

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 from a dwelling house (Residential use class 1) to a house in multiple occupation (Residential use class 6) (retrospective), raise and alter roof form to create accommodation at 2nd floor level, erect single storey extension to north (rear) elevation, demolish outbuilding, relocate oil tank and erect shed and north boundary wall.

LOCATION: Whispering Sands, Route De Carteret, Castel.

APPLICANT: Nut Tree Limited

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: 14/03/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/08/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Limited: 7714-01 B1B, /B2C, /B3C & /B4E.

Application Ref: FULL/2023/1348

Property Ref: D018920000

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.No development, including site works, shall begin until a scheme showing the provision to be made for the parking of cycles, under cover and secure, has been submitted to and agreed in writing by the Authority, and no part of the building hereby permitted shall be occupied until the agreed scheme has been fully implemented.

Reason - To encourage the use of bicycles as an alternative to the car.

Expiry Date: This permission will cease to have effect on 14/03/2027 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/2023/1348
Property Ref: D018920000
Valid date: 15/08/2023
Location: Whispering Sands Route De Carteret Castel Guernsey GY5 7UT
Proposal: Change of use from a dwelling house (Residential use class 1) to a house in multiple occupation (Residential use class 6) (retrospective), raise and alter roof form to create accommodation at 2nd floor level, erect single storey extension to north (rear) elevation, demolish outbuilding, relocate oil tank and erect shed and north boundary wall.
Applicant: Nut Tree Limited

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.

4. No development, including site works, shall begin until a scheme showing the provision to be made for the parking of cycles, under cover and secure, has been submitted to and agreed in writing by the Authority, and no part of the building hereby permitted shall be occupied until the agreed scheme has been fully implemented.

Reason - To encourage the use of bicycles as an alternative to the car.

INFORMATIVES

OFFICER'S REPORT

Site Description:

The site comprises of a detached two storey hipped roof dwelling with a two storey extension to the side (east) and rear (north). The site is situated to the north of Route de Carteret and is bounded to the east, north and west by neighbouring residential properties. The site is in the Cobo Local Centre.

Relevant History:

15/02/2005 – PAPP/2004/3996 – Permission granted to utilise part of dwelling as a treatment room.

28/05/2004 – PAPP/2004/0826 – Permission granted for the change of use of guest house to a unit of residential accommodation.

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Retrospective planning permission is requested to change the use of a dwelling house (Residential use class 1) to a house in multiple occupation (Residential use class 6). Permission is also sought to extend and alter the building to increase the maximum level of occupancy to 14 by raising and altering the roof form to create accommodation at 2nd floor level, erect single storey pitched roof extension to the rear (north) elevation, demolish garage, relocate oil tank and erect a shed within rear garden and a wall along the rear (north) boundary. The extensions are proposed to be finished with rendered walls, uPVC fenestration and a natural slate roof.

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

Policy LC2: Housing in Local Centres

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport infrastructure and support facilities

Policy IP7: Private and Communal Car Parking

Representations:

Two objections were received in response to the original application, the main points are as follows:

- Section of land in north-west corner cannot be enclosed due to neighbours access rights.
- Impact on neighbouring amenity due to a loss of privacy and mass and height of extensions will have an overbearing impact.
- The proposal including multi-storey extensions and filling almost the entire garden is an overdevelopment of the site and leaves very small amenity areas for residents.
- Increase in roof height is out of kilter with surrounding properties and will dominate neighbouring properties along Route de Carteret.
- If applicant required keyworker housing this could have been built on land they owned in Bouverie Road which has been sold off for private housing.

Two objections were received in response to the revised application dated 22/12/2023, the main points are as follows:

- Raising the roof height and additional extension will result in a dominant structure which will be out of scale on a restricted site and when compared with surrounding properties.
- Limited outdoor amenity space for the potential number of occupants.
- Questions the accuracy of the plans with areas of the existing property not surveyed and it is believed that windows are not shown.
- Overlooking of neighbouring properties from the 2nd floor balcony.
- If applicant required keyworker housing this could have been built on land they owned in Bouverie Road which has been sold off for private housing.
- Oil tank not shown on plans.

