

**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:** Extend at ground floor level and 1st floor level to south-east (side) elevation to create dower unit and alterations to fenestration.

**LOCATION:** C'est La Vie, Marette De Bas Estate, Les Grandes Capelles Lane, St. Sampson.

**APPLICANT:** Ms T Gallienne

I refer to the application referred to below received as valid on 13/05/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

**Date of refusal of permission:** 28/08/2024

**Drawing Nos:** Torode Architects - 6269-02C

**Application Ref:** FULL/2024/0866

**Property Ref:** B011750004

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. The proposal by virtue of the scale and layout of the extension is tantamount to the creation of a separate unit of residential accommodation which in this location Outside of the Centres is contrary to Island Development Plan Policy OC1.

**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/2024/0866  
**Property Ref:** B011750004  
**Valid date:** 13/05/2024  
**Location:** C'est La Vie Marette De Bas Estate Les Grandes Capelles Lane  
Les Grandes Capelles Lane St. Sampson Guernsey GY2 4UX  
**Proposal:** Extend at ground floor level and 1st floor level to south-east  
(side) elevation to create dower unit and alterations to  
fenestration.  
**Applicant:** Ms T Gallienne

**RECOMMENDATION** - Refusal with Reasons:

---

**REASONS FOR REFUSAL**

1. The proposal by virtue of the scale and layout of the extension is tantamount to the creation of a separate unit of residential accommodation which in this location Outside of the Centres is contrary to Island Development Plan Policy OC1.

---

**OFFICER'S REPORT**

**Site Description:**

The property known as 'C'est la Vie' is a two-storey semi-detached late 1960's dwelling, which is slightly set back from and faces west onto Marette de Bas Estate. The other semi is attached to the north, and there are neighbouring properties to the south, across the road to the west and to the north. To the east beyond a small garden is open agricultural fields. The property is located Outside of the Centres as defined in the Island Development Plan.

**Relevant History:**

There is no relevant history pertaining to this application.

**Existing Use(s):**

Residential use class 1: dwelling house.

**Brief Description of Development:**

This application is to extend southward at ground floor level by 2.34m and then at first floor level over the entire single storey which forms the existing utility and former garage to form a dower unit. The ground floor would house a hallway, lounge/dining

room (previous garage) and a kitchenette, along with the existing utility room. The first floor would house a bathroom and a bedroom.

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

OC1: Housing outside the Centres

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

**Representations:**

There has been one letter of representation received and the issues are:

1. The submitted plans contain insufficient information for the Authority to make a reasonable judgement:
  - a. The plans fail to show the existing extensive dog kennelling to the sides and rear of the property. Is this to be removed, retained or relocated?
  - b. The plans fail to accurately represent the current parking. The area was lawn, bordered by a low roadside wall, until a year or so ago when it was demolished without permission and replaced by gravel and used as parking. We believe the recognised area of parking is limited to two cars.
  - c. The plans fail to show the demolition of a roadside wall and access gate, which will be needed if the dower unit is to be constructed. It should be noted that there is a shed in this area, which will also likely need relocating.
2. The property owner has several vehicles. If a dower unit is constructed, how can the site support additional parking? We believe that the current parking already negatively affects the road and traffic infrastructure, and therefore, the proposal will only cause more issues.
3. If the intention is to relocate the extensive dog kennelling closer to the boundary (or any boundary) with Mayfield (south/southwestern boundary), we would object to this on the following grounds:
  - a. Noise (barking) – this would further affect the pleasant qualities of a quiet estate and negatively affect reasonable enjoyment of our private amenities.
  - b. Smell (dog excrement) – this would further affect the pleasant qualities of a quiet estate and negatively affect reasonable enjoyment of our private amenity, as well as proposing a health and safety risk (flies).

**Consultations:**

None

**Summary of Issues:**

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

### **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 as set out in 2 below.

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

The principle of extending the property is feasible under Policy GP13 and reflects similar previous development within the estate.

However, the creation of an ancillary living unit, which is also permissible under Policy GP13 requires such accommodation to be demonstrably ancillary to the existing dwelling, and it is reasonable to consider that ancillary implies a degree of subordination. It is therefore necessary to consider the scale of the annexe related to the main dwelling.

The proposed ancillary living unit will comprise an existing utility room (shared with the main house), a kitchenette, hallway and living area at ground floor with a bathroom and a large bedroom above. The overall size of the proposed scheme is considered against the existing footprint of the house and would result in a unit which is not comparable to be considered as an associated ancillary unit to the main house, creating essentially a separate dwelling.

The proposed unit has an external floor area of approx. 37m<sup>2</sup> which is only 9m<sup>2</sup> smaller than the footprint of the original dwelling. The proposed layout and location of the ancillary living unit means it could very easily become an independent unit of accommodation, which is not supported by the Island Development Plan, contrary to Policy OC1.

Several requests have been made to the agent to provide supporting information in relation to the proposal in terms of how it would be ancillary to the main dwelling, who would be occupying the unit and to address all the other elements noted in the relevant published guidance document. Without this information the extension cannot be supported as there is no provision for new additional housing units Outside of the Centres within the Island Development Plan.

Therefore the recommendation for this application is refusal.

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

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. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

**Date:** 28/08/2024

