

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 outbuilding/dower unit and remove section of hedge to south (side) of property.

LOCATION: La Chouette, Rue De La Vieille, Castel.

APPLICANT: Mr & Mrs J Waterman

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: 19/01/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design: 22-1395 PD-01A & PD-02A

Application Ref: FULL/2022/1686

Property Ref: D00803A000

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.The new hedge shown on the approved Part Site/Ground Floor Plan (22-1395/PD-01A) shall be planted in the first planting season following the dower unit hereby permitted being first brought into use. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To ensure that the dower unit is reliant on the existing vehicular access to the north to ensure the completed development is ancillary to the main house, rather than being served by the secondary access to the south-east of the site.

Expiry Date: This permission will cease to have effect on 18/01/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the erection of a detached dower unit to be used as an integral part of and incidental to the principal dwelling presently known as (La Chouette). 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/2022/1686
Property Ref: D00803A000
Valid date: 07/09/2022
Location: La Chouette Rue De La Vieille Castel Guernsey GY5 7AP
Proposal: Erect single storey outbuilding/dower unit and remove section of hedge to south (side) of property.

Applicant: Mr & Mrs J Waterman

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. The new hedge shown on the approved Part Site/Ground Floor Plan (22-1395/PD-01A) shall be planted in the first planting season following the dower unit hereby permitted being first brought into use. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To ensure that the dower unit is reliant on the existing vehicular access to the north to ensure the completed development is ancillary to the main house, rather than being served by the secondary access to the south-east of the site.

INFORMATIVES

For the avoidance of doubt, this decision permits the erection of a detached dower unit to be used as an integral part of and incidental to the principal dwelling presently known as (La Chouette). 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 comprises a detached dwelling house to the west of Rue De La Vieille Mare. The property is located Outside of the Centres as designated in the Island Development Plan.

Planning permission is sought to erect a single storey outbuilding/dower unit and remove section of hedge to south (side) of property.

The dower unit will be located to the south of the main house and located within a short distance.

The original application consisted of a kitchenette, sitting room/dining room, en-suite shower room, bedroom, lobby, storage and portico.

The agent has set out in the letter of 11th August 2022 that the dower unit will be used by the applicant, with close family members occupying the main house. Main meals, laundry facilities, parking provision and the garden will be shared with the main house. There would be no requirement for new electricity or utility supplies and this will be shared with the main house.

Some concerns were raised over the size and functionality of the proposed dower unit given the facilities proposed, and its limited relationship to the main dwelling.

The agent has shown on the revised plans that the external portico to the front of the dower unit has been removed, and is now incorporated within the footprint of the building, thereby reducing the original size of the sitting/dining room. An additional window has been incorporated along the north elevation of the dower unit in an attempt to improve its relationship with the main dwelling. In addition, a hedge has been shown to the south of the dower unit to ensure that the proposal is served by the principal vehicular access, and not the secondary access to the south-east of the site.

Relevant History:

FULL/2009/3419	Erect a conservatory	Granted
PREI/2009/0211	Construct a first floor extension (re-issue).	Granted
PAPP/2006/0267	Construct a first floor extension	Granted
PAPP/2004/3594	Construct a first floor extension	Granted
PAPP/2000/0491	Reconstruct and extend walls and install gate pillars.	Granted
PAPP/1999/4064	Create an additional vehicular access.	Refused

Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

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”.

Whilst the proposed dower unit will be detached from the main house, the proposal is considered to have a subordinate and ancillary relationship and association to the main dwelling due to the limited facilities afforded to the occupiers of the dower unit.

In addition, the proposal is considered compliant with Policy GP13 and Advice Note 1 in this instance when taking into account the following factors, including:

- The close proximity between the proposed dower unit and the main dwelling,
- The amendments secured including the revisions to the fenestration, reduction in the size of the dower and the new hedge to the south of the dower, and;
- The assurances by the agent in terms of the shared facilities, garden area, parking area, and utility supplies with the main house.

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 adopts a good 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.

The proposal will have no impact on neighbour amenity.

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: 17/01/23