

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: Demolish glasshouse and erect single storey dower unit to north-east boundary.

LOCATION: Machico, Les Grandes Rocques, Castel.

APPLICANT: Mr R Vedier

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: 25/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Infinity Group: 113.GY/PD-01C.

Application Ref: FULL/2024/0322

Property Ref: D01805B001

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. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Reason - In the interests of public safety.

Expiry Date: This permission will cease to have effect on 25/04/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the erection of a detached dower unit to be used as an integral part of and incidental to the principal dwelling presently known as Machico. 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/2024/0322
Property Ref: D01805B001
Valid date: 26/02/2024
Location: Machico Les Grandes Rocques Castel Guernsey GY5 7XQ
Proposal: Demolish glasshouse and erect single storey dower unit to north-east boundary.

Applicant: Mr R Vedier

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. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the

developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Reason - In the interests of public safety.

INFORMATIVES

For the avoidance of doubt, this decision permits the erection of a detached dower unit to be used as an integral part of and incidental to the principal dwelling presently known as Machico. 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 known as 'Machico' comprises a semi-detached property located to the east of Les Grandes Rocques.

The property is located Outside of the Centres as defined in the Island Development Plan.

Planning permission is sought to demolish a glasshouse and erect a single storey flat roof dower unit adjacent to the north-east boundary.

The dower unit will be of a similar footprint to the existing glasshouse and will be within a short distance of the main house, comprising a bedroom, bathroom, kitchen/diner/living room, storage and a shared utility/laundry area with external access only.

It is noted in the agent's letter that the dower unit is intended to be used by a close family relative. The driveway, parking and garden will be shared with the residents of the main house. The dower unit will only be access via a shared acesss with the main house, and all utilities will be attached to the main house. Meals will be shared with the occupiers of the main house.

Relevant History:

PREA/2024/0161	Remove existing greenhouse and replace with dower unit	Pre-application enquiry
FULL/2017/2305	Alterations to fenestration (retrospective); remove hedging and erect replacement fencing.	Granted

Existing Use(s):

Residential

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

Consultation – The Office of Environmental Health and Pollution Regulation:

I have reviewed the proposed plans for a glasshouse to be demolished at the above mentioned property which were received by email on 5th March 2024 and I recommend the following condition.

- If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Please do not hesitate to contact me at the above address should you require any additional information regarding this matter.

Conclusion/Brief comment:

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.

Policy GP13 (Householder Development) states that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Area, Area of Biodiversity Importance, protected building or protected monument.

Policy GP13 also states that proposals for dower units will be supported provided the additional accommodation is demonstrably ancillary and well-related to the existing dwelling and there are no significant adverse effects on the amenities of neighbouring properties.

Paragraph 19.14.14 states that:

“Dower units can be acceptable in circumstances where a completely independent unit of accommodation would not comply with the normal criteria regarding access, space about dwellings and residential amenities. Proposals usually take the form of extensions to the main dwelling but can also include conversion of existing or the construction of new outbuildings within the recognised domestic curtilage where these are well related to the principal dwelling. Proposals to create dower units will be assessed sympathetically and will be supported where the proposal is acceptable in terms of the impact of the development on the amenities of neighbouring residents”.

Whilst the proposed dower unit will be detached from the main house, the proposal is considered to have a subordinate relationship and association to the main dwelling due to the limited footprint and facilities afforded to the occupiers of the dower unit.

In addition, the close proximity between the proposed dower unit and the main dwelling, together with the assurances by the agent in terms of some shared facilities, garden area, parking area, and utility supplies with the main house, is sufficient to demonstrate that the proposed dower unit is compliant with Policy GP13 and Advice Note 1 in this instance, subject to the accommodation being used only for purposes incidental to the main dwelling.

Whilst some issues are raised over the quality of the design adopted in terms of its simple form, the proposed dower unit will be sited towards the rear of the site and flanked by built development to the north, and east of the application site, thereby limiting its visibility in the street scene. Consequently, the proposal adopts a satisfactory standard of design in terms of its scale, mass, siting and materials, and will not have a detrimental effect on the character or appearance of the surrounding area for the purposes of Policy GP8.

Whilst facing directly towards a neighbouring property to the south of the application site which raises some concerns with regards to loss of privacy, the distance and existing boundary treatment is sufficient to avoid having an unacceptable impact on the amenities of neighbouring residents that would rebut the general support in favour of householder development (Policy GP13) and reasonably give grounds for refusal.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 24/04/24

