

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: Convert art studio to dwelling with associated works and remove section of wall to widen vehicle access.

LOCATION: Maison Des Effards, Les Effards Road, St. Sampson.

APPLICANT: Ms Y Atkinson

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: 06/03/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/01/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arch+: 170-3-300C & 301B.

Application Ref: FULL/2024/0049

Property Ref: B009550000

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.Notwithstanding the details provided, prior to installation of any form of enclosure along the south and east boundaries of the amenity space to serve the new dwelling hereby approved, a detailed scheme for that enclosure shall be submitted to and agreed in writing by the Authority. No use or occupation of the new dwelling shall begin until the agreed scheme for boundary treatment has been fully completed.

Reason - For the avoidance of doubt and to secure the satisfactory appearance of the completed development and an appropriate division of amenity space.

5.No use or occupation of the new dwelling shall begin until the access point linking the proposed driveway to the adjacent property to the west (presently known as The Hollies) has been closed permanently with a low wall to match the remainder of the boundary to that driveway in accordance with the approved plans.

Reason - To minimise movements through the access point, in the interests of highway safety.

Expiry Date: This permission will cease to have effect on 06/03/2027 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/2024/0049
Property Ref: B009550000
Valid date: 17/01/2024
Location: Maison Des Effards Les Effards Road St. Sampson Guernsey
GY2 4YW
Proposal: Convert art studio to dwelling with associated works and
remove section of wall to widen vehicle access.

Applicant: Ms Y Atkinson

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. Notwithstanding the details provided, prior to installation of any form of enclosure

along the south and east boundaries of the amenity space to serve the new dwelling hereby approved, a detailed scheme for that enclosure shall be submitted to and agreed in writing by the Authority. No use or occupation of the new dwelling shall begin until the agreed scheme for boundary treatment has been fully completed.

Reason - For the avoidance of doubt and to secure the satisfactory appearance of the completed development and an appropriate division of amenity space.

5. No use or occupation of the new dwelling shall begin until the access point linking the proposed driveway to the adjacent property to the west (presently known as The Hollies) has been closed permanently with a low wall to match the remainder of the boundary to that driveway in accordance with the approved plans.

Reason - To minimise movements through the access point, in the interests of highway safety.

OFFICER'S REPORT

Brief Description of the site:

The application comprises a farmhouse dating from 1798 and attached barn, currently in use as a studio used/operated by the occupier of the main house, located Outside of the Centres in the Island Development Plan. The whole of the site is recognised as domestic curtilage.

Relevant History:

PREA/2023/1576 Pre-application advice regarding subdivision of property.
27/09/2023

Existing Use(s):

Residential Use Class 5

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:

- 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, Capacity and Accessibility

Conclusion/Brief comment:

Permission is sought to subdivide the property, creating a 1 bed dwelling within the former barn. As part of the subdivision it is proposed to replace existing windows and a door to the south (rear) elevation and to alter a door to a window to the north (roadside) elevation. It is also proposed to alter a ground floor door to a window and to install 4no 550mm x 978mm rooflights to the south (rear) elevation, however that work would comprise exempt development.

In addition it is proposed to undertake alterations to the walls on the driveway to the west of the building. Following deferral, revised plans have been submitted to include this area within the application site boundary.

The proposed subdivision would be consistent with the character of this residential area, and would not involve any extension to the existing building. The proposed accommodation, although falling short of the Nationally Described Space Standards, would exceed the requirements of the Guernsey Technical Standards and would benefit from good provision of daylight, sunlight, outlook and external amenity space.

The boundary proposed between the amenity space of the proposed dwelling and the existing is currently open for the majority of the eastern side, with high hedging located along the southern part of that boundary and along the south boundary, with a small gap linking to the land to the south. The submitted plans note the boundary will be enclosed, where necessary, with fencing or shrubs. Whilst either of these options could be acceptable, a detailed plan should be required by condition to ensure the means of enclosure is appropriate, and to ensure that the agreed treatment is implemented prior to the new dwelling being brought into use.

The proposed alterations to the building and grounds would not have any adverse impacts on the appearance of the building or the character of the area. No information has been provided in respect of the accessibility of the proposed accommodation, however it is noted that the accommodation would provide sleeping, bathing and living space at ground floor level.

Limited information has been provided to demonstrate the sustainability of the development, however it is noted that all thermal elements will be upgraded to meet or exceed the requirements of the Guernsey Technical Standards.

Given that the proposal comprises the re-use of an existing building, this would be sufficient to meet the terms of GP9 in this case.

Parking provision is shown for one car on the driveway to the west of the proposed dwelling. That provision would be adequate to serve the proposed dwelling. The submitted information notes that the driveway is not currently owned by the applicant but this is under discussion, and there is a right of way across this land to the rear of the site. Should the sale not be forthcoming, there is access to the rear of the proposed dwelling and a hardstanding area within the ownership of the applicant which could provide sufficient parking.

The proposed parking provision as shown would not allow for on site turning, and vehicles would potentially have to manoeuvre on the highway to access/egress the site. Notwithstanding the proposed enhancements to the driveway, the sightlines in the direction of oncoming traffic would be obscured by the building at the application site. The access currently however provides both a right of way to the application site and access to the adjacent dwelling to the west (which also has separate independent access). Provided that the access (within the site) to the adjacent dwelling is blocked up as shown on the submitted plans (with a low granite wall), the proposal would not result in an increased intensity of use and it would not therefore be reasonable to require provision of on site turning in this case.

Bicycle storage would be provided within the existing store to the rear of the proposed garden area. There is separate, existing, bicycle storage to serve the main dwelling.

The subdivision and associated alterations would not have any adverse impact on the amenities of the existing dwelling at the site or those of surrounding properties.

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: 04/03/2024

