

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: Alter outbuilding to create dower unit: Raise roof ridge height to create first floor accommodation with balcony; remove garage door and install doors to south (front) elevation.

LOCATION: Le Murier Cottage, Le Murier, St. Sampson.

APPLICANT: Mr G De Putron

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: 14/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: G E Le Friec: G.D.P./3.

Application Ref: FULL/2023/0439

Property Ref: B008920000

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 13/06/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the additional accommodation hereby permitted shall be used as an integral part of and incidental to the principal dwelling presently known as Le Murier. 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/2023/0439
Property Ref: B008920000
Valid date: 15/03/2023
Location: Le Murier Cottage Le Murier St. Sampson Guernsey
Proposal: Alter outbuilding to create dower unit: Raise roof ridge height to create first floor accommodation with balcony; remove garage door and install doors to south (front) elevation.

Applicant: Mr G De Putron

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.

INFORMATIVES

For the avoidance of doubt, the additional accommodation hereby permitted shall be used as an integral part of and incidental to the principal dwelling presently known as Le Murier. 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 pre-1900 traditional Guernsey cottage situated to the northeast of Le Murier. Surrounding the site the area comprises residential properties to the north, northwest, east and southeast with the Fontaine vinery site to the south and southwest. To the west are open fields.

The site is situated within a Main Centre Outer Area as designated in the Island Development Plan.

Relevant History:

FULL/2015/1269	Extend and alter garage to form habitable accommodation	Granted 30/06/2015
PAPP/1997/3948	Install replacement rooflights	Granted 11/11/1997
PAPP/1996/0271	Demolish outbuilding, extend dwelling and reduce height of part of roadside wall	Granted 05/03/1996

Existing Use(s):

Residential – Use Class 1

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

☒
☒
☒
☒

visual amenity acceptable
no material neighbour impact
traffic not affected

☒
☒
☒

Policies considered most relevant:

GP8: Design

GP9: Sustainable development

GP13: Householder development

Conclusion/Brief comment:

Permission is sought to raise the ridge height of the existing garage to create first floor accommodation, with a balcony in the front (south west) facing elevation. The existing garage door will be part infilled and replaced with patio doors.

Planning permission was previously granted for a similar scheme in 2015 (application ref: FULL/2015/1269). However, that permission has expired and was considered under the policies of the Urban Area Plan, which has been superseded by the Island Development Plan. Irrespective of the previous decision, the application now falls to be reconsidered against the policies of the IDP.

The design of the proposal is in-keeping with the design of the property and the surrounding area. Although the proposal could impact on the provision of light to the neighbouring property, due to the position of the properties (facing southwest) and the height and position of the roof, any loss of light would not be so substantial to warrant the refusal of planning permission.

No side windows are proposed and although a balcony has been included, this is inset within the pitched roof, which will prevent views extending towards the neighbouring property to the northwest. It is considered that any loss of privacy would be minimal and would not warrant the refusal of planning permission.

The applicant's agent by letter dated 24th February 2023 has confirmed that the unit will be used for a purpose ancillary to the main dwellinghouse, and that all meals, and main facilities such as washing of clothes, will be undertaken in the main dwelling house. The letter confirms that the garden, parking and mains services (gas, electricity, water) will all be shared with the main dwellinghouse.

Considering the above and given the limited size of the proposal and the floorspace created, the dower unit would be well related and would be ancillary to the main dwelling house. The scheme therefore complies with the relevant planning policies and the planning advice note relating to dower units.

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.

Although the scheme would result in the loss of parking for the main dwelling, sufficient space exists to the front of the property to safely accommodate two off road car parking spaces. The scheme would therefore not harm highway safety.

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.

Recommendation:

Grant with Conditions



Date: 13/06/2023

