

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: Change of use of and alterations to ground floor of detached garage (Residential Use Class 1) to visitor accommodation (Use Class 8) with associated landscaping works and extend and alter at first floor above to provide home office (Residential Use Class 1) ancillary to Les Preaux.

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

APPLICANT: Mr & Mrs G Allen

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: 13/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room - 318 F2, F3, F4, F5, F6 & F7.

Application Ref: FULL/2023/0322

Property Ref: J000130000

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 visitor accommodation hereby approved shall not be occupied by any individual or group for a continuous period exceeding 28 days.

Reason - To ensure that the site is used for visitor accommodation purposes only. Any other type of occupation would raise different planning considerations.

Expiry Date: This permission will cease to have effect on 12/04/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the home office shall be used for purposes incidental to the enjoyment of the dwelling house currently known as Les Preaux. Any use in connection with a trade or business would require a separate grant of planning permission.

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/2023/0322
Property Ref: J000130000
Valid date: 20/02/2023
Location: Les Preaux La Route De Sausmarez St. Martin Guernsey GY4 6SF
Proposal: Change of use of and alterations to ground floor of detached garage (Residential Use Class 1) to visitor accommodation (Use Class 8) with associated landscaping works and extend and alter at first floor above to provide home office (Residential Use Class 1) ancillary to Les Preaux.
Applicant: Mr & Mrs G Allen

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.

4. The visitor accommodation hereby approved shall not be occupied by any individual or group for a continuous period exceeding 28 days.

Reason - To ensure that the site is used for visitor accommodation purposes only. Any other type of occupation would raise different planning considerations.

INFORMATIVES

For the avoidance of doubt, the home office shall be used for purposes incidental to the enjoyment of the dwelling house currently known as Les Preaux. Any use in connection with a trade or business would require a separate grant of planning permission.

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.	Granted
FULL/2022/2023	Raise, extend and alter roof form, install rooflights and stone and wood cladding, alterations to	Refused

	fenestration and associated landscaping to guest house.	
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Pre-application advice was sought in this case.

Existing Use(s):

01 Dwelling houses

Brief Description of Development:

The application relates to the change of use of the ground floor of the existing detached garage from ancillary garaging associated with Les Preaux to a self-contained unit of visitor accommodation (Use Class 8) incorporating three en-suite bedrooms and a large open plan living/dining area. Alterations to fenestration are proposed at ground floor level in connection with this change of use along with external landscaping works in order to provide users of the accommodation with an area of external open space. Two parking spaces are shown to be allocated to the proposed accommodation, accessed via the existing gateway from Les Maindonaux.

The scheme also proposed to retain the first floor as ancillary accommodation associated with Les Preaux but proposes alterations to the roof and fenestration in order to provide a home office, with access independent from the visitor accommodation below.

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

Island Development Plan policies:

OC8(A): Visitor Accommodation Outside of the Centres - New, Extension, Alteration or Redevelopment of Existing Uses

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of new visitor accommodation in this location and the design/appearance and impact on the locality and on residential amenity of the changes proposed.

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.

Background

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.

Uses

The principle of extending an existing domestic outbuilding is acceptable and accords with Policy GP13 of the IDP. Given the proposed visitor accommodation on the ground floor it is not unreasonable for an independent access to be provided to the first floor home office space. It should also be noted that the proposed first floor space may 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 scheme meets the aims of Policy OC8(A) for the creation of new visitor accommodation where it is created through the change of use of an existing building.

External alterations

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 visitor 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 visitor 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. The scheme addresses the requirements of Policies OC1, GP8 and GP9 of the Island Development Plan.

Other matters

Although a loss of off-road parking/garaging would result from this scheme Les Preaux is served by further garaging and parking at the main house, and with possible scope to access parking/storage below part of the pool building. There is ample parking to serve both the existing dwelling and proposed visitor accommodation.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

Conclusion

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

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: 11 April 2023

