

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: Erect single storey outbuilding/dower unit to north-east of property.

LOCATION: Demi Rocher, Rue Du Rocher, Torteval.

APPLICANT: Ms T Lesbirel & Mr N Sexton

I refer to the application referred to below received as valid on 10/08/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 10/02/2023

Drawing Nos: Martel Design Ltd - 22-1056 02C & 03C

Application Ref: FULL/2022/1637

Property Ref: G004780000

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. The application fails to satisfactorily demonstrate that the proposed dower unit would be ancillary, well-related or dependent upon the main house. The size of the proposed dower unit would be disproportionate and 'compete' with the main house and therefore does not represent an ancillary or subservient relationship, for the purposes of Policy GP13. The proposed outbuilding/dower unit would if approved, be tantamount to a new dwelling-house which would be precluded under Policy OC1 given its location Outside of the Centres and is against the Spatial Aims of the Island Development Plan.

The application is therefore contrary to the clear aims and objectives of Policy GP13 of the Island Development Plan, and Supplementary Planning Guidance Note 1 - Dower Units.

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/2022/1637
Property Ref: G004780000
Valid date: 10/08/2022
Location: Demi Rocher Rue Du Rocher Torteval Guernsey GY8 0PQ
Proposal: Erect single storey outbuilding/dower unit to north-east of property.
Applicant: Ms T Lesbirel & Mr N Sexton

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The application fails to satisfactorily demonstrate that the proposed dower unit would be ancillary, well-related or dependent upon the main house. The size of the proposed dower unit would be disproportionate and 'compete' with the main house and therefore does not represent an ancillary or subservient relationship, for the purposes of Policy GP13. The proposed outbuilding/dower unit would if approved, be tantamount to a new dwelling-house which would be precluded under Policy OC1 given its location Outside of the Centres and is against the Spatial Aims of the Island Development Plan.

The application is therefore contrary to the clear aims and objectives of Policy GP13 of the Island Development Plan, and Supplementary Planning Guidance Note 1 - Dower Units.

OFFICER'S REPORT

Site Description:

The application site is located Outside of the Centres and within an Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

PAPP/2008/0288	Extend dwelling and sub-divide into two self-contained units (revised).	Granted
PAPP/2007/0811	Extend dwelling and sub-divide into two self-contained units and enlarge parking area (revised)	Refused

Existing Use(s):

Residential.

Brief Description of Development:

Planning permission is sought to erect a single storey outbuilding to the north-east of the property. The outbuilding is proposed to be used as a dower unit. The agent's letter of 8th August 2022 states that:

- The dower unit is intended for the applicant and her partner.
- The main property will be used by a close family member.
- Facilities available will be located on the ground floor and provision is made for a shower room, bedroom, lounge and some kitchen facilities.
- Access is across a driveway from the main house.
- The unit will share all utility services with the property, including foul drainage cesspit, and the main property will pay utility bills.
- Some main meals will be shared with the main house.
- The parking provision will be shared with the main house.
- No extra care and support is required at this time, but will in the future.

The application was deferred as concerns were raised over the size of the dower unit, together with its distance from the property.

The agent has repositioned the dower unit closer to the main house, immediately adjacent to the north of the driveway/parking area serving the property. The agent has also reduced the size of the accommodation coupled with additional information, to seek to overcome the concerns raised. A letter of justification has also been submitted by the applicant.

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

OC1 Housing outside the centres
GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Supplementary Planning Guidance - Advice Note 1 – Dower Units

Representations:

None.

Consultations:

None.

Summary of Issues:

- Whether the design, scale, mass, siting, form and materials of the proposed development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development 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).

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

Policy GP13 (Householder Development) 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 application was deferred as concerns were raised over the size of the dower unit, together with its distance from the property. Whilst the amendments secured have improved the design of the dower unit when compared to the initial scheme, the extent of the revisions made to the dower in terms of its size and functionality are not considered sufficient to satisfactorily demonstrate that the dower unit would be ancillary and dependent upon the main house.

This conclusion was reached when considering the size and functionality of the proposed accommodation in context with the footprint of the main house, which itself was subdivided in 2008 (PAPP/2008/0288). Whilst some of the assurances by the agent are useful to understand the relationship between the dower unit and the main dwelling such as the limited cooking facilities or the sharing of meals and utility supplies, these assurances cannot outweigh the concerns relating to the dower unit in terms of its physical relationship with the principal dwelling.

The size of the dower unit would 'compete' with the size of the main house and coupled with the extent of facilities available within the dower unit, the proposal does not demonstrate an ancillary or subordinate relationship for the purposes of Policy GP13 and Supplementary Planning Guidance - Advice Note 1 – Dower Units.

Whilst there is scope for members of a shared household to have a degree of independence under Policy GP13, the dower unit, in its current form, is regarded as a self-contained unit of accommodation by virtue of its size, functionality and limited association with the main dwelling. Consequently, the proposal would be tantamount to a new dwelling-house which would conflict with Policy OC1 where the creation of a new dwelling Outside of the Centres is precluded and would conflict with the Spatial Aims of the Island Development Plan.

Conclusion

Given the identified conflict with Policy GP13 and Supplementary Planning Guidance - Advice Note 1 – Dower Units, it is recommended that the application be refused.

Date: 08/02/2023

