

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: Subdivide existing dwelling into 2 dwellings and associated works (retrospective).

LOCATION: Marchez Dessus, Rue A Chiens, St. Sampson.

APPLICANT: Mr & Mrs A Priaulx

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: 29/11/2023

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: Martel Design Ltd: 23-1088 02C

Application Ref: FULL/2023/1751

Property Ref: B015030000

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.Within 12 weeks of the grant of this planning permission the new parking area and the new obscure glazed window panes serving the kitchen as shown on the approved plan (Ref: 23-1088 02 Rev C) shall have been completed in accordance with the submitted details and shall remain as such in perpetuity.

Reason - In the interests of residential amenity and to ensure that car parking is appropriately positioned in accordance with the submitted details.

Expiry Date: This permission will cease to have effect on 28/11/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

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/2023/1751
Property Ref: B015030000
Valid date: 06/10/2023
Location: Marchez Dessus Rue A Chiens St. Sampson Guernsey
GY2 4AD
Proposal: Subdivide existing dwelling into 2 dwellings and associated works (retrospective).

Applicant: Mr & Mrs A Priaulx

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. Within 12 weeks of the grant of this planning permission the new parking area and the new obscure glazed window panes serving the kitchen as shown on the approved plan (Ref: 23-1088 02 Rev C) shall have been completed in accordance with the submitted details and shall remain as such in perpetuity.

Reason - In the interests of residential amenity and to ensure that car parking is appropriately positioned in accordance with the submitted details.

INFORMATIVES

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

OFFICER'S REPORT

Site Description:

The application site comprises a detached property situated to the west of Rue A Chiens. Surrounding the site, the area comprises residential properties to the north and west with a field to the south, and disused vinery sites to the east.

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

Relevant History:

FULL/2014/2797	Erect rear single storey extension with flat roof link to create dower unit (revised scheme).	Granted 05/11/2014
FULL/2014/1666	Erect rear two storey extension with glazed link and balcony to create dower unit.	Refused 24/07/2014

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to subdivide the existing dwelling into two dwellings and associated works. During the course of consideration of the application and following a visit to the site, and contrary to the claims of the applicant's agent letter, it appeared as though the property had already been subdivided to form two residential dwellings. The application was deferred to seek additional information to

demonstrate that the property was operating as a single residence, or if no evidence could be provided, to request an additional fee and to make the application retrospective.

The additional fee was received, and this application is now for retrospective permission for the subdivision of the property to form two residential dwellings. The description of development has been changed accordingly.

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

Island Development Plan policies

OC1: Housing Outside of the Centres
GP8: Design
GP9: Sustainable Development
IP6: Transport infrastructure and support facilities
IP7: Private and Communal Car Parking
IP9: Highway Safety, Accessibility and Capacity

Representations:

One letter of representation has been received regarding the application. The grounds for objection are summarised as follows:

- The subdivision has already occurred and this application should be submitted in retrospect;
- The site already has 5 car parking spaces and there is no legitimate need for additional parking;
- Visitors to the application site often use the driveway of the neighbouring property 'Mile End' to turn vehicles around;
- If permission is granted conditions should be imposed to ensure that the parking is retained as is and no further parking be allowed, and that any future developments should not impinge on the future potential development of the property 'Mile End'.

Consultations:

None

Summary of Issues:

The key issues in this case relate to the principle of the proposed change of use, the future living environment of occupiers of the dwellings along with parking/access arrangements.

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.

Policy OC1 makes provision for the subdivision of a dwelling into two or more self-contained units and provides a gateway for the proposal. The scheme must demonstrate how the development is compatible with the character and amenities of the area, provide a satisfactory living environment for occupiers and should not include more than a modest extension (not relevant in this case).

The locality is characterised by a mixture of residential development of mixed building types and design and industrial units/uses to the north of the site. To the rear of the application site is an infill dwelling which does not occupy a road frontage position and is accessed via a shared driveway to the south of the application site.

The introduction of an additional dwelling through the subdivision of Marchez and providing a dwelling without a road frontage would not be out of character or incompatible with surrounding uses in line with the aims of Policy OC1. The subdivision of a large dwelling into two smaller dwellings also represents efficient and effective use of land/buildings by making better use of an existing dwelling.

