

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: Raise roof ridge height, extend and alter outbuilding to create dower unit.

LOCATION: Les Portelettes, Rue Des Portelettes, Torteval.

APPLICANT: Mr & Mrs Le Couteur

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: 10/11/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Soup Architects: 431_100

Application Ref: FULL/2022/1900

Property Ref: G004690000

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 ground floor window in the west elevation shall be glazed with obscure glass to a minimum of Pilkington Level 3, or equivalent, and shall thereafter be retained in perpetuity.

Reason - To minimise the effect of the development on the privacy and amenities of Stallende.

Expiry Date: This permission will cease to have effect on 09/11/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the use of the outbuilding/former pumphouse as an integral part of and incidental to the principal dwelling presently known as Les Portelettes. 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/2022/1900
Property Ref: G004690000
Valid date: 10/10/2022
Location: Les Portelettes Rue Des Portelettes Torteval Guernsey GY8 0PU
Proposal: Raise roof ridge height, extend and alter outbuilding to create dower unit.

Applicant: Mr & Mrs Le Couteur

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 ground floor window in the west elevation shall be glazed with obscure glass to a minimum of Pilkington Level 3, or equivalent, and shall thereafter be retained in perpetuity.

Reason - To minimise the effect of the development on the privacy and amenities of Stallende.

INFORMATIVES

For the avoidance of doubt, this decision permits the use of the outbuilding/former pumphouse as an integral part of and incidental to the principal dwelling presently known as Les Portelettes. 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:

Les Portelettes is a large, semi-detached dwelling with attached neighbour to the north. To the immediate east of the building, adjacent to the neighbouring property is a detached outbuilding identified in the submission as a former pump house. This building has a brick and granite exterior and pantile roof and is in poor condition, with the roof held up by acroprops and much of it covered in ivy etc. There is a window and door in the west elevation of the building and high gable windows in both the east and west gables. A clearstory of windows exists on the north elevation. An area of hardstanding/parking exists to both the north and south of the building.

Stallende is attached to the north elevation of Les Portelettes and has a glazed door opposite the door of the existing outbuilding. There are various windows and a door in the east elevation of Les Portelettes facing the building and adjoining parking area.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan. The property is a pre-1900 building.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

01 dwellinghouse
28 agriculture

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:

Island Development Plan policies:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Conclusion/Brief comment:

The application relates to the demolition of the south wall of the outbuilding and the removal of the roof in order to enlarge the building by constructing an extension to the south and raising the ridge height to accommodate the enlarged footprint. The building would retain a granite exterior and pantile roof and with retained north, east and west elevations. Internally the walls are to be lined and the accommodation would contain an open plan area 23sqm in size to form a living, kitchen, bedroom and a shower room (4sqm).

The submission sets out that the applicant wishes to make best and effective use of the site and with a large family of various ages the dower unit would be beneficial to their "legitimate expectations of how they live and age in their family home". The submission sets out that the unit is well related to the main house, to be used by the family of the current home owner with parking, utilities and garden shared. The submission also sets out that a condition would be considered acceptable relating to use if deemed appropriate by the Planning Service.

The small pump house is situated to the front of the site and is visible in the street above the roadside wall. Whilst the proposed works would increase the footprint and height of the building overall the building would remain subservient on the site. The works to the building have been limited and the materials, design and appearance represent a good standard of design that respects the local built environment.

The enlargement of the building will not have an unacceptable impact on the amenities of the adjoining dwelling with regard to overshadowing and loss of light. The windows in the north and east elevations will not result in unacceptable overlooking or loss of privacy to the adjoining residential property. Although a door

and windows are provided in the west elevation the door will face a window in the main house. The ground floor window is secondary and could reasonably be conditioned to be obscure glazed to mitigate the potential for overlooking to the glazed door at Stallende. The high gable window will not impact on privacy.

Although the fenestration is primarily north facing the building would still be served by adequate sunlight. The accommodation would be served by stepped access but internally it would be on a single level with regard to access to and within the building for people of all ages and abilities. It should also be noted that as dower the normal requirements regarding access, parking, garden space and level of residential amenity are not applied. The scheme satisfies the requirements of Policy GP8 in this regard.

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 contains several points which may help establish whether a dower unit would be ancillary or incidental to the main dwelling. At Les Portelettes, matters relating to shared garden and parking, relationship and connection between the building and main house, relationship between the main house and dower and utilities/service provision have been addressed.

Although the accommodation will have a separate access the relationship between the accommodation and main house, including the close proximity of the buildings to one another and the overall size of accommodation is such that it could not readily be subdivided and separated. Furthermore, the shared facilities, access, parking and gardens 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 permission is granted for the proposed development.

Recommendation:

Grant with Conditions



Date: 08 November 2022