

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: Erect outbuilding to west boundary.

LOCATION: Marsden Cottage, Calais Lane, St. Martin.

APPLICANT: Mr & Mrs M Webber

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: 09/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: G E Le Friec - 1916 / G.C.1 & 2, Bridge Timber Specifications.

Application Ref: FULL/2023/2149

Property Ref: J016690000

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 09/04/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the erection of a dower unit to be used as an integral part of and incidental to the principal dwelling presently known as Marsden Cottage. 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/2023/2149
Property Ref: J016690000
Valid date: 21/11/2023
Location: Marsden Cottage Calais Lane St. Martin Guernsey GY4 6AT
Proposal: Erect outbuilding to west boundary.

Applicant: Mr & Mrs M Webber

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.

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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

For the avoidance of doubt, this decision permits the erection of a dower unit to be used as an integral part of and incidental to the principal dwelling presently known as Marsden Cottage. 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

Site Description:

The property known as 'Marsden Cottage' is a detached one and a half storey dwelling which is set back from and faces north onto Calais Lane. There are neighbouring properties to the east and west and beyond the garden and agricultural land belonging to the applicant there are agricultural fields to the south. The property is located Outside of the Centres and within the Agriculture Priority Area as defined in the Island Development Plan.

Relevant History:

FULL/2023/1160 - Variations to previously approved plans to demolish existing and erect replacement dwelling, detached garage, alterations to vehicular access and change of use of agricultural land to domestic garden - Install pillars and alter planters/parking area – Approved August 2024.

FULL/2023/0057 - Erect fence to east boundary of agricultural land (Retrospective) – Refused March 2023.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to erect a 36.7sqm flat roof outbuilding to house a dower unit. The unit will be located towards the west boundary 4.5m south of the dwelling.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There has been three letters of representation and the issues are;

- There is confusion about whether a habitable unit of accommodation should be referred to as an outbuilding – surely outbuildings are by definition non-habitable.
- It is felt like the site is overdeveloped.
- A neighbour feels like they have lost all of their privacy through this development.
- The neighbours front garden is totally overlooked.
- The neighbour's bedroom windows have no privacy.
- All the original trees have been removed, trees were supposed to be planted, but none have been. If this development is allowed to go ahead, there will be no doubt that hardsurfacing will be used to enable access. This will leave a very small area of natural lawn.
- There are serious worries about the amount of hard surfacing that has already been installed, which is altering the natural water course into Calais Lane.
- The original building was a small cottage surrounded by natural grassland. Plans were submitted for a modest 1.5 story home set further back. There is now a monstrous 3 story building plus associated garaging, elevated on a huge concrete plinth which dominates the area and is surrounded by hard landscaping (massively changing the natural watercourse to the detriment of other properties) if allowed this development will send yet more water cascading down Calais.
- There are strong objections to yet another development on the above property which if allowed will further erode the little remaining domestic grass to the rear.
- Also the assumption must be that any occupants of said new development will not wish to access it via grass/mud, therefore yet more hard landscaping will appear.
- The original application was required to plant trees on both the west and east boundaries, this hasn't been carried out.
- There is no detailing re drains, sewage, guttering etc. Any roof run off during heavy rain might impact the neighbours earth bank.
- Finally I must question the need to erect yet another unit of accommodation on an already overdeveloped site in one of our most beautiful areas.

- The main objection is about the additional surface water which will be directed down Gypsy Lane. We already suffer flooding in our front drive and the recent stone sett driveway and any future development will exacerbate this situation. This is a particularly beautiful and historic part of the island and should be protected in every way possible.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Initially the size of the outbuilding was 10m x 5m, 50sqm, which is considered to be too big for a dower unit. The location of the unit was also too far away from the main dwelling, over 8m to the southwest. The application was deferred to request the unit was reduced in size and moved closer to the main dwelling.

A set of amended drawings were submitted with a reduction in size of the unit to 36.5sqm, which is considered to be a more appropriate size for a detached dower unit, however the location was still regarded as being too far away from the main dwelling, having been reduced to 6m between the dower unit and main dwelling.

The proposed dower unit will comprise a lounge/kitchenette area with a bedroom and ensuite facility all on one level. In support of the application the applicant's letter (dated 23/10/23) 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. The letter confirms that the garden space and utilities will all be shared with the occupiers of the main dwelling.

Although the floor space of the dower unit is relatively generous, the relationship of the occupier 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.

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

Most sites are permitted a dwelling, a garage, a shed, a greenhouse and an outbuilding without being considered over developed, although it does depend on the size of the site. In this instance there is considered to be ample room to allow the outbuilding in the rear garden as long as it remains close to the main dwelling.

The proposed unit of ancillary accommodation has now been moved closer to the main dwelling and as it is single storey there will be no issues of overlooking into the neighbours properties, and the unit is not considered to have any detrimental impacts on the character and appearance of the surrounding area, nor will it have any adverse effects on neighbouring amenity space.

Concerns raised within the representations in relation to drainage is a private civil matter between the parties concerned and as the application is only for a single domestic outbuilding, it is not a material planning considerations which would influence a decision on this planning application.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 05/04/2024