Two objections were received in response to the revised application dated 22/02/2024, the main points are as follows:

- Raising the roof height and additional extension will result in a dominant structure which will be out of scale on a restricted site and when compared with surrounding properties.
- Limited outdoor amenity space for the potential number of occupants.
- Overlooking of neighbouring properties from the 2nd floor balcony.

- Storage for bicycles has not improved as existing garage has been replaced by a shed.
- If applicant required keyworker housing this could have been built on land they owned in Bouverie Road which has been sold off for private housing.

Consultations:

The Office of Environmental Health and Pollution Regulation, 04/09/2023

"I have reviewed the proposed plans for the provision of additional rooms for this existing HMO which were received by email on 24th August and there are a number of issues where additional information is needed, primarily in relation to the space and facilities that will be provided to the residents for cooking and eating and the size of the bedrooms. So that I may provide a detailed response I should be grateful if the applicant could provide details of the following;

- Maximum number of occupants in each room (regardless of current occupancy)
- Total number of occupants in the dwelling (maximum)
- Room sizes in square meters for all new rooms.
- The number of ovens, cooking rings, sinks and amount of workspace in each kitchen.

I should like to draw the applicants attention to

<https://www.gov.gg/housingstandards> which details the current minimum standards for rental accommodation. It should be noted that the States of Guernsey passed the Housing (Standards and Regulation) (Enabling Provisions) Law in 2021. The purpose of this law is to enable the drafting of legislation which will improve rental property housing standards, including houses in multiple occupation. The applicant is advised to consider the application in relation to future legal requirements, and I would be happy to discuss any proposed amendments to the submitted plans".

The Office of Environmental Health and Pollution Regulation, 11/10/2023

"I have reviewed the amended plans for change of use to HMO which were received by email on 5th October and make the following comment;

It should be noted that the States of Guernsey passed the Housing (Standards and Regulation) (Enabling Provisions) Law in 2021. The purpose of this law is to enable the drafting of legislation which will improve rental property housing standards, including houses in multiple occupation.

The plans have been amended to provide room sizes and detail to the proposed cooking facilities, while I am unable to give definitive advice to the applicant in relation to future legal requirements, the revisions confirm there will be sufficient facilities and space for the proposed number of residents".

Summary of Issues:

The main issues in deciding this application are:

1. The principle of the use of the site as a house in multiple occupation.
2. Design and impact of the development on the appearance and character of the area.
3. The impact of the development on the amenity of people living in the area.
4. Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.
5. Road safety and traffic management.

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).**

During the course of consideration the application was deferred due to concerns about the impact on the amenities of neighbouring residents, the potential density of occupation and standard of living environment, the provision of bicycle storage and it was unclear how the design had taken into account the risk of flooding. In response revised plans have been received which have replaced the 2 storey rear extension with a single storey extension, the parking area to the rear has been removed and replaced by additional outdoor amenity space, a shed is indicated for bicycle storage and information about flood mitigation measures has been submitted. The revisions have had the effect of reducing the number of bedrooms by 2 and the potential total occupancy by 4 people.

The principle of the use of the site as a house in multiple occupation

As set out in Policy LC2, the Island Development Plan is required to provide limited opportunities for housing development in Local Centres to enable community growth and to reinforce them as sustainable centres but requires that the scale of such development does not undermine the aims and objectives for the Main Centres. As such, Policy LC2 supports the creation of new housing through the change of use of a dwelling to a housing in multiple occupation where the scale is appropriate to the centre concerned.

The use of the site for up to 14 occupants would be compatible with this Local Centre location and in principle the change of use of the dwelling to a house in multiple occupation could accord with Policy LC2. In planning terms, the proposed use is not classed as key worker housing as there are no restrictions on whom may occupy the property.

