

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 and alter flat roof, install rooflights and alterations to fenestration to outbuilding to create dower unit.

LOCATION: Roselle, Green Lanes, St. Peter Port.

APPLICANT: Mr A Conquest & Miss E Sousa

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: 14/12/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/11/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP Architecture - 3164-DR-100 and SV-100

Application Ref: FULL/2022/2153

Property Ref: A207910000

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 13/12/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the outbuilding to be used as an integral part of and incidental to the principal dwelling presently known as Roselle. 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/2022/2153
Property Ref: A207910000
Valid date: 02/11/2022
Location: Roselle Green Lanes St. Peter Port Guernsey GY1 1TJ
Proposal: Raise and alter flat roof, install rooflights and alterations to fenestration to outbuilding to create dower unit.

Applicant: Mr A Conquest & Miss E Sousa

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).

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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 outbuilding to be used as an integral part of and incidental to the principal dwelling presently known as Roselle. 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:

Roselle, Green Lanes is a two-storey end of terrace property where the gable wall abuts the Green Lanes to the north boundary. Vehicular access is via an opening in the north boundary wall and close to the junctions with Valnord Lane and Courtil St Jacques. A detached, flat roof carport is situated to the west of the site and forms part of the north and west site boundaries.

The application relates to alterations to the existing carport in order for it to be utilised as ancillary living accommodation, a dower.

The site is located in the Main Centre Outer Area and Conservation Area as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case.

FULL/2022/2160 - Widen vehicle access and erect gate to north boundary – under consideration

Existing Use(s):

01 dwellinghouse

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

x
x
x
x

visual amenity acceptable
no material neighbour impact
traffic not affected

x
x
x

Policies considered most relevant:

Island Development Plan policies:

GP4: Conservation Areas

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

IP7: Private and Communal Car Parking

Conclusion/Brief comment:

The alterations to the existing outbuilding represent a good standard of design that respects the local built environment. The works will not result in harm to the amenities of the occupiers of any surrounding dwellings. Being on a single level there will be good access to and within the building for people of all ages and abilities. As ancillary accommodation to the main house the development offers more flexible and adaptable accommodation that can respond to the needs of the home owners over time.

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. A dower unit 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. 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. In order to prevent dower units being used as conventional dwellings, proposals will be expected to clearly demonstrate that the unit will not be a wholly self-contained unit of residential accommodation and that it cannot readily be converted to such.

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. The purpose of a dower is not for the occupiers to live independent from the main house but allow them to retain their independence by way of offering shared facilities and support as necessary.

The submission confirms that the space provided has been dictated by the size of the existing building to be utilized and that electricity supplies will be shared. The

submission also refers to the fact family meals will be taken in the main house, that parking and gardens will also be shared.

The interrelationship between the ancillary outbuilding and main house is such that there would be potential for mutual overlooking. Given that the accommodation would be occupied as ancillary accommodation the potential for overlooking is not unacceptable and meets the aims of Policies GP8, GP9 and GP13.

Although the proposal would result in the loss of off-road parking at the property the site would still benefit from off-road parking and turning for two vehicles which is considered appropriate for a property in this location having regard to the maximum parking standards in the SPG.

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: 14 December 2022