

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: Subdivide dwelling to create a dwelling and a bedsit

LOCATION: Montair, George Road, St. Peter Port.

APPLICANT: Mr D & Mrs J Hutchins

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: 18/10/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 09/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: 1:500 scaled block plan, Ground floor plan, First floor plan, drawing showing south and east elevations, and drawing showing north and west elevations

Application Ref: FULL/2024/0624

Property Ref: A40843A000

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. Prior to the first occupation of the bedsit hereby approved the privacy fencing shall be erected to the rear of the site to separate the two garden areas in the positions shown on the approved drawings and shall be maintained thereafter in perpetuity.

Reason - To ensure a satisfactory form of development, to provide a satisfactory inter-relationship between the accommodation and in the interests of residential amenity.

Expiry Date: This permission will cease to have effect on 18/10/2027 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/2024/0624
Property Ref: A40843A000
Valid date: 09/04/2024
Location: Montair George Road St. Peter Port Guernsey GY1 1BD
Proposal: subdivide dwelling to create a dwelling and a bedsit

Applicant: Mr D & Mrs J Hutchins

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. Prior to the first occupation of the bedsit hereby approved the privacy fencing shall be erected to the rear of the site to separate the two garden areas in the positions shown on the approved drawings and shall be maintained thereafter in perpetuity.

Reason - To ensure a satisfactory form of development, to provide a satisfactory inter-relationship between the accommodation and in the interests of residential amenity.

INFORMATIVES

OFFICER'S REPORT

Site Description:

The application site comprises a residential property situated to west of Georges Road. The property is set behind two properties that front onto the road namely La Chimere and Jasmine Cottage. Surrounding the site the area comprises residential properties to the north, south and west with open land to the east on the opposite side of George Road.

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

Relevant History:

FULL/2022/1355	Install dormer windows to west (rear) and south (side) roofslopes.	Granted 11/08/2022
FULL/2015/3069	Extend dwelling at first floor level. Install gable window (north elevation), 3 rooflights (east elevation) and install 2 rooflights (west elevation). Remove conservatory and erect extension (south elevation) (Revised).	Granted 12/02/2016
FULL/2015/2465	Extend dwelling at first floor level. Install gable window (north elevation), dormer window and 2 rooflights (east elevation) and install 3 rooflights (west elevation). Remove conservatory and erect extension (south elevation).	Refused 19/11/2015
PAPP/1995/4053	Change of use from two units to single dwelling	Granted 19/10/1995

Existing Use(s):

Residential – Use Class 1

Brief Description of Development:

As initially proposed, planning permission was sought to change the use of the dwelling to a House in Multiple Occupation (HMO). However, following a review of the application submission it appeared rather than changing the property into a HMO, the scheme was in fact proposing a subdivision of the property into a residential dwelling and a bedsit. The application was subsequently deferred to seek clarification and the applicant has agreed.

For clarity therefore permission is sought to subdivide the existing dwelling to comprise a residential dwelling and bedsit.

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

Island Development Plan

MC2 Housing in Main Centres and Main Centre Outer Areas
GP8 Design
GP9 Sustainable Development
IP7 Private and Communal Parking

Representations:

None received

Consultations:

Office of Environmental Health and Pollution Regulation

By letter dated 19th April 2024 stated the following:

"I have reviewed the proposed plans for change of use to house in multiple occupation which were received by email on 18th April and I do not wish to raise any objections to the proposals.

I should like to draw the applicants attention to <https://www.qov.gg/housingstandards> which details the current minimum standards for rental accommodation. It should be noted that the States of Guernsey passed the Housing (Standards and Regulation) (Enabling Provisions) Law in 2021. The purpose of this law is to enable the drafting of legislation which will improve rental property housing standards, including houses in multiple occupation. The applicant is advised to consider the application in relation to future legal requirements.

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

The comments received relate to the application in its initial form for a house in multiple occupation and prior to it being amended for subdivision. The comments therefore are no longer relevant.

Summary of Issues:

- Whether the principle of the development is acceptable;
- Impact on neighbouring properties;
- Whether a good standard of accommodation will be provided for the occupiers of both units;
- Highway safety and accessibility

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues set out in 2 below.

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

Whether the principle of the development is acceptable

The application site is situated within the Main Centre Outer Area as identified on the Island Development Plan Proposals Map. Within such areas Policy MC2: Housing in Main Centres and Main Centre Outer Areas; supports proposals for new residential development provided that the development is in accordance with other relevant policies of the IDP; and where able accommodates a variety of dwellings and a mixture of types.

By virtue of the form of development and the size of the site, it is considered that the site is unable to provide a mix of dwellings. The principle of residential development at this site is therefore acceptable, provided that the development accords with other relevant policies of the IDP, which is assessed in detail in the following sections of this report.

Impact on neighbouring properties;

Policy GP8 requires *inter alia* that proposals for new development will be expected to consider the health and well-being of the occupiers and neighbours of the development by means of providing adequate daylight, sunlight and private/communal open space. Criterion (b) of Policy GP9 supports proposals for development where the proposal would not have an unacceptable impact on the amenities of neighbouring properties.

The property currently comprises a single residential dwelling with an attached wing. The wing is fully enclosed within the main dwelling and is used as ancillary

accommodation. The proposal intends to subdivide the property, with the main dwelling forming a kitchen/utility, with an open plan living room and sunlounge/diner at ground floor, with two bedrooms, a bathroom, and a study/snug within the roofspace of the property. The wing will become a self-contained bedsit with a separate bathroom and boiler/laundry room. The bedsit will be accessible via a shared hallway within the main dwelling. The subdivision will therefore be fully contained within the existing building envelope and no extensions or external alterations are required or proposed to the property. Any overlooking to the neighbouring properties to the east south and west would therefore be as per the existing and the proposal would not cause any undue harm in this regard.

