

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Demolish shed, erect one-and-a-half storey outbuilding/garage to north boundary and hardstanding to west boundary.

LOCATION: Rosendale, La Planque Road, St. Martin.

APPLICANT: Miss A Dodd

I refer to the application referred to below received as valid on 04/04/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 02/05/2024

Drawing Nos: AD-24-1158-02A

Application Ref: FULL/2024/0597

Property Ref: J007370000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. Situated at the opposite end of the site, in excess of 50m from the dwellinghouse currently known as Rosendale, the proposed garage/hobby room is not well related to the existing dwelling. The combination of the siting, size and nature of the proposed garage/games room gives the impression that the proposal would form a separate planning unit and would not be ancillary to the existing dwelling. It has not been demonstrated that the proposal constitutes householder development ancillary to an existing dwelling and therefore the proposal does not accord with Policy GP13.

OTHER REMARKS:-

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, against a

decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2024/0597
Property Ref: J007370000
Valid date: 04/04/2024
Location: Rosendale La Planque Road St. Martin Guernsey GY4 6TH
Proposal: Demolish shed, erect one-and-a-half storey outbuilding/garage to north boundary and hardstanding to west boundary.
Applicant: Miss A Dodd

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. Situated at the opposite end of the site, in excess of 50m from the dwellinghouse currently known as Rosendale, the proposed garage/hobby room is not well related to the existing dwelling. The combination of the siting, size and nature of the proposed garage/games room gives the impression that the proposal would form a separate planning unit and would not be ancillary to the existing dwelling. It has not been demonstrated that the proposal constitutes householder development ancillary to an existing dwelling and therefore the proposal does not accord with Policy GP13.

OFFICER'S REPORT

Site Description:

Rosendale Cottage is a semi-detached dwelling situated to the northwest of La Planque Lane. The property has a double-pile pantile roof and render exterior incorporating a flat roof extension to the rear. To the northwest of the dwelling is a detached monopitched roof outbuilding which contains a WC and washbasin which has been extended, with a pitched roof extension and garage door in the north elevation.

To the west of the outbuilding is a paved path and to its east is a large area of hardstanding/patio associated with the cottage. A path is situated centrally in the rear garden of the property leading north and west to a small shed adjacent to the west boundary. The northernmost part of the site is on two levels with an upper area to the east and lower area to the west with a slope between. In the far northwest corner of the site is a monopitched roof shed/outbuilding containing a wood burning stove, wash basin and cupboard.

Historically, the entire rear of the site was covered in multiple glasshouses, from the immediate north of the garage to the north boundary and including a small span of glass to the immediate east of the garage building. These were falling into disrepair by 1979 and had been removed entirely by 1990.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

FULL/2022/1664 - Change of use from agricultural land to domestic garden (1154 sq.m.), demolish outbuildings, extension, porch, demolish and re-build chimney, erect single storey extension to north-west (rear) elevation, re-render and alterations to fenestration – granted (exemption rights removed relating to boundary treatments to north and west boundaries)

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application relates to the demolition of an existing shed and the construction of a detached, four bay garage/carport adjacent to the north site boundary. The building has been designed with a timber clad exterior, slate roof and external staircase to the east elevation serving the first-floor hobby room which incorporates two dormers and two rooflights in the front roofslope and two rooflights in the rear roofslope. The building would be situated c. 50m from the rear of the main dwelling and would require the formation of a substantial driveway along the entire west site boundary along with hardstanding to the front and side of the outbuilding.

Although the drawings refer to a garage and hobby room the covering letter that accompanies this submission states that its purpose will be for the applicant's son to provide *"some additional living space now he's becoming older and more independent"*.

