

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: Install external staircase to north elevation of outbuilding.

LOCATION: Kel-Rik, Braye du Valle, St. Sampson.

APPLICANT: Mr & Mrs S Robert

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: 08/09/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A 7505-01-B1, B2 & B3.

Application Ref: FULL/2022/0686

Property Ref: B01066F001

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 external stairs and the internal layout of the building shall be completed in accordance with the hereby approved plans prior to the first occupation of the dower unit.

Reason - To ensure that the dower unit accommodation is ancillary to the existing dwelling.

Expiry Date: This permission will cease to have effect on 07/09/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the dower unit to be used as an integral part of and incidental to the principal dwelling presently known as Kel-Rik. 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/2022/0686
Property Ref: B01066F001
Valid date: 20/04/2022
Location: Kel-Rik Braye du Valle St. Sampson Guernsey GY2 4RA
Proposal: Install external staircase to north elevation of outbuilding.

Applicant: Mr & Mrs S Robert

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. The external stairs and the internal layout of the building shall be completed in accordance with the hereby approved plans prior to the first occupation of the lower unit.

Reason - To ensure that the dower unit accommodation is ancillary to the existing dwelling.

INFORMATIVES

For the avoidance of doubt, this decision permits the dower unit to be used as an integral part of and incidental to the principal dwelling presently known as Kel-Rik. 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:

Planning permission is requested to install an external staircase to the north elevation of the outbuilding.

The application site is to the north of Braye du Valle, situated behind neighbouring residential properties fronting onto the highway and is Outside of the Centres as defined in the Island Development Plan. The site consists of a detached 1½ storey dwelling in the south-east corner with a large detached 1½ storey garage/outbuilding which has recently been constructed along the west boundary. To the north of the garage/outbuilding and dwelling is an open agricultural field which is also under the applicant's ownership.

Relevant History:

Enforcement investigation pending regarding the creation of a two bedroom dwelling.

Sept 2021 to Feb 2022 - PREA/2021/1760 – Pre-application advice regarding proposed dower unit.

15/06/2021 – FULL/2021/0688 – Application refused for the change of use of garage to dwelling (Residential Use Class 1) (retrospective).

05/02/2020 – FULL/2019/1972 – Application refused to convert outbuilding to dwelling.

03/05/2019 – FULL/2019/0618 – Permission granted to demolish section of roadside wall to widen vehicular access, surface driveway in tarmac, remove hedge and erect boundary wall and fence.

11/04/2017 – FULL/2017/0105 – Application refused to sub-divide existing garage to create two residential units with associated parking and erect new fencing on north and west boundaries.

30/08/2016 – FULL/2016/1635 – Planning permission granted for variation to plans previously approved to extend and remodel existing garage – Install dormer windows and replace door with a window on east elevation and install Juliet balcony on north elevation.

22/02/2016 – FULL/2016/0186 – Planning permission granted to extend and remodel existing garage and create first floor games room and hobby room and ground floor mower store (revised).

07/06/2013 – FULL/2013/0840 – Permission granted to extend and remodel existing garage and create first floor games room and hobby room and ground floor mower store (revised).

12/06/2012 – FULL/2012/1319 – Permission granted to extend and remodel existing garage and create first floor games room.

23/02/2011 – FULL/2010/4074 – Application refused to extend and alter garage to provide dower unit and garage.

Existing Use(s):

Residential use class 1

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

✓
✓
✓
✓

visual amenity acceptable
no material neighbour impact
traffic not affected

✓
✓
✓

Policies considered most relevant:

GP8 – Design

GP9 – Sustainable Development

GP13 – Householder Development

Conclusion/Brief comment:

Planning permission was granted to extend the former garage in June 2012 with subsequent revised schemes approved in June 2013, February 2016 and August 2016. Applications were refused in April 2017 to subdivide the garage/outbuilding to create two dwellings and in February 2020 and June 2021 to convert the garage/outbuilding to a dwelling. An enforcement investigation is currently pending regarding the conversion of the garage/outbuilding to form a two bedroom dwelling and a Compliance Notice has been served.

To address the issues raised in the Compliance Notice, it is proposed to partially remove kitchen units and appliances and to install internal partitions to create a one bedroom dower unit which is ancillary to the existing main dwelling with other areas of the building used as a garage, store and hobby room in association with the existing dwelling. As a result of these internal alterations, a new external stairs is proposed to serve a 1st floor hobby room.

Sited to the rear of the building, the external stairs will not be visible from a public place. The stairs achieve a satisfactory standard of design and would have no adverse effects on the character and visual amenity of the area. The proposal accords with Policy GP8.

With regards to the use of the building, the agent advises that the dower unit is to be occupied by the daughter of the occupiers of the existing main dwelling. An existing unauthorised kitchen is in the processes of being partially removed and washing, dining and formal food preparation areas will be shared with the main dwelling. The information submitted is sufficient to demonstrate that the dower unit and overall use of the garage/outbuilding is ancillary and well-related to the existing dwelling, in accordance with Policy GP13.

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.

It is recommended that the application is approved.

Recommendation:

Grant with Conditions



Date: 07/09/2022