

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: Extend and alter single storey garage to create dower unit with first floor store.

LOCATION: Coniston, La Grande Rue, St. Martin.

APPLICANT: Mr J Mercer & Miss L Buza

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: 23/06/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Studio Architects - 3525 10B & 11.

Application Ref: FULL/2022/0661

Property Ref: J00060A000

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 materials to be used on the exterior of the buildings shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - To secure the satisfactory appearance of the completed development.

5. The first floor dormer window in the south elevation shall be fixed and glazed with obscure glass to a minimum of Level 3 on the Pilkington Scale (or equivalent) which shall thereafter be retained at all times. No changes shall be made to this window without the prior written approval of the Authority.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

Expiry Date: This permission will cease to have effect on 22/06/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the extension and alteration of the existing garage for use as a dower unit and store which shall be ancillary and incidental to the principal dwelling presently known as 'Coniston'. 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.

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/2022/0661
Property Ref: J00060A000
Valid date: 27/04/2022
Location: Coniston La Grande Rue St. Martin Guernsey GY4 6RT
Proposal: Extend and alter single storey garage to create dower unit with first floor store.
Applicant: Mr J Mercer & Miss L Buza

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. No materials to be used on the exterior of the buildings shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - To secure the satisfactory appearance of the completed development.

5. The first floor dormer window in the south elevation shall be fixed and glazed with obscure glass to a minimum of Level 3 on the Pilkington Scale (or equivalent) which shall thereafter be retained at all times. No changes shall be made to this window without the prior written approval of the Authority.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

INFORMATIVES

For the avoidance of doubt, this decision permits the extension and alteration of the existing garage for use as a dower unit and store which shall be ancillary and incidental to the principal dwelling presently known as 'Coniston'. 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.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Coniston' is a mid-20th century detached bungalow which sits in a large plot. The dwelling is set back from and faces northeast onto La Grande Rue, and is close to the southeast boundary. There are neighbouring properties to the south and north and the 'School Lane' runs along the west boundary. The property is located within the St Martin Local Centre as defined in the Island Development Plan.

Relevant History:

FULL/2019/0248 - Extend and alter single storey garage to create dower unit with first floor store – Approved May 2019.

FULL/2019/0638 - Raise ridge height and erect 1.5 storey pitched roof and flat roof extension with 1st floor terrace to create 1st floor accommodation to west (rear) elevation and infill windows to south elevation – Approved May 2019.

Existing Use(s):

Residential use class 1: dwelling house.

Assessment: *(Tick as appropriate)*

no representation	X
accords with policy	X
within curtilage	X
design acceptable	X

visual amenity acceptable	X
no material neighbour impact	X
traffic not affected	X

Policies considered most relevant:

GP8: Design
GP9: Sustainable Development
GP13: Householder Development

Conclusion/Brief comment:

This application is for the renewal of a previously approved application. The original application was to extend and alter the single storey flat roof garage to create a pitched roof dower unit with storage above.

The resubmitted plans have not altered in any way from the previous application and the assessment from the previous report is still relevant;

‘The dower unit proposed is considered to be well associated and related with the property presently known as ‘Coniston’. It is situated within the properties recognised domestic curtilage and provides ancillary accommodation that is intended to provide informal accommodation for family members of the occupiers of ‘Coniston’ over time whilst also providing for further care moving forwards. Thus providing care and support for a close family member as part of the extended household which is supported by Paragraph 19.14.13 of the IDP.

The proposed dower unit is situated adjacent to the pedestrian path known as School Lane and in close proximity to the boundary with a neighbouring property.

The proposed extension to the existing garage to provide a dower unit involves the provision of a pitched roof which includes a flat roof dormer window to the south and full length windows in the form of a flat roof element at first floor level to the north that serve the first floor store. The dormer window (south) has the potential to negatively impact the amenity of the neighbouring residents, however the provision of opaque glazing (noted on the drawings) will mitigate this impact. It is recommended that a condition is applied to require the opaque glazing and to restrict the opening of the window in order to ensure that there is no negative impact on the neighbouring property caused by the proposed dormer window.

The proposed garage is intended to be clad in horizontal boarding, however no information has been included regarding the proposed material finish of the cladding

or the other external materials. It is therefore recommended that a condition is applied to request details of the external materials.

The proposed dower unit/store is of good design and is not considered to have a negative effect on the character or amenity of the surrounding area or properties and is therefore considered to conform to the requirements of GP8.

Paragraph 19.14.15 acknowledges 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. The policy recommends that a planning condition is applied 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. However it notes that this should not be applied if *'the proposals are able to satisfy the policy requirements for new dwellings in the Island Development Plan'*. The property is situated within the St Martins Local Centre where the principle of new residential units is supported under Policy LC2. It is therefore recommended that an informative is included with the decision notice to clarify the approved use of the dower unit. Should the owner of the property choose to separate the property at a later stage, then this would need to form a separate planning application which would be assessed on its merits against the relevant Policies at the time.'

The previous application added conditions, explained above; on further assessment of the current application it is recommended that the same conditions are applied to this application.

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.

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.

Recommendation:

Grant with Conditions



Date: 20/06/2022