

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 single storey extension to create dower unit to south (rear) elevation and install catslide dormer window to north (front) elevation.

LOCATION: Zanetia, The Dunes, Vazon Road, Castel.

APPLICANT: Ms H Gillam

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: 03/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Infinity Group: 01.SW-PD-01B & -02B.

Application Ref: FULL/2022/1569

Property Ref: D00601A000

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 02/02/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the creation of a dower unit to be used as an integral part of and incidental to the principal dwelling presently known as Zanetia. 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/2022/1569
Property Ref: D00601A000
Valid date: 30/08/2022
Location: Zanetia The Dunes Vazon Road Castel Guernsey GY5 7LQ
Proposal: Erect single storey extension to create dower unit to south (rear) elevation and install catslide dormer window to north (front) elevation.

Applicant: Ms H Gillam

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 creation of a dower unit to be used as an integral part of and incidental to the principal dwelling presently known as Zanetia. 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:

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

Planning permission is sought to erect a single storey extension to create a dower unit to the south (rear) elevation and install a catslide dormer window and rooflight to the north (front) elevation.

The application was deferred over the size of the accommodation provided together with the facilities proposed. The original study has been omitted from the scheme. The proposal includes shared access to a utility and sunroom, although itself does not form part of the dower unit as set out in the agent's letter of 27th July 2022.

The agent has noted that the internal space has been reduced to 53.8sqm as set out in the letter of 3rd January. The domestic curtilage has also been included as part of the proposal.

Relevant History:

PAPP/2005/0056	Remove balcony and install enlarged rooflights	Granted
PAPP/2004/4248	Replace existing balcony with a dormer window.	Granted
PAPP/2004/2249	Erect a shed	Refused

Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage

☒
☒
☒

visual amenity acceptable
no material neighbour impact
traffic not affected

☒
☒
☒

design acceptable



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Policies considered most relevant:

- GP8 Design
- GP9 Sustainable Development
- GP13 Householder Development

Conclusion/Brief comment:

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.

Policy GP13 (Householder Development) states that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Area, Area of Biodiversity Importance, protected building or protected monument.

Policy GP13 also 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.

Paragraph 19.14.14 states that:

“Dower units can be acceptable in circumstances where a completely independent unit of accommodation would not comply with the normal criteria regarding access, space about dwellings and residential amenities. Proposals usually take the form of extensions to the main dwelling but can also include conversion of existing or the construction of new outbuildings within the recognised domestic curtilage where these are well related to the principal dwelling. Proposals to create dower units will be assessed sympathetically and will be supported where the proposal is acceptable in terms of the impact of the development on the amenities of neighbouring residents”.

The proposed dower unit will be attached to the main house and in light of the amendments secured, the proposal is considered to have a subordinate relationship and association to the main dwelling due to the size of the dower unit together with the limited facilities afforded to the occupiers of the dower unit.

In addition, the fenestration is such that it will face directly towards the rear garden of the main dwelling. The proposed bedroom will also be immediately adjacent to

and would allow direct views into bedroom 3 of the main house, due to its close relationship.

The agent has provided assurances in terms of the shared use of facilities, garden area, parking area, and utility supplies with the main house. The occupant of the dower unit will also have shared use of the main house and some meals will be shared.

Consequently, the revisions made to the scheme are sufficient to demonstrate that the proposed dower unit is compliant with Policy GP13 and Advice Note 1 in this instance, subject to the accommodation being used only for purposes incidental to the main dwelling. It is important to note through an informative that the additional accommodation is to be used only for purposes ancillary to the main dwelling.

In terms of design, the proposed dower unit, and catslide dormer to the front, adopt a satisfactory standard of design in terms of its scale, form, mass, siting and materials that relates well to the existing house and surrounding built environment for the purposes of Policy GP8.

Notwithstanding the position of windows on the east and west elevations of the proposed dower unit, the proposal will have no significant impact on neighbour amenity given the distance and relationship to neighbouring properties.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 02/02/23