Design and impact of the development on the appearance and character of the area

Existing properties in the area consist of a mix of sizes and architectural styles, including 2½ and 3 storey properties. Raising the ridge height by 0.7m and

alterations to the roof form to create a pitched roof would increase the scale and mass of the property. However, the scale of the proposed dwelling would not be dissimilar to other existing properties within the area and it is noted that multi-storey designs are encouraged by Policy GP8 as a means of making a more efficient use of land. The pitched roof design and external materials reflect the design and appearance of existing properties within the area. The proposal achieves a satisfactory standard of design and would have no significant adverse effects on the character and appearance of the area, in accordance with Policy GP8.

The impact of the development on the amenity of people living in the area

The single storey rear extension projects significantly beyond the rear elevation of the existing dwelling. However, it would be set back from neighbouring boundaries and together with its pitched roof design, with the roof sloping away from neighbouring boundaries, the extension is unlikely have a significant overshadowing or overbearing effect on neighbouring properties. The increased scale and mass to the roof of the main dwelling would align with neighbouring buildings which would limit its shading effect of neighbouring properties.

The alterations to the roof include the creation of a dormer window with an inset balcony to the rear elevation at 2nd floor level has the potential to cause some overlooking of neighbouring properties. However, due to a combination of the limited size of the balcony, its orientation and inset design, the layout of existing buildings on the application site and neighbouring properties, the distance to neighbouring boundaries and the potential for overlooking from existing 1st floor windows, the proposal is unlikely to have a material adverse effect on the amenities of neighbouring residents.

Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings

The Office of Environmental Health and Pollution Regulation concluded that the original proposal for up to 18 occupants would provide sufficient facilities and space for the proposed number of residents. The revised proposal has reduced the potential number of occupants by 4 to 14 and has retained the size and layout of the kitchen, dining and living spaces as per the original application and has increased the size of the outdoor amenity space. Although the outdoor amenity space is of limited size and quality for the potential number of occupants, when combined with the access to nearby public open space along the coast at Cobo and at Le Guet, the provision of outdoor space would be adequate in this case. Overall the proposal is likely to provide a satisfactory quality of residential environment for future occupiers, in accordance with Policy GP8.

Road safety and traffic management

There are no car parking standards within the Local Centre with car parking requirements assessed on a case by case basis. Limited on-site parking is provided (3 spaces) but given the nature of the development and the proximity of the site to the shops and services of the Cobo Local Centre, the on-site parking provision could be adequate in this instance. Secure and covered bicycle parking is indicated to be

provided within a shed in the rear garden. Details of the shed are limited and inconsistent and it is unclear precisely how many bicycles could be easily stored within the shed. However, there is likely to be sufficient space on site to provide adequate bicycle parking and further details can be requested by condition to ensure this is the case.

Other Matters

Policy GP9 is wide-ranging and includes requirements for sustainable design and construction with reference to the design, layout and orientation of buildings, flood risk and surface water run-off, renewable energy, the use of materials and the management of waste. Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

The whole of the application site is located within a 1:10 year flood risk area. To address the potential flood risk the agent advises that the floor level of the extended dwelling will be raised 250mm to 350mm above the external ground levels, a new rear blockwork wall will reduce flood water ingress to the rear garden and other measures including the use of removable flood protection barriers can be added to doorways and the timber gate within the rear boundary. Overall the information submitted is sufficient to demonstrate that the development has been designed to take into account the use of energy and resources and has been designed to be resilient to flooding, in accordance with Policy GP9.

The revised plans have adjusted the alignment of the rear boundary and the agent confirms that this has taken into account the neighbours right of way. In any event, all decisions made by the Authority are without prejudice to third party rights, and the Authority is not able to address civil matters such as boundary, third party disputes or other related matters of ownership. Where necessary such cases should be resolved by seeking legal advice.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

It is recommended that the application is approved.

Date: 12/03/2024

