

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: Remove garage door and install sliding doors, install rooflights to west (side) elevation and alterations to fenestration to outbuilding to create dower unit.

LOCATION: Wycombe Grange, Calais Lane, St. Martin.

APPLICANT: Wycombe Grange Limited

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: 14/10/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/08/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: G2A Architecture Ltd - 2859-01 B1

Application Ref: FULL/2024/1436

Property Ref: J016700000

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 14/10/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the additional accommodation shall be used as an integral part of and incidental to the principal dwelling presently known as Wycombe Grange and should not form 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/2024/1436
Property Ref: J016700000
Valid date: 28/08/2024
Location: Wycombe Grange Calais Lane St. Martin Guernsey GY4 6AT
Proposal: Remove garage door and install sliding doors, install rooflights to west (side) elevation and alterations to fenestration to outbuilding to create dower unit.

Applicant: Wycombe Grange Limited

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 additional accommodation shall be used as an integral part of and incidental to the principal dwelling presently known as Wycombe Grange and should not form 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

Site Description:

The application site comprises a detached 1.5 storey dwelling situated to the south of Calais Lane. Surrounding the site the area comprises residential properties to the north, east and west with open fields to the south.

The site is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

PAPP/1999/4382	Vary works previously approved to erect a garage.	Granted 14/12/1999
PAPP/1999/0328	Demolish carport, erect garage and pitched roof over store (revised position).	Granted 23/02/1999
PAPP/1998/4912	Demolish carport, erect garage and pitched roof over store.	Granted 26/01/1999

Existing Use(s):

Residential – Use Class 1

Brief Description of Development:

Planning permission is sought to remove an existing garage door and to install sliding doors, to install rooflights to the west (side) elevation and alterations to the fenestration of the outbuilding to create a dower unit.

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

GP8: Design

GP9: Sustainable development

GP13: Householder development

Planning Advice Note AN1: Ancillary/Associated Living Accommodation Units a Guide to Development

Representations:

One letter of representation was received from the occupier of a neighbouring property objecting to the scheme. The grounds for objection are summarised as follows:

- The proposal includes four large velux windows that will overlook the rear garden area of the neighbouring property;
- As these windows are only for light, then why can they not be placed on the eastern aspect of the roof;
- Placing the velux windows on the eastern aspect would also allow them to be maintained without the need to enter onto land not in the applicants ownership;
- If the velux windows are allowed in the position proposed then they should be reduced in size and glazed with obscure glazing to prevent overlooking;

Consultations:

None

Summary of Issues:

- The principle of the development;
- Whether the design and appearance of the alterations proposed are acceptable;
- Whether the proposal would have any detrimental impacts on the amenities afforded to the occupiers of neighbouring properties;
- Whether the proposal would negatively impact on highway safety.

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.

The principle of the development

Policy GP13 of the Island Development Plan is generally supportive of proposals for domestic extensions, alterations and other such householder development 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 adversely affect the special interest of a Conservation Area or Area of Biodiversity Importance or protected building or protected monument.

As part of the application and as stated within the covering letter that accompanies the application, planning permission was initially sought amongst other things to create a dower unit. However as stated within Planning Advice Note 1: *“Where an outbuilding within the domestic curtilage, including a garage, is converted to form an additional room or rooms to be occupied in association with the principal dwelling, there will be no material change of use and no need for planning permission (permission for alterations is dealt with separately below). One type of ancillary residential use is simply being replaced by another.”*

In the case of the application site there is no condition on the original permission for the garage requiring it to be retained for vehicle parking. The conversion of the garage into a dower unit does not require permission. Permission is therefore sought only for the external alterations to the outbuilding, the alterations to the fenestration and the installation of the velux windows.

Notwithstanding the above, the resultant dower unit 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 and would be precluded in an Out of Centre location such as this. However, in support of the application the applicant’s agent by letter (dated 16th August 2024) has confirmed that the dower unit will be used for a purpose ancillary to the main use of the dwelling house. The letter confirms that the garden space, utilities and storage will all be shared with the occupiers of the main dwelling and that all laundry and main meals will be undertaken 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 between the principal dwelling and the outbuilding would not enable the site to be easily subdivided without compromising the amenity of both the outbuilding and the principal dwelling. Sufficient information has therefore been provided to demonstrate that the proposal will be used for ancillary domestic purpose and would not engage other planning policy considerations.

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.

Considering the above the principle of the development is acceptable and complies with Policy GP13 of the IDP.

Whether the design and appearance of the alterations proposed are acceptable.

Policy GP8 of the Island Development Plan states a number of criteria that new development will be expected to adhere to in order to achieve a high standard of design which respects and where appropriate enhances the character of the environment.

The alterations to the building as proposed are in-keeping with the design and overall character of the host building. Although concerns have been raised by the representor with regard to the size of the velux windows, in design terms these are considered to be acceptable and would not negatively impact the design of the host building or the character of the surrounding area.

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

For the above reasons it is considered that the design of the scheme is acceptable and complies with Policies GP8, GP9 and GP13 in this respect.

Whether the proposal would have any detrimental impacts on the amenities afforded to the occupiers of 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.

Policy GP9 criterion (b) states that development proposals will be supported where *“they will not have unacceptable impacts on the amenities of neighbouring properties....”*

Policy GP13 of the Island Development Plan is generally supportive of proposals for domestic extensions, alterations and other such householder development where *inter alia* there are no significant adverse effects on the amenities of neighbouring properties.

The comments received by the representor are noted. However, the drawings show that the cill levels of the velux windows proposed in the west facing elevation facing towards the garden area of the neighbouring property (The Birches) will be situated at circa 3.0m above the internal finished floor level of the outbuilding. This is well above the 1.7m requirement usually deemed to be acceptable to maintain an acceptable level of privacy between properties. It would therefore be both unreasonable and unjustifiable to require these velux windows to be reduced in size, to be fixed with obscure glazing or to be relocated onto the eastern elevation of the property as requested by the representor.

All other fenestration to be altered is at ground floor level and given the existing boundary treatment that exists at the site would not harm neighbour amenity. For the above reasons it is considered that any overlooking or loss of privacy resulting from the proposal would not be so substantial to warrant the refusal of planning permission and the scheme complies with policies GP8 and GP13 in this respect.

Whether the proposal would negatively impact on highway safety.

No alterations are proposed to the vehicle access point to the site, which will remain as existing. Although the proposal will result in the loss of an existing garage, more than enough car parking and storage space already exists for the main dwelling. For these reasons it is considered that the proposal would not harm highway safety.

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; any possible fall-back position by way of extant planning permissions or exempt development; 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 proposal would have no adverse impact on protected trees, buildings or sites and for the reasons contained within this report it is recommended that planning permission is granted.

Date: 10/10/24