

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Convert and alter outbuilding/garage to create a dwelling.

LOCATION: Garage situate, Rue Des Varendes, St. Andrew.

APPLICANT: Mr K Le Patourel

I refer to the application referred to below received as valid on 27/06/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 26/08/2022

Drawing Nos: Jason Hobbs Architectural Services Ltd - 6292/A/1

Application Ref: FULL/2022/1353

Property Ref: K00020A000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. A proposal to create a new dwelling Outside of the Centres can only be supported where this is achieved through the subdivision of an existing dwelling or through the conversion of an existing redundant building. Neither is the case with this proposal. As the existing building is unfinished, the proposal represents the erection of a new dwelling which in this location Outside of the Centres is precluded under Policy OC1 of the Island Development Plan.

OTHER REMARKS:-

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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2022/1353
Property Ref: K00020A000
Valid date: 27/06/2022
Location: Garage situate Rue Des Varendes St. Andrew Guernsey
Proposal: Convert and alter outbuilding/garage to create a dwelling.
Applicant: Mr K Le Patourel

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. A proposal to create a new dwelling Outside of the Centres can only be supported where this is achieved through the subdivision of an existing dwelling or through the conversion of an existing redundant building. Neither is the case with this proposal. As the existing building is unfinished, the proposal represents the erection of a new dwelling which in this location Outside of the Centres is precluded under Policy OC1 of the Island Development Plan.

OFFICER'S REPORT

Site Description:

The site is located to the north side of Rue des Varendes, there are residential dwellings to the east, west and across the road to the south and the Grammar School is to the north. At present a double garage is in the process of being built. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2019/1400 – Erect garage (revised) – Refused February 2020.

FULL/2017/0451 – Erect a double garage – Approved February 2018.

FULL/2009/3886 - Demolish existing garage / store and outbuilding and replace with double garage – Approved January 2010.

Existing Use(s):

Garage/store

Brief Description of Development:

This application is to convert and alter outbuilding/garage to create a dwelling.

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

OC1: Housing Outside of the Centres

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

None

Consultations:

None

Summary of Issues:

- Principle of the development
- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:**1 - Purposes of the law.**

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

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

Policy OC1 for Housing Outside of the Centres states that proposals for the creation of new dwellings will only be supported where this is achieved through the subdivision of an existing dwelling or the conversion of an existing redundant building.

The structure on the site is an unfinished garage. Non-completed structures are not considered as redundant because they have not been finished, so this policy cannot be used to convert the unfinished garage as a dwelling. Sub-division is also not an option in this case.

The proposal represents the erection of a new dwelling which in this location Outside of the Centres is precluded under Policy OC1 of the IDP and planning permission for such a proposal cannot be granted.

Therefore the principle of the development is not achievable and so the recommendation must be for refusal.

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

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. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 26/08/2022