To the rear, the garden area will be subdivided with a raised lawn and a patio area allocated to the main dwelling and a patio area allocated to the bedsit. To improve the interrelationship between the two units as proposed and to prevent views from the windows within the bedsit extending into the garden area allocated to the main house and vice versa, 1.8m high fencing will be erected in appropriate positions. The velux windows in the roofspace that serve existing bedrooms and will continue to serve the bedrooms of the main dwelling are positioned to the front of the premises and views would not extend into the garden area of the bedsit. The velux window in the rear roofspace will serve a stairwell/landing which is not habitable space and would therefore not cause any undue harm. Given the setback position of the dormer window serving the snug/study and the existing overhanging roof form, any views from this window into the proposed garden area of the bedsit would be limited and not so substantial to warrant the refusal of planning permission.

Considering the above it is considered that an acceptable interrelationship will be provided between the two units and the proposal would not cause harm to neighbour amenity and complies with the provisions of policies GP8 and GP9 in this respect.

Whether a good standard of accommodation will be provided for the occupiers of both units

When considering the creation of new residential dwellings, the health and well-being of the occupiers of the development requires consideration as set out in part (d) of Policy GP8 and as explained in more detail in Annex I (Amenities). The objective to build at high densities is to be balanced with, but not override, the need to create acceptable living environments. Although there are no rigid standards for amenity provision, the factors to be considered include internal space provision, privacy, aspect/outlook, access to external open space and daylight/sunlight.

Paragraph I.9 of the IDP refers to Guernsey Technical Standard G7, setting out practical guidance of the Building (Guernsey) Regulations 2012 which sets out minimum standards for accommodation with regards to layout, size and arrangement of habitable rooms in certain types of development. The IDP confirms that the intention of the habitable room technical standard is not to encourage smaller dwellings but to set minimum standards, and the Authority would normally

expect new development to demonstrate that those minimum space standards are substantially exceeded to provide adequate amenities.

In addition to Guernsey Technical Standards, although not specific to Guernsey, The Department for Communities & Local Government document (DCLG) – Technical housing standards, represents current best practice in England and should be considered when developing new housing in Guernsey under the Policies of the IDP. The proposed two bedroom unit will exceed both the Guernsey Technical Standards and the DCLG guidance and would provide a good standard of accommodation in this respect.

With regard to the bedsit accommodation this will be largely open plan with a separate bathroom, hall and boiler/laundry room comprising a total floorspace of 25m². The proposed accommodation would be limited, falling significantly short of the nationally described space standards, however would be acceptable in terms of the requirements of the Guernsey Building Regulations for habitable spaces for a bedsit and a refusal based on the size of the accommodation proposed could not therefore be supported. For clarity a bedsit in planning terms relates to floorspace created within an existing building envelope i.e. forming part of other development within the same building, or as part of a scheme with other housing tenure proposed. Bedsits are not detached standalone buildings within their own building envelope these would need to be considered under the minimum dwelling standards.

The new bedsit would, have a limited, single aspect providing low levels of natural light internally. Although this fact would detract from the quality of accommodation and living environment, when taking account of the fact that constraints invariably exist when existing buildings are to be converted, that it will have its own allocated amenity space, that an outlook from the two side facing windows will be provided and that the proposal can be seen to make an effective and efficient use of the building generally, it would not be reasonable to refuse planning permission on this ground alone.

Paragraph I.14 of the IDP states that: *“Access, including visual access, to external space, whether private, communal or public, is important for the well-being of all occupants of buildings. The value of external open space becomes increasingly important in higher density development. The Authority expects therefore, that all development should have safe and convenient access to external open space. However, this does not necessarily need to take the form of a defined, private garden area. Forms of external open amenities space include:*

- *a private garden;*
- *a balcony;*
- *a roof terrace;*
- *a communal garden area;*
- *a play area;*
- *formal or informal public or communal space, such as a courtyard, square, park or beach that is within a reasonable walking or cycling distance.”*

Although the amenity space allocated to the main dwelling and the bedsit is relatively limited, the site is situated within walking distance of a large area of recreational space on the opposite side of Fort Road to the south and other recreational areas in Town. Given that the proposal is for a change of use of an existing building (and not new development) located within walking distance of existing public recreational areas, it is considered that the amount and quality of private amenity space provided for each unit in this particular instance is acceptable.

Based on the above, given the location of the unit in a densely populated part of town, on balance it is considered that the proposal makes an effective and efficient use of land and any refusal based on a substandard living environment would be unreasonable in this instance.

Highway safety and accessibility

Within the Main Centre Outer Areas car parking provision for the creation of housing comprising three habitable rooms or less requires a maximum of two spaces per dwelling to be provided. To the front of the site space exists to park up to 4 cars. The site is also situated within walking distance of the shops and services provided for in town and various car parks and locations that provide on-street car parking. Furthermore, the site is accessible by other more sustainable means of transport than the motor car. An existing shed exists to the north of the property that would be capable of accommodating the required level of bicycle parking for the site. A small shed also exists in the rear amenity area proposed for the bedsit that if required would be capable of accommodating a bicycle.

The proposal would therefore not cause a detriment to highway safety and complies with the provisions of policies IP6 and IP7.

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. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; the effect of the proposed which the site could be put without further planning permission; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The development would have no impact on any protected trees, buildings or monuments, or on any SSS's.

Date: 16/10/2024

