

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: Demolish extension, extend at ground floor and first floor level to north (rear) elevation. Install flue to east roof slope. Raise roof ridge height and extend at ground floor and first floor level to outbuilding and alter vehicle access.

LOCATION: Capel Manor, Ruelle Des Forfaitures, Castel.

APPLICANT: Mr & Mrs A Feehan

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: 24/05/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room: 262/C2, /3, /4, /5, /6A, /7 & /8.

Application Ref: FULL/2022/0687

Property Ref: D01727A000

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.

Expiry Date: This permission will cease to have effect on 23/05/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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 Capel Manor. The land recognised as domestic curtilage by the Authority is identified on the plan enclosed with this decision notice.

For the avoidance of doubt, this decision permits the erection of an extension to the domestic outbuilding at Capel Manor to be used as an integral part of and incidental to the principal dwelling. 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/2022/0687
Property Ref: D01727A000
Valid date: 19/04/2022
Location: Capel Manor Ruette Des Forfaitures Castel Guernsey GY5 7XS
Proposal: Demolish extension, extend at ground floor and first floor level to north (rear) elevation. Install flue to east roof slope. Raise roof ridge height and extend at ground floor and first floor level to outbuilding and alter vehicle access.
Applicant: Mr & Mrs A Feehan

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.

INFORMATIVES

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 Capel Manor. The land recognised as domestic curtilage by the Authority is identified on the plan enclosed with this decision notice.

For the avoidance of doubt, this decision permits the erection of an extension to the domestic outbuilding at Capel Manor to be used as an integral part of and incidental to the principal dwelling. 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:

Capel Manor is a semi-detached dwelling situated to the north of Ruelle Des Forfaitures. Dormers exist in the front and rear roofslope of the existing dwelling and a gable fronts the road, attached to the adjoining dwelling to the west. To the rear of the dwelling is a detached, pitched roof outbuilding.

The application relates to the demolition of the single-storey extension rear of Capel Manor and the erection of a one and a half storey, pitched roof extension adjacent to the west boundary. A single-storey extension is proposed to the rear of the dwelling and rooflights to the west and east roofslopes of the existing dwelling along with a chimney stack being removed and a flue being installed to the front of the dwelling. In addition, the existing outbuilding is to be extended north with the roof raised to provide further accommodation. The vehicular access is to be widened and an existing window in the east elevation is shown to be removed.

The proposed charging point shown on the application drawings does not require the specific grant of planning permission.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

None recent.

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:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

IP9: Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

The extensions and alterations to the main dwelling represent a good standard of design that respect the existing dwelling and will not result in harm to the character and appearance of the local built environment. The one and a half-storey extension will not project beyond the rear of the adjoining attached dwelling nor will the west facing rooflights result in harm to the amenities enjoyed by the occupiers of this adjoining dwelling. The single-storey extension is set away from the east site boundary with the driveway of Capel Manor and the adjoining dwelling separating the development from the neighbouring property. Fenestration in the east elevation of the proposed dwelling as extended would be limited to a single ground floor shower room window. The east boundary is shown to be marked by a wall. The siting and design of the extensions is such that they will not result in harm to the amenities to the occupiers of this adjoining dwelling.

The erection of an extension to the rear of the detached garage and the proposed increase in ridge height will not result in unacceptable overshadowing or loss of light to the occupiers of the dwelling to the east as the garage and driveway serving this property provides separation between the development and adjoining dwelling with conservatory facing west to Capel Manor. The extensions and alterations to the building represent a good standard of design that respects the local built environment and the development would not appear as an intrusive form of development given its position behind the frontage dwelling, Capel Manor.

The first floor gable windows would offer oblique views to the driveway and side elevation of the easterly neighbour. The adjoining garage to the east would direct views from the north facing gable window across the applicants own land and away from land associated with this adjoining dwelling. The interrelationship between the ancillary outbuilding and main house is such that the potential for mutual overlooking is not unacceptable.

The extension to the domestic outbuilding would provide ancillary accommodation including living room, games room, bedroom, bathroom and home office. It may however, be used for any other purpose which is incidental to the enjoyment of the dwelling. Any other use (e.g. as a self-contained dwelling unconnected with Capel Manor) would need to be the subject of a separate application considered against the policies in place at that time. The principle of extending an existing domestic outbuilding containing a home office and ancillary living accommodation is therefore acceptable.

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. As dower units are not considered as separate dwellings, the normal requirements regarding access, parking, garden space and level of residential amenity are not applied. 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.

Although the accommodation will have a separate access the relationship between the accommodation and main house, including direct overlooking of the terrace to the rear of the main house and mutual overlooking between the two buildings, is such that it could not readily be subdivided and separated. Furthermore, the shared access and parking demonstrate the close relationship between the two buildings and the scheme satisfies the requirements of the IDP with regard to dower accommodation.

With regard to the proposed access, the site is not situated in a Conservation Area and although a section of the boundary wall would be lost, a large proportion will remain intact and will continue to provide an adequate boundary feature. In this particular instance it is considered therefore that any adverse impact on the character of the area as a result of the development is not so substantial to warrant the refusal of planning permission. This conclusion is reinforced by the preceding text to Policy IP9, which notes that, *"the Authority will balance any impact on the character of the locality concerned with affording a significant degree of flexibility so that reasonable development aspirations can be met."*

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 planning permission is granted for the proposed development. An informative note may be placed on the permission regarding the use of the outbuilding.

Recommendation:

Grant with Conditions

Date: 24 May 2022

