

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: Erect single storey outbuilding/dower unit (annex) to south boundary.

LOCATION: Tragina, Rue Des Reines, Forest.

APPLICANT: Mr J R Brouard

I refer to the application referred to below received as valid on 04/11/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 29/11/2024

Drawing Nos: Paul Vaudin & Associates Ltd 24-025-01

Application Ref: FULL/2024/1812

Property Ref: H000950000

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 application fails to satisfactorily demonstrate that the proposed detached dower unit would be ancillary, well-related and dependent upon the main house when considering planning permissions for similar habitable accommodation on the same premises (FULL/2018/2962 and FULL/2020/2061). The application is therefore contrary to the aims and objectives of Policy GP13 of the Island Development Plan, and Supplementary Planning Guidance Note 1 - AN1 (Ancillary /Associated Living Accommodation Units - A Guide to Development).

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/2024/1812
Property Ref: H000950000
Valid date: 04/11/2024
Location: Tragina Rue Des Reines Forest Guernsey GY8 0JB
Proposal: Erect single storey outbuilding/dower unit (annex) to south boundary.
Applicant: Mr J R Brouard

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The application fails to satisfactorily demonstrate that the proposed detached dower unit would be ancillary, well-related and dependent upon the main house when considering planning permissions for similar habitable accommodation on the same premises (FULL/2018/2962 and FULL/2020/2061). The application is therefore contrary to the aims and objectives of Policy GP13 of the Island Development Plan, and Supplementary Planning Guidance Note 1 - AN1 (Ancillary /Associated Living Accommodation Units - A Guide to Development).

OFFICER'S REPORT

Site Description:

The application site consists of a detached dwelling-house located to the south of Rue Des Reines, Forest. The site is located Outside of the Centres as defined in the Island Development Plan. The site is bounded to the south and west by agricultural land.

Planning permission was approved in 2019 (FULL/2018/2962) to erect an extension to the rear of the Wing, amongst other works. Permission was later granted in 2020 (FULL/2020/2061) to vary the permission in order to enlarge the footprint of the extension serving the wing to the rear, as well as removing the bay window and altering the fenestration to the north (front) elevation.

Planning permission was refused earlier this year (2024) to raise and alter the ridge height of the approved dower unit to create habitable accommodation at 1st floor level. The 1st floor accommodation would serve two additional bedrooms and a shower room (FULL/2024/1580).

Relevant History:

FULL/2024/1580	Raise and alter ridge height to create accommodation at 1st floor level, extend at ground floor level to east of property/wing.	Refused
FULL/2020/2061	Variation to previously approved plans to erect extension to south (rear) and west (side) elevation - Enlarge extension footprint to south (rear), remove bay window and alter fenestration to north (front) elevation.	Granted
FULL/2018/2962	Erect extension to south (rear) and west (side) elevations, demolish, excavate and erect wall to east boundary and install solar panels to south (rear) elevation.	Granted
PAPP/2004/2518	Change garage door to a bay window and install new window	Granted

Existing Use(s):

Residential dwellinghouse

Brief Description of Development:

Planning permission is sought to erect a single storey outbuilding/dower unit (annex) adjacent to the south boundary. The proposed unit will be approximately 10m (l) x 6m (w) and makes provision for two bedrooms, a lounge, kitchenette (as noted in the agent's) letter, shower room, and two cupboards.

The agent's letter of 20th September explains, inter alia, that:-

- 1) The annexe will initially provide accommodation for the family during the construction of the approved Wing ground floor alterations & hopefully for the recently submitted 1st floor roof extension.*
- 2) The annexe will offer my client's oldest daughter the ability to experience "independent" & "holiday" living whilst ensuring the necessary nearby family support & reassurance.*
- 3) The annexe would share vehicle access with the principal dwelling.*
- 4) As shown the annexe would share a garden with the principal dwelling.*
- 5) The annexe would have separate utility supplies, serviced via the house.*
- 6) As required the facilities of the principal dwelling would be shared.*

The approved ground floor of the Wing equates to an area of approximately 84sqm (FULL/2020/2061). The first-floor accommodation which was refused as part of application FULL/2024/1580 equated to approximately 61sqm (FULL/2024/1580).

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

OC1 Housing outside the centres
GP8 Design

GP9 Sustainable Development
GP13 Householder Development

Planning Advice Note – AN1. Ancillary /Associated Living Accommodation Units - A Guide to Development.

Representations:

None.

Consultations:

None.

Summary of Issues:

- Whether the proposed accommodation is ancillary or incidental to the existing dwelling.
- Whether the design, scale, mass, siting, form and materials of the proposed development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

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.

Policy GP13 (Householder Development) states that proposals for dower units will be supported provided the additional accommodation is demonstrably ancillary and well-related to the existing dwelling and there are no significant adverse effects on the amenities of neighbouring properties.

Paragraph 19.14.14 states that:

“Dower units can be acceptable in circumstances where a completely independent unit of accommodation would not comply with the normal criteria regarding access, space about dwellings and residential amenities. Proposals usually take the form of extensions to the main dwelling but can also include conversion of existing or the construction of new outbuildings within the recognised domestic curtilage where these are well related to the principal dwelling. Proposals to create dower units will be assessed sympathetically and

will be supported where the proposal is acceptable in terms of the impact of the development on the amenities of neighbouring residents”.

The dwelling already benefits from an approved two bedroom attached dower unit as part of applications FULL/2018/2962 and FULL/2020/2061.

The reasons set out in the agent’s letter for the proposed dower unit are acknowledged. It is understood that the detached dower unit is intended to be used as a temporary measure for additional accommodation whilst the works to implement the approved attached dower unit are carried out, after which it would be used as an occasional detached dower unit in order for the family member to become more self-sufficient and less reliant on the occupiers of the main house.

However, once the works are carried out to complete the attached dower unit, the host dwelling would be served by two, two-bedroom dower units, each with its own kitchenette, lounge, WC, etc. The approved attached dower unit is of a generous size and accommodation provision.

Whilst there is scope for members of a shared household to have a degree of independence under Policy GP13, the detached unit would be approximately 25m from the main house and therefore would not be closely related. Its physical relationship and use, overall, does not demonstrate a clear ancillary or subordinate relationship for the purposes of Policy GP13, and Planning Advice Note – AN1.

It is concluded that the application fails to satisfactorily demonstrate that the proposed detached dower unit would be ancillary, well-related and dependent upon the main house when considering planning permissions for similar habitable accommodation on the same premises (FULL/2018/2962 and FULL/2020/2061).

Given the identified conflict with Policy GP13 and Planning Advice Note – AN1, it is recommended that the application be refused.

Date: 27/11/2024