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

Island Development Plan policies:

OC1: Housing Outside of the Centres

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

IP9: Highway Safety, Accessibility and Capacity

IP7: Private and Communal Car Parking

Planning Advice Note 1: Dower Units

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues relate to the principle of the development, whether it represents good design, its impact on the locality and on residential amenity.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

Policy GP13 indicates that proposals for extensions and alterations to existing residential properties will be supported subject to certain criteria being met including with regards to the impact on the amenities of neighbouring properties, taking into account the surrounding character and where they accord with all the relevant policies of the Island Development Plan. In this instance Policies GP1, GP8 and GP9 are also relevant. In addition, the preceding text of Policy GP13 refers to the need to consider the material planning considerations as specified in Part IV, Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007. These include the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used, as well as its likely effect on the character and amenity of the locality in question and its likely effect on the reasonable enjoyment of neighbouring properties.

Policy GP13 also highlights that dower units will be supported where the additional accommodation is "*demonstrably ancillary and well-related to the existing dwelling*". Although the planning policies in Planning Advice Note 1: Dower Units - A guide to development have been superseded by those in the Island Development Plan the main principles of the document remain relevant. As dower units are not considered as separate dwellings, the normal requirements regarding access, parking, garden space and level of residential amenity are not applied.

The application is for a domestic outbuilding that is shown on the drawings to be used as a garage, for cars and motorbikes with a hobby room above although the covering letter refers to use as habitable accommodation in future. A domestic outbuilding may however, be used for any other purpose which is incidental to the enjoyment of the dwelling. In principle, constructing a domestic outbuilding containing a garage and hobby room is acceptable.

Nonetheless, situated at the opposite end of the generous garden to the dwelling, the proposed outbuilding is not well related to the existing built form which makes up the existing domestic property. It would not be convenient for frequent and everyday use with substantial travel distance between the outbuilding and main house.

Furthermore, the submission sets out that the building may be used to offer a family member an element of independence into the future. The purpose of a dower is however, to offer accommodation for dependent relatives, offering a degree of care and independence. The plans do not currently show the building laid out for this purpose but it is readily apparent that the building is sufficient in size to form an independent unit of accommodation, which is not physically well related to the main unit on site. Given that this intended use is highlighted through the submission it is reasonable to address this, as far as possible based on the information available in this case.

The issues which are relevant to whether or not a dower unit would be ancillary or incidental to the main dwelling include matters relating to the relationship of the occupier of the dower to the main dwelling, the physical relationship between the dower and main dwelling and whether the unit would have independent access. At Rosendale there is substantial physical separation between the house and domestic outbuilding. There would also be independent access (driveway and entrance door given the detached nature of the development) to the large outbuilding proposed.

There are other matters that can assist in this assessment but given the proposed layout it would not be possible to fully assess these but it is acknowledged that the substantial size of the building is such that it would be sufficient in size to have all the facilities found in a self-contained unit of accommodation.

The building would be of a size that could easily provide the level of accommodation required for day to day living as a separate residential unit which would require different policy considerations. This, and the remote nature of the building would not lend the accommodation to dower style accommodation and formation of a separate unit of residential accommodation would be precluded in an Out of Centre location such as this.

The combination of the siting, size and nature of the proposed outbuilding would result in the outbuilding competing with the existing dwelling and it gives the impression that the outbuilding would form a separate planning unit and is more akin to the erection of an independent new build dwelling, which would be precluded under Policy OC1 (Housing Outside of the Centres). The proposal does not constitute householder development ancillary to an existing dwelling and does not accord with Policy GP13.

Other Matters

The design and appearance of the proposed domestic outbuilding represents a good standard of design, being one and a half-storeys it also makes efficient and effective use of land. It will not result in harm to the wider open landscape given the enclosed nature of the site and existing boundary screening nor will the development result in harm to residential amenity with regard to overshadowing or loss of privacy. The scheme would

offer more and flexible/adaptable accommodation that can respond to the needs of occupiers over time. In these matters therefore, the scheme complies with Policies GP8, GP9 and GP13 of the IDP.

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. Where relevant these have been considered in the assessment of this application.

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

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 02/05/2024