External alterations are proposed in the form of the infilling of a door to the rear of the main dwelling to enclose and create a flat roof link between the two dwellings, to change the bottom panes of the windows in the south facing elevation of the new unit to be obscure glazed and to remove three fence panels to the south of the site to create allocated parking for the new unit. The external alterations as proposed are in-keeping with the host dwellings and would not cause harm to the character or appearance of the surrounding area in accordance with the aims of Policy GP8: Design. However, given that the scheme is in retrospect and that the external alterations had not been completed on site at the time of visit, it is recommended that any permission is conditioned to ensure that the alterations are completed in a timely manner to warrant the scheme acceptable.

The external alterations and subdivision of the dwelling will not result in an unacceptable increase in the potential for overlooking and loss of privacy to surrounding occupiers and, as outlined above, the proposed use is compatible with those around the site.

Unit 2 is on a single level therefore is able to provide access to and within the building for people of all ages and abilities. Marchez Dessus is an existing dwelling and is therefore more constrained in terms of offering accessible accommodation.

Nonetheless, the ground floor is largely in a single level to offer accessible accommodation. The scheme therefore accords with Policy GP8 in this respect.

The layout of accommodation is such that both properties benefit from adequate sunlight and daylight. To maintain the privacy of occupiers of unit 2, as referred to above the bottom panes of the windows into the kitchen will be obscure glazed. Although this will compromise outlook, the kitchen is in open plan form with the lounge and bifolding doors exist in the west elevation providing views over the private garden area.

Views from the upper floor windows (both serving bedrooms) in Marchez Dessus will face west towards the garden area of unit 2, however a 10m separation distance will be maintained which is sufficient to maintain privacy and to prevent undue harm. Both of the garden areas to the rear of the dwellings have been appropriately screened to ensure sufficient private amenity space is provided for each dwelling.

Although Marchez Dessus, will have the smaller the two rear amenity spaces the property is set back from Rue a Chein and benefits from amenity space to the front of the property.

Overall therefore, the scheme would provide a satisfactory living environment for the occupiers of both dwellings proposed and accords with Policies OC1 and GP8 of the IDP.

The site is located Outside of the Centres where development is generally of lower density and there tends to be less pressure for development and less congestion caused by it. Car parking requirements for a site such as this are assessed on a case by case basis. The comments received from the representor regarding the lack of need for additional parking have been noted. However, the parking has been arranged as proposed to avoid the parking of vehicles directly in front of the kitchen windows of the additional unit to limit the impact of vehicles accessing and leaving the site on its occupiers. Furthermore, the additional car parking area when not in use will allow for cars to turn around without the need to encroach onto the driveway of the neighbouring property 'Mile End'.

The level of parking proposed to serve both units is considered satisfactory and any additional traffic movements generated would not cause harm to the amenities of the neighbouring dwelling. The subdivision of the site will not result in the unacceptable intensification of the use of accesses at the site nor have an adverse impact on the local road network in accordance with Policies IP7 and IP9 of the IDP.

Two sheds already exist on site that are suitable to provide secure and sheltered cycle parking in line with Policy IP6.

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012

and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

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

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 which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

The comments from the representor relating to unneighbourly activity and disputes relating to rights of access along the access track and that rights of access have been obstructed in the past are not material planning considerations that can be taken in account in the assessment of this application. Such issues are private matters that would need to be resolved through the courts. However, it is recommended that an informative is included on the permission to advise the applicant that the grant of permission does not override or prejudice any legal rights or constraints which exist in relation to the application site.

With regard to the suggested conditions from the representor, for the reasons outlined within this report relating to parking, there is no justifiable need to restrict parking as suggested. Any future development of Marchez Dessus or of the property Mile End that requires planning permission would be assessed against the relevant policies of the development plan at that time, which would involve an assessment of any result impact on residential amenity. A condition such as that suggested as the second condition from the representor would be both unreasonable and unjustifiable and cannot therefore be imposed on the grant of planning permission.

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: 28/11/2023

