

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: Erect outbuilding/dower unit to east boundary.

LOCATION: Bluebell Woods, Salines Lane, St. Sampson.

APPLICANT: Mr & Mrs B Tighy

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: 18/07/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 31/03/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd: 6263/A/2a.

Application Ref: FULL/2022/0826

Property Ref: B01626A000

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 17/07/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the erection of an outbuilding to be used for purposes ancillary and incidental to the principal dwelling presently known as Bluebell Woods. 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/2022/0826
Property Ref: B01626A000
Valid date: 31/03/2022
Location: Bluebell Woods Salines Lane St. Sampson Guernsey
Proposal: Erect outbuilding/dower unit to east boundary.

Applicant: Mr & Mrs B Tighy

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

For the avoidance of doubt, this decision permits the erection of an outbuilding to be used for purposes ancillary and incidental to the principal dwelling presently known as Bluebell Woods. 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

Site Description:

The property known as 'Bluebell Woods' comprises a detached bungalow located to the west of Salines Lane, behind the roadside properties. The property is surrounded by properties to the north and east, with agricultural fields to the south and glasshouses to the west. Planning permission was granted in 2019 to change the use of the agricultural land to the south and west of the dwelling to domestic garden. The site is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2019/2119	Change of Use of agricultural land to domestic garden	Granted
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Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to erect a single storey outbuilding to the south of the dwelling to form a dower unit.

In the covering letter the agent states:

- The intention is initially to use the building as a dower unit for a family member, and then it will later be used as a gym or garden room.
- The east boundary hedge will be supplemented with bare rooted stock.

Following deferral, revised plans have been submitted omitting windows from the east elevation of the building and amending the boundary lines.

Further information has also been submitted in respect of the use of the building, as follows:

- 1) Relationship of occupier – brother of owner

- 2) Physical relationship – next to each other separated by a few metres. Close physical proximity and sitting within curtilage
- 3) Facilities – 1 bathroom, 1 bedroom and open planned kitchenette and lounge
- 4) Access – same shared driveway and access to the property
- 5) Garden – dower will not have own defined garden
- 6) Separate Utility Supplies – no will be connected to main house and will be paid for by owners
- 7) Meals – Will eat together on a number of days but not all the time
- 8) Care and support – will be provided if needed

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

GP8: Design

GP9: Sustainable Development

GP13: Householder development

Representations:

Four letters of representation received to the application as initially submitted making the following points:

- Impact on adjoining properties:
 - o Three windows on the east side of the building would face into the neighbouring property, impacting on privacy;
 - o Loss of outlook from adjacent properties;
 - o Overshadowing of adjacent properties;
 - o Light and noise impacts on adjoining properties.
- Increase in waste water will result in additional trips to the property by the sewage vehicle; any development should be required to join the main drain;
- The proposal will put additional pressure on the shared driveway;
- The proposed building will impact on open landscape character;
- The application is for a new dwelling, separate to the main dwelling. The application does not demonstrate that the building is well related to the existing dwelling, or that any amenities will be shared, is of large size, and does not meet the standards for a dower unit;
- The land can flood in winter months and this building could exacerbate the issues;
- The applicant states the dower unit use will only be for a limited time, and the building will subsequently be used as a gym or garden room, however there are no conditions to require this;
- The building could be better positioned to limit impacts on neighbouring properties, or one of the existing buildings could be used;
- The leylandii hedging along the east boundary have been recently topped and are unlikely to grow back;
- The plans do not accurately show the site boundaries and there is no shed adjacent to the stable block to the east.

Two further letters received in respect of the revised plans reiterating the points raised above.

Consultations:

None undertaken.

Summary of Issues:

Compliance with policy;
Impact on landscape character and openness;
Impact on 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).**

Policy GP13 allows for the alteration and/or extension of existing dwellings, including the construction of outbuildings in association with those dwellings, where:

- a. There are no significant adverse effects on the amenities of neighbouring properties; and
- b. The design, scale, mass and form would not detract from the open character of open locations; and
- c. They do not adversely affect the special interest of a Conservation Area or Area of Biodiversity Importance or protected building or protected monument.

In respect of neighbour amenity, the proposed building would be located in close proximity to the east property boundary, with a neighbouring residential property. The scale, position and orientation of the building relative to that boundary, together with the position of the dwelling on the adjacent property, would however limit any impacts on the adjoining property in terms of overshadowing, overbearing or loss of outlook. As initially proposed, the application included the installation of three windows in the facing elevation however these have been omitted following deferral and there is no longer any fenestration proposed facing the adjoining property. The proposal would not therefore have significant impact on the reasonable enjoyment of adjoining residential property.

The proposed building is located on domestic curtilage and is well grouped with the surrounding built form. The building will not therefore project into the open

landscape to the south and west and, set behind the roadside development, will not have any significant impact in views from a public place.

Part c) does not apply in this case.

In respect of the proposed dower unit use, the prefacing text to Policy GP13 states that dower units usually take the form of extensions to the main dwelling but can also include the conversion of existing or the construction of new outbuildings within the recognised domestic curtilage. The policy itself 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.

The proposed building would be physically well related to the main dwelling and confirmation has been provided that the occupant is to be a family member, sharing facilities with the main dwelling.

The effect of the building itself on the amenities of neighbouring properties has been addressed above. The extension of the domestic use into the building, given the absence of windows in the elevation facing neighbouring properties, would not in itself significantly increase impacts on neighbouring properties and would not result in any notable increase vehicular movements.

In respect of the proposed use, the building would comprise an outbuilding ancillary to the use of the house and, as such, could therefore be used as a dower unit, gym or garden room at the discretion of the property owner and without further reference to the Planning Service. Any use separate to the main dwelling, ie as a separate dwelling for lease or sale, would require a separate application for planning permission and would need to meet the terms of the relevant planning policies.

The property boundaries have been revised following deferral and now appear to reflect the boundaries shown on the property deeds. The grant of planning permission would not however confer any rights for realigning property boundaries and would override any existing third party rights or privileges.

Water runoff from the structure would be managed under the provisions of the Building Regulations.

The prefacing text to Policy GP13 states *“The Authority acknowledges the reasonable aspirations people have to improve their homes, for example to provide additional accommodation, enhance the standard of living and to alter the functionality of the building”* and goes on to state *“In response to the strategic direction of the Strategic Land Use Plan, when dealing with all householder development, the assessment of proposals will be reasonable and proportionate and will respect the exercise of private choice involving matters that have no significant bearing on the strategic objectives of the States”*. In this case, whilst there are other existing outbuildings at the property, there is no requirement under policy for the applicant to demonstrate

that those buildings could not be used for the use proposed under the current application and, provided the new building accords with the requirements of policy, there would be no reasonable grounds on which to object to the application.

Overall the amended proposal accords with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 14/07/22

