

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: Extend outbuilding and alter fenestration to the south elevation and install rooflights to the west elevation.

LOCATION: St Ives, La Mare Road, Castel.

APPLICANT: Mrs J Coomer

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: 13/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/10/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Steve De Vial & Co. Ltd: 2023-802-1 (date stamped received 06/10/23).

Application Ref: FULL/2023/1749

Property Ref: D008080000

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 12/11/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the resultant dower unit shall be used as an integral part of and incidental to the principal dwelling presently known as St Ives. 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/2023/1749
Property Ref: D008080000
Valid date: 06/10/2023
Location: St Ives La Mare Road Castel Guernsey GY5 7AT
Proposal: Extend outbuilding and alter fenestration to the south elevation and install rooflights to the west elevation.

Applicant: Mrs J Coomer

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 resultant dower unit shall be used as an integral part of and incidental to the principal dwelling presently known as St Ives. 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 semi-detached residential property with detached outbuilding situated to west of Rue de la Vieille Mare. Surrounding the site, the area comprises residential properties to the north, south and east with Grand Mare golf course to the west.

The site is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

2023 - The application has been the subject of pre-application discussions		
PAPP/1993/1275	Erect multi purpose shed/store/stables.	Granted 25/06/1993

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:

As stated on the planning application form and within the covering letter that accompanies the application, planning permission was initially sought to convert and extend the existing garage at the site to create a dower unit. However as stated within Planning Advice Note 1: Dower Units: *“where an outbuilding within the domestic curtilage including a garage is converted to form an additional room or rooms to be occupied as part of the dwelling, there will be no material change of use and no need for planning permission. One type of residential use is simply being replaced by another.”*

In the case of the application site there is no condition on the original permission requiring the garage/outbuilding to be retained for vehicle parking. The conversion of the garage into a dower unit does not require permission. Permission is therefore sought to extend the existing outbuilding to the south, to alter the fenestration and to install rooflights. The description of development has been altered to reflect this.

Notwithstanding the above, the resultant dower unit would be of a size that could easily provide the level of accommodation required for day to day living as a separate residential unit which would require different policy considerations and would be precluded in an Out of Centre location such as this. However, in support of the application the applicant's agent by letter (dated 04/10/2023) has confirmed that the dower unit will be used for a purpose ancillary to the main use of the dwelling house by the applicant's son who requires care.

The letter confirms that the garden space, parking, utilities and storage will all be shared with the occupiers of the main dwelling and that main meals will be taken in the main dwelling. Considering the above, the relationship of the occupiers of the dower unit and the principal dwelling, the nature of use and facilities to be shared, indicate that the additional accommodation would be subsidiary to and dependent upon the principal dwelling unit. In addition, the size and layout of the site and the relationship between the principal dwelling and the outbuilding would not enable the site to be easily subdivided without compromising the amenity of both the outbuilding and the principal dwelling. Sufficient information has therefore been provided to demonstrate that the proposal will be used for ancillary domestic purpose and would not engage other planning policy considerations.

The proposed extensions/alterations to the outbuilding are of an appropriate scale, mass and form so as not to detract from the openness of the surrounding area. Given the location of the site, and the level of boundary screening and that it is not visible from surrounding roads, the proposal will not negatively impact on the character or appearance of the surrounding area. The design of the proposal and the materials to be used will be in-keeping with the existing outbuilding, the main dwelling and the character and appearance of the surrounding area.

Views from the proposed velux windows will face west towards the garden area of the property and the golf course in the distance. The extension to the south elevation and

the other alterations to the fenestration are at ground floor level and will not have any significant impacts on the amenities afforded to the occupiers of neighbouring properties with regard to sunlight, daylight or loss of privacy.

It is recommended that, for the avoidance of any doubt, an informative is included on any permission to ensure that the accommodation remains ancillary to the main dwellinghouse.

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.

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.

Recommendation:

Grant with Conditions



Date: 09/11/2023

