

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 detached garage, erect 1.5 storey extension, install dormer window to east (rear) elevation and outbuilding/dower unit to north-west boundary (Protected Building).

LOCATION: La Petite Masse, La Route Des Capelles, St. Sampson.

APPLICANT: Mr & Mrs G & T Hutchins

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: 07/07/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/05/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Block Layout Plan and drawings no. A1.1, 3, 5, 7 & 8, A2.2 & 4, A3.1, 2 & 3.

Application Ref: FULL/2022/0996

Property Ref: B011950000

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 development shall begin on site until details of the joinery and construction (1:5 horizontal and vertical sections and 1:20 elevations) of the proposed dormer and window have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the dormer is sympathetically designed and detailed so as to preserve the special interest of the Protected Building.

Expiry Date: This permission will cease to have effect on 06/07/2025 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 as accommodation that is incidental to the enjoyment of the principal dwelling presently known as La Petite Masse. 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/2022/0996
Property Ref: B011950000
Valid date: 30/05/2022
Location: La Petite Masse La Route Des Capelles St. Sampson Guernsey GY2 4UN
Proposal: Demolish detached garage, erect 1.5 storey extension, install dormer window to east (rear) elevation and outbuilding/dower unit to north-west boundary (Protected Building).
Applicant: Mr & Mrs G & T Hutchins

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 development shall begin on site until details of the joinery and construction (1:5 horizontal and vertical sections and 1:20 elevations) of the proposed dormer and window have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the dormer is sympathetically designed and detailed so as to preserve the special interest of the Protected Building.

INFORMATIVES

For the avoidance of doubt, this decision permits the erection of an outbuilding to be used as accommodation that is incidental to the enjoyment of the principal dwelling presently known as La Petite Masse. 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:

La Petite Masse is a detached cottage situated to the east of La Route Des Capelles, opposite the school. The property has a low wall enclosing the front garden area with off-road parking provided adjacent to the north boundary. The south boundary is marked by established landscaping and the property is largely screened from view when travelling north along La Route Des Capelles. A flat roof former outhouse exists adjacent to the south boundary, a garage adjacent to the north boundary and a shed is situated in the southeast corner of the site.

La Masse to the north is a substantial multi-storey property with a two-storey flat roof extension to the rear which serves as a balcony from accommodation within the mansard roof.

The site is located Outside of the Centres as designated in the Island Development Plan. The exterior of La Petite Masse, and the boundary walls, are Protected.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

01 Dwelling houses

Brief Description of Development:

The application relates to the demolition of the outhouse and garage and the erection of a one and a half-storey pitched roof extension to the rear of the cottage, adjacent to the south site boundary. The extension has been designed with a link to the main house and with flat roof dormers in both the north and south roofslopes. The drawings do not clearly specify the proposed external materials. Further hardstanding for off-road parking will be provided in the area of the former garage. A detached flat roof outbuilding is proposed in the northeast corner of the site to offer ancillary living accommodation in the form of an annexe/dower. The accommodation will comprise a bedroom, bathroom and open plan space containing a kitchenette. The outbuilding has been designed with a flat roof and timber clad exterior.

The proposed materials have been set out in accompanying correspondence submitted with the application. The walls are shown to be smooth render and a slate roof is proposed.

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

Island Development Plan policies:

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

One letter of representation has been submitted raising the following points:

- The proposal relates to the formation of a new unit of accommodation, not a dower
- The application does not comply with the Authorities' document updated in January 2022 in respect of Dower Houses
- The scale and mass does not show architectural respect to the Protected Building
- The scale of the development is excessive given the current dower/granny pods are single-storey and often as small as 30 sqm
- The scheme appears to be inconsistent with a recent build on the opposite side of the adjoining field which is a two-storey timber clad green oak framed structure

- Better alternative forms of treatment to the elevations and design are available

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the design and appearance of the extension and its impact on the special interest of the Protected Building and the likely effect of the extension and outbuilding on the character and appearance of the locality and the potential impact on residential amenity with regard to loss of privacy.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The existing garage and outhouse are of no particular merit to warrant their retention and their removal is accepted.

