed by an area of hard surfacing to the side (south) of the dwelling.

The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

PREA/2021/2666	Convert detached garage to dower unit and erect single storey extension to west and south elevations.	Pre-application enquiry
----------------	---	-------------------------

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to extend and convert an existing detached garage to the rear of the property to form a dower unit. The proposed dower unit will be approx. 30sqm larger than the existing outbuilding. The total floor area of the dower unit is 70sqm as confirmed on the application form.

The proposed dower unit will comprise a kitchenette and living room, bathroom, porch and double bedroom. The dower unit is intended for family members. The proposed dower unit will feature a slate finished pitched roof, together with a rendered walls and uPVC windows.

The application was deferred as concerns were raised in respect of the size of the dower unit proposed together with its limited relationship to the main dwelling. A number of suggestions were set out to the agent which were likely to address the concerns raised and to improve the dower unit's ancillary relationship with the main house.

The Planning Service has provided the opportunity to submit revised plans on multiple occasions in attempt to address the concerns raised. Despite these attempts, no revised plans have been received.

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

OC1: Housing Outside of the Centres

GP8: Design

GP9: Sustainable Development

GP13: Householder development

Representations:

None

Consultations:

None

Summary of Issues:

- Whether the principle of the dower unit is acceptable.
- Whether the design, scale, mass, siting, form and materials of the development is acceptable.
- The impact of the development on the character and appearance of the area and neighbour amenity.

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).

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.

Policy GP13 (Householder Development) states that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Area, Area of Biodiversity Importance, protected building or protected monument.

Policy GP13 also states that proposals for dower units will be supported provided the additional accommodation is demonstrably ancillary and well-related to the existing dwelling and there are no significant adverse effects on the amenities of neighbouring properties.

Paragraph 19.14.14 and 19.14.15 states that:

“Dower units can be acceptable in circumstances where a completely independent unit of accommodation would not comply with the normal criteria regarding access, space about dwellings and residential amenities. Proposals usually take the form of extensions to the main dwelling but can also include conversion of existing or the construction of new outbuildings within the recognised domestic curtilage where these are well related to the principal dwelling. Proposals to create dower units will be assessed sympathetically and will be supported where the proposal is acceptable in terms of the impact of the development on the amenities of neighbouring residents.

It is acknowledged that there is a requirement for a degree of independence for some members of a shared household in order to create a satisfactory living environment. However, it is important that dower units do not become separated from the principal use of the dwelling as a single household and planning conditions may be applied to a planning permission to ensure that the unit is not a wholly self-contained unit of residential accommodation and that the dwelling as a whole is still being used for one household, unless the proposals are able to satisfy the policy requirements for new dwellings in the Island Development Plan.”

Whilst the Policy supports the creation of dower units in principle, the concerns raised as previously set out in the deferral e-mail to the agent remain. The premise for a dower unit is to provide ancillary habitable accommodation that is subservient to the main house.

When taking into account the size of the proposed dower unit (70sqm), the layout and extent of facilities provided, new parking area to the front, garden to the rear, the lack of any principal windows on the façade (east elevation) of the dower unit and the distance away from the main dwelling (approx.12m), this leads to the conclusion that

the proposed dower unit would be tantamount to a new dwellinghouse, the provision of which is precluded in this location under Policy OC1.

The information provided by the agent is not sufficient in this case to outweigh the concerns set out above. Overall, the application has not satisfactorily demonstrated that the proposed dower unit would be ancillary and well-related to the main dwelling.

Based on the above, the application is not considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be refused.

Date: 28/11/2022