

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 existing outbuilding, erect single storey dower unit to south-east boundary.

LOCATION: Villa Madeleine, Route St. Clair, St. Sampson.

APPLICANT: Mr T Birch

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: 22/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners: 10741/S1-01, -02 & -03.

Application Ref: FULL/2024/0324

Property Ref: B007080000

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 22/04/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the dower unit hereby approved shall be used as an integral part of and incidental to the principal dwelling presently known as Villa Madeleine. 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.

For the avoidance of doubt, the 3D render images are for illustrative purposes only and do not form part of the approved drawings.

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/2024/0324
Property Ref: B007080000
Valid date: 27/02/2024
Location: Villa Madeleine Route St. Clair St. Sampson Guernsey
GY2 4DT
Proposal: Demolish existing outbuilding, erect single storey dower unit
to south-east boundary.

Applicant: Mr T Birch

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).

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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, the dower unit hereby approved shall be used as an integral part of and incidental to the principal dwelling presently known as Villa Madeleine. 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.

For the avoidance of doubt, the 3D render images are for illustrative purposes only and do not form part of the approved drawings.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a detached pre-1900 traditional 2.5 storey dwelling situated to the east of Route St. Clair. Surrounding the site the area comprises residential properties of mixed building type and design in all directions.

The site is situated within a Main Centre Outer Area as designated in the Island Development Plan.

Relevant History:

The application has been the subject of pre-application discussions.

Existing Use(s):

Residential – Use Class 1

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:Island Development Plan Policies:

GP8: Design

GP9: Sustainable development

GP13: Householder development

Conclusion/Brief comment:

Planning permission is sought to demolish an existing outbuilding and to erect a single storey dower unit to the south-east boundary.

Although of pre-1900 construction, the existing outbuilding proposed to be demolished is not of any significant architectural importance and its current condition is in need of repair. Its loss would not have any harm on the character of the surrounding area and demolition is therefore supported.

The site is within a built up area and the proposed outbuilding would not impact on an area of open landscape, but would be of an appropriate scale, mass and form within its context. Situated to the rear of the property with a flat roof that projects lower than the ridge height of the pitched roof of the existing outbuilding, the replacement building will not negatively impact on the character or appearance of the surrounding area. The design of the proposal and the materials to be used will be modern and contemporary but are of high quality and will be sympathetic and in-keeping with the character and appearance of the existing dwelling and the surrounding area.

The proposal is of comparable scale to the existing outbuilding albeit a flat roof is proposed which would be lower than the existing pitch height of the outbuilding. This together with the position of the proposal will ensure that no significant harm is caused on the amenities afforded to the occupiers of any neighbouring properties with regard to sunlight, daylight or loss of privacy.

The proposed dower unit will comprise an open plan living/kitchenette area, a storeroom, wheelchair accessible bathroom and bedroom. In support of the application the applicant's agent has submitted a design and access statement which confirms that the dower unit will be used for a purpose ancillary to the main use of the dwelling house by a family member who is wheelchair bound. The statement confirms that all of the bedrooms within the main dwelling are on the upper floors and the only bathroom on the ground floor is not wheelchair accessible, which is why there is a need for the dower unit as proposed. The garden space and utilities will all be shared with the occupiers of the main dwelling and although a kitchenette has been provided this is included to allow the family member to make light meals, with the main meals taken in the main dwelling.

Although the floor space of the dower unit is relatively generous, 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 and distance between the principal dwelling and the outbuilding (circa 4m) 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.

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

The proposal would not harm highway safety.

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.

Recommendation:

Grant with Conditions



Date: 22/04/2024

