

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: Install rooflights to south (front) and north (rear) elevations and erect external staircase and decking area to east (side) elevation of existing detached outbuilding.

LOCATION: Contree Des Clercs, Rue Du Campere, St. Pierre Du Bois.

APPLICANT: Mr & Mrs A Bates

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: 21/08/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7641-02 B1, B2, B3 & B4

Application Ref: FULL/2023/1058

Property Ref: F009120000

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 20/08/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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/2023/1058
Property Ref: F009120000
Valid date: 12/06/2023
Location: Contree Des Clercs Rue Du Campere St. Pierre Du Bois
Guernsey GY7 9DA
Proposal: Install rooflights to south (front) and north (rear) elevations
and erect external staircase and decking area to east (side)
elevation of existing detached outbuilding.
Applicant: Mr & Mrs A Bates

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.

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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

OFFICER'S REPORT

Site Description:

The site is located close to the west coast and Rocquaine Bay, and is accessed via Rue Campere. The site slopes steeply up to the south-east and the south, and also falls fairly steeply down towards Rue Campere to the north of the site.

The existing dwelling is located towards the centre of the open L shaped site, and is a bungalow which appears to have been previously extended to the east and south. The existing bungalow has extant permission for raising the roof to allow for new first floor accommodation, additional extensions and solar panels.

There are two large outbuildings within the curtilage and a domestic glasshouse.

The site is located Outside the Centre and within the Agricultural Priority Area as identified in the Island Development Plan (IDP).

Relevant History:

PREA/2023/0791 – Alterations to garage to create additional habitable accommodation.

FULL/2023/0093 – Raise and alter roof ridge height to create accommodation at 1st floor level and other alterations.

PREA/2022/2038 – Extend and alter dwelling

CURT/2021/2054 – Definition of curtilage

Existing Use(s):

01 Residential Dwellinghouse

Brief Description of Development:

The application proposes the conversion of the first floor of an existing outbuilding to provide additional living accommodation for live-in staff and guest accommodation ancillary to the main dwelling. As part of the conversion, replacement and new rooflights are required, along with external stairs and first floor platform/balcony to the south.

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

GP8 – Design

GP9 – Sustainable Development

GP13 – Householder Development

Representations:

Four letters of representation have been received from two local neighbours objecting to the proposal, the main points of these are summarised:

- Existing building is a garage and is immediately adjacent to the boundary with neighbours. The conversion of the upper floor will impact upon privacy and enjoyment of own gardens due to the existing, first floor, north facing window which will look directly into the neighbour's garden, patio, conservatory, living area and kitchen.
- Applicant has agreed with neighbours to amended plans which block up this window entirely to protect amenity. The plans do not reflect this.
- The architect has proposed alternative solutions to ensure that the window is for emergency use only.
- Neighbours would rather see other alternatives- larger rooflights/new dormer to allow for means of escape.

Consultations:

None

Summary of Issues:

The main considerations are:

- The principal of development
- The impact on neighbouring amenity

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The conversion of the upper floors of the existing garage and use for live-in staff or guests is considered to be ancillary/incidental to the main dwelling and so separate planning permission for this use is not required. The ground floor is to be retained for garage use.

The accommodation provided appears to be demonstrably ancillary to the main dwelling and will not result in the creation of a separate, fully independent unit of accommodation. The proposal includes a kitchenette only, and this functional dependence on the main dwelling assists in ensuring that the proposed accommodation is ancillary.

Policy GP13 (Householder Development) indicates that proposals for extensions and alterations to existing residential properties will be supported subject to certain criteria being met including with regards to the impact on the amenities of neighbouring properties, taking into account the surrounding open character and

where they accord with all the relevant policies of the Island Development Plan. In this instance Policies GP8 and GP9 are also relevant.

In addition, the preceding text to this policy refers to the need to consider the material planning considerations as specified in Part IV, Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007. These include the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used, as well as its likely effect on the character and amenity of the area and its impact on the reasonable enjoyment of neighbouring properties.

The external alterations, including the installation of the new and replacement rooflights, along with external staircase and small raised terrace area at first floor level are considered acceptable. The new rooflights to the western elevation (shown as south on the plans) are not considered to result in a significant impact on neighbours, as the neighbours to the west are approx. 40m away. In addition, the introduction of the raised terrace and external steps to the south elevation of the garage, is unlikely to harm neighbouring amenity as the garage itself prevents any views to the closest neighbours located to the north.

The existing garage is located adjacent to the northern boundary of the site, with the nearest neighbour immediately north and approx. 3.5m away from the shared boundary. There is some mature hedging along this boundary, although not sufficiently high to prevent some direct views from the existing first floor, north facing window which will serve the bedroom.

While neighbours have requested that this window is removed from the proposed plans, because the window is existing and no change of use of the garage building is being proposed it is not possible to condition the existing window to be removed or obscure glazed.

Neighbours state that the owner has agreed to block up the windows, and an email was sent to the Agent to enquire if they intended to amend the proposal in response to the neighbour concerns. No revised plans were received, and the existing window is shown to remain.

As the proposal is for ancillary accommodation and no formal change of use of the building is required, the conversion could occur at any time and without the need for planning permission. The overlooking from the existing window is regrettable, however, the use of a planning condition to require obscure glazing/fixed shut windows would not be reasonable or relevant to the development in question.

It would also not be reasonable to refuse the application on the basis of overlooking from the existing window, as the proposed rooflights, balcony and external staircase are acceptable in terms of their impact on neighbouring amenity and without them, the garage could still be used for ancillary accommodation without additional consent, by means of internal staircases and protected stairways to overcome building regulation requirements.

The site is not located in a Conservation Area or other sensitive area and there are no protected buildings that would be affected by the proposal. The site and existing dwelling are not visible in wider views from the coast road, and it is not anticipated that the proposed balcony will have a significant impact on this.

The proposal achieves a good standard of design, suitable materials and would have no adverse impact on the character and visual amenity of the area. The proposal accords with Policies GP8 and GP13.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

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.

It is recommended that the application is approved.

Date: 17/08/2023