Concerns have been raised through the public consultation process regarding the design, scale and appearance of the proposed extension to La Petite Masse. The proposed link extension has been sited so as not to impact on the rear elevation of the main house which is a Protected Building. The design of the proposed pitched roof extension is considered to represent a high standard of design that would respect the local built environment (GP8 and GP5). It has been set away and to the side of the main house so as not to conflict with the rear elevation of the Protected Building thereby preserving the special interest of the building.

The one and a half-storey extension would represent efficient and effective use of land and offer flexible and adaptable accommodation that can respond to the needs of occupiers over time. The extension has been set away from any neighbouring property and with fenestration positioned to limit the potential for overlooking and loss of privacy. It has also been designed to take account the health and well-being of occupiers, offering ample daylight and sunlight to the internal space and this aspect of the scheme meets the aims of Policies GP8: Design, GP9: Sustainable Development and GP13: Householder Development of the Island Development Plan.

The proposed hardstanding to provide additional parking, patios and paths will not have a detrimental impact on the setting of the Protected Building in accordance with Policy GP5 of the Plan.

The formation of a catslide dormer in the rear roofslope of the property represents a good standard of design and the proposal will not have a detrimental impact on the locality or on residential amenity. It is considered appropriate to impose a condition relating to the joinery/construction of new/replacement windows in order to preserve the special interest of the Protected Building.

The scheme will not have an adverse impact on the special interest of La Petite Masse and the scheme accords with the aims of Policies GP5, GP8, GP9 and GP13 of the Plan.

The public consultation has also generated concerns relating to the proposed dower accommodation. The erection of a detached outbuilding within the garden of La Petite Masse represents a good standard of design that will not have a detrimental impact on the character and appearance of the locality, on the amenities of the occupiers of the adjoining dwelling with regard to overshadowing or overlooking nor on the setting of the Protected Building in accordance with Policies GP5, GP8, GP9 and GP13 of the Island Development Plan.

The SLUP acknowledges that there is an aging population on the Island and the need to meet housing requirements to enable people to remain in their own homes for as long as possible. An “additional living unit to be linked to, either physically or through association with, the main dwelling” is one way to manage this situation and dower units may be “acceptable in circumstances where a completely independent unit of accommodation would not”. They can take the form of extensions, conversion of existing or the construction of new outbuildings where they are well related to the principal dwelling. The IDP acknowledges that dowers may aim to offer a degree of independence for members of a shared household, but dower units must not become separated from the principal use of the dwelling as a single household.

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.

The Advice Note indicates that if a proposal provides all the facilities for self-contained day to day existence, contains excessive floorspace and/or contains more than one bedroom this would be unlikely to be regarded as a dower unit. The scheme proposes open plan living area, bathroom, bedroom and an element of storage. The building would have a floor area of approximately 44sqm which would

exceed the Guernsey Building Control Technical Standards for a dwelling or flat occupied by two people. The bedroom and storage do not appear to meet the Technical Standards although the bathroom and living accommodation exceed the Technical Standards (GTS) and overall, the building could be laid out to meet all these standards. It is noted however, that GTS for new residential accommodation do not apply to such proposals.

The Advice Note contains several points which may help establish whether a dower unit would be ancillary or incidental to the main dwelling. At La Petite Masses, matters relating to shared garden, parking, relationship the occupiers of the main house and dower with shared facilities and meals along with the physical relationship between the building and main house have been addressed.

Although the accommodation will have a separate access, the relationship between the accommodation and main house, including direct overlooking of the garden and large areas of glazing associated with the proposed extension at 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, parking and meals and facilities demonstrate the close relationship between the two buildings and the scheme satisfies the requirements of Policy GP13 with regard to dower accommodation.

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.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees or sites.

Date: 06 July 2022

