

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: Raise, extend and alter roof form, install rooflights and stone and wood cladding, alterations to fenestration and associated landscaping to guest house.

LOCATION: Les Preaux, Le Route De Sausmarez, St. Martin.

APPLICANT: Mr & Mrs G Allen

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

Date of refusal of permission: 30/11/2022

Drawing Nos: The Drawing Room drawing no's: 318 D2, D3, D4, D5, D6, D7.

Application Ref: FULL/2022/2023

Property Ref: J000130000

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 proposed extensions and alterations, if permitted, would not represent ancillary living accommodation incidental to the enjoyment of the dwelling house, but would be tantamount to an independent unit of residential accommodation Outside of the Centres where such development is precluded by 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/2022/2023
Property Ref: J000130000
Valid date: 10/10/2022
Location: Les Preaux Le Route De Sausmarez St. Martin Guernsey GY4 6SF
Proposal: Raise, extend and alter roof form, install rooflights and stone and wood cladding, alterations to fenestration and associated landscaping to guest house.
Applicant: Mr & Mrs G Allen

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed extensions and alterations, if permitted, would not represent ancillary living accommodation incidental to the enjoyment of the dwelling house, but would be tantamount to an independent unit of residential accommodation Outside of the Centres where such development is precluded by Policy OC1 of the Island Development Plan.

OFFICER'S REPORT

Site Description:

Les Preaux comprises a large detached dwelling located on the junction between La Route De Sausmarez and Le Varclin. Detached outbuildings exist adjacent to the east site boundary (identified in the submission as poolhouse and guest accommodation).

The site is situated Outside of the Centres as defined in the Island Development Plan. There are Protected Buildings in the vicinity of the site but separated from it by adjoining roads.

Relevant History:

FULL/2014/3495	Demolish existing glasshouse and store and erect garage block and store building to rear of property.	Granted
FULL/2019/2421	Erect ground floor extension and extend 1st floor terrace on south elevation.	Granted
FULL/2020/0631	Demolish existing garage and porch, erect 1.5 storey garage, chimney and porch to north (front) elevation.	Granted

FULL/2020/1706	Erect flat roof extension at 1st floor level to south (rear) elevation.	Granted
FULL/2022/1992	Demolish extensions, extend and alter at ground, first and second floor levels, install tennis court and fencing and widen gated vehicle access.	Pending

Other applications relate to alterations to the roadside walls/banks to Route de Sausmarez but are not considered to be directly relevant in this case.

Existing Use(s):

01 Dwelling houses

Brief Description of Development:

The application relates to extensions and alterations to the existing detached garage (described as guest house on application form) including alterations to the roof form and raising the roof height, installing rooflights, stone and wood cladding with associated landscaping.

The application is accompanied by a letter that states that the “guest house is ancillary to the main house and is intended for intermittent use by visiting guests. All utilities and services will be shared across the site”.

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

Island Development Plan policies:

OC1: Housing Outside of the Centres

OC3: Offices, Industry and Storage and Distribution Outside of the Centres

GP8: Design

GP9: Sustainable Development

GP13: Householder development

GP14: Home Based Employment

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issue in this case relates to the principle of the proposed extensions and alterations to an existing domestic 6 bay garage.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

As approved under the 2014 permission the existing building contains a 6 bay garage on the ground floor including plant room and WC with internal staircase leading to a vaulted loft area described as being used for storage. A condition was imposed on the permission specifying that the building should not be used for any trade or business without a further application having been submitted to the Authority for consideration. The Officer Report which accompanied this application specified that the justification for the accommodation was given as being the applicant's collection of cars and the current application does not specifically address how this requirement has changed. It is noted however, that the house currently incorporates a garage and the poolhouse contains a garage/store area. The 'stables' also offer further storage for the property and grounds.

The application sets out that the development is to extend an existing domestic outbuilding to provide ancillary living accommodation. It may however, be used for any other purpose which is incidental to the enjoyment of the dwelling. This may include but is not limited to use as a games room, craft room, storage etc. The principle of extending an existing domestic outbuilding is therefore acceptable. Any other use (e.g. as a self-contained dwelling unconnected with Les Preaux) would not represent a use ancillary to the enjoyment of the dwellinghouse and would need to be assessed against the relevant planning policies.

It is noted that the application does not relate to the formation of dower accommodation but rather guest accommodation for the property owner. Nonetheless, information in the SLUP, IDP and guidance note are all of relevance when considering what ancillary living accommodation may be appropriate.

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 indicates that if a proposal provides all the facilities for self-contained day to day existence, contains excessive floorspace and/or contains more than one bedroom this would be unlikely to be regarded as a dower unit. Should only a fraction of the ground floor be given over to ancillary living accommodation with the majority retained as garage/workshop space then it may be considered to address the requirements of dower/ancillary living accommodation.

The existing detached garage is sizable and clearly capable of accommodating multiple bedrooms which would go beyond what is recognised as dower or ancillary accommodation. The scheme effectively proposes the formation of a detached unit of residential accommodation with three en-suite bedrooms on the ground floor with a generous open plan full kitchen (not kitchenette), dining and living area. The existing retaining wall around the building would be removed in order to allow for the formation of a patio area with slopes to the shared garden area. Whilst it is acknowledged that there is no indication of the garden area being subdivided the garage building is set a considerable distance from the main house with a separate access from Les Maindonaux to the east. There is no need for shared parking nor close connectivity between the garage building and Les Preaux itself.

The scheme proposes an office at first floor level with independent access from the residential accommodation below. As ancillary accommodation it would not be unreasonable for access to be taken via a ground floor room as, with family/friends, it would be unlikely to result in unacceptable conflict between uses/activities.

Based on the information provided, the accommodation would be independent with little in the way of shared facilities proposed. The scheme, therefore, does not relate to the provision of ancillary and incidental living accommodation associated with the main house but is equivalent to a new unit of residential accommodation Outside of the Centres. The proposed development would go beyond ancillary living accommodation that would be incidental to the enjoyment of the main house but would be tantamount to a self-contained dwelling which is precluded Outside of the Centres by Policy OC1 of the Island Development Plan.

In view of the above it is recommended planning permission is refused for the proposed development.

Other matters

The proposed extensions and alterations outlined represent a good standard of design that respect the local built environment. The works would not result in harm to residential amenity with regard to overshadowing or loss of privacy. The residential accommodation is on a single level and offers accessible and flexible accommodation

that can respond to the needs of occupiers over time. Being a partly two-storey building the scheme also gives consideration to efficient and effective use of land through multi-storey development. The residential accommodation would also address the health and well-being of future occupiers by providing accommodation that is served by adequate sunlight/daylight and access to external open space. In these respects the scheme addresses the requirements of Policies OC1, GP8 and GP9 of the Island Development Plan. If considered as ancillary accommodation the scheme would also meet the aims of GP13 which overlap with the policies referred to above.

The application does not specify whether the office would be used as a home office/study or in connection with a trade or business, although the application form and fee paid in this case would lead to the scheme being recognised as home office/study accommodation only. As set out elsewhere in this report, this use would be supported through GP13 of the Plan. Policy GP14 makes provision for home-based employment subject to impacts on residential amenity and highway safety but cannot be applied specifically based on the information contained in this application. Policy OC3 also makes provision for new offices but in such cases the scheme would need to relate to the conversion of a redundant building (GP16(A)) which is unlikely to be applicable in this case where, as a domestic outbuilding, it could be put to various alternative ancillary uses.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations. These issues where relevant have been considered in the assessment of this application.

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

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 18 November 2022