

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 replacement roof, install rooflights and alterations to fenestration to outbuilding.

LOCATION: Denby Lodge, Les Abreuveurs Road, St. Sampson.

APPLICANT: Mr & Mrs R & J Tanquerel

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: 16/02/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Simon Cottell - 03.01_A, 03.02_A, 03.03_A & 03.04_A.

Application Ref: FULL/2024/0029

Property Ref: B01438B000

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.The ground floor windows in the south elevation shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent), and shall be fixed shut and thereafter be retained at all times. No changes shall be made to these windows.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

Expiry Date: This permission will cease to have effect on 15/02/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the resultant ancillary accommodation contained within the domestic outbuilding shall be used as an integral part of, and incidental to the principal dwelling presently known as Denby Lodge. 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.

The Authority does not recognise all of the land outlined on the submitted plan(s) as forming the domestic curtilage associated with the dwelling presently known as Denby Lodge.

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/2024/0029
Property Ref: B01438B000
Valid date: 22/12/2023
Location: Denby Lodge Les Abreuveurs Road St. Sampson Guernsey
GY2 4XA
Proposal: Install replacement roof, install rooflights and alterations to
fenestration to outbuilding.

Applicant: Mr & Mrs R & J Tanquerel

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. The ground floor windows in the south elevation shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent), and shall be fixed shut and thereafter be retained at all times. No changes shall be made to these windows.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

INFORMATIVES

For the avoidance of doubt, the resultant ancillary accommodation contained within the domestic outbuilding shall be used as an integral part of, and incidental to the principal dwelling presently known as Denby Lodge. 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.

The Authority does not recognise all of the land outlined on the submitted plan(s) as forming the domestic curtilage associated with the dwelling presently known as Denby Lodge.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Denby Lodge' is a 1970's one and a half storey detached property which is set back from and faces west onto Les Abreuveurs Road, it sits in the southwest corner of a large site, the majority of which is recognised as Agricultural land. To the north is an old vinery and warehouse, to the west and east are open fields, to the south is the Crab Cabin and across the road a neighbouring property. There is a pre-1900's single storey outbuilding located at the west end of the south boundary. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2022/2301 – Convert barn to dower unit, install rooflights to north and south elevations – Withdrawn 30th January 2023.

The extent of domestic garden has not been formally defined by the Planning Service and land to the east was previously occupied by glasshouses.

Existing Use(s):

Residential use class 1: dwelling house.

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

X
X
X
X

visual amenity acceptable
no material neighbour impact
traffic not affected

X
X
X

Policies considered most relevant:

GP8: Design
GP9: Sustainable Development
GP13: Householder Development

Conclusion/Brief comment:

This application is to install a replacement roof, install one rooflight on the south roof slope and two rooflights on the north roof slope, some alterations to the fenestration of the outbuilding.

Although the main roof timbers will be replaced, the original pantiles will be reused. The new windows will be double glazed timber units and the fascias, soffits, trims and sheathing will be Accoya timber, which is extremely durable.

As stated within the covering letter that accompanies the application, planning permission was initially sought (application was withdrawn, see above) to convert the existing barn on 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."*

The conversion of the barn into a dower unit does not require permission. Permission is therefore sought to make alterations the existing domestic outbuilding to the southwest by replacing the roof, altering the fenestration and installing rooflights. The description of development for the current application reflects this.

In support of the application the applicant's letter (dated 20/12/2023) has confirmed that the domestic outbuilding will be used for a purpose ancillary to the main use of the dwelling house by visiting family members as guest accommodation rather than be lived in specifically as a dower unit.

The letter confirms that the garden space, parking, utilities and storage will all be shared with the occupiers of the main dwelling and that the majority of 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 (given the likely extent of domestic garden). 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.

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.

The proposals are considered to achieve a good standard of design. They will provide adequate levels of sunshine and daylight, and give the occupiers more flexible and adaptable accommodation.

The proposals are generally upgrading the existing structure and not considered to have a detrimental effect on the character and amenity of the surrounding area, nor will they have any impacts on any of the immediate neighbours, because the south facing windows will be glazed with obscure glazing. A condition shall be added regarding obscure glazing.

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.

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: 13/02/2024

