

IMPORTANT NOTICE: Please note that this guidance is currently under review. The guidance document relates to the policies of the superseded Urban Area Plan and Rural Area Plan and may not be relevant or consistent with the policies of the adopted Island Development Plan 2016. Please refer to the relevant policies and Annexes of the Island Development Plan and contact the Planning Service for further information before submitting a planning application.

Dower Units

A guide to development



Development &
Planning Authority



PLANNING ADVICE NOTE 1: DOWER UNITS

Introduction

This Note provides advice about the way planning applications for dower units in the Island of Guernsey will be considered.

A dower unit is normally considered to be part of or an addition to a house used for the accommodation of dependent relatives. It usually takes the form of an extension but may comprise a converted outbuilding. Alternative names include a granny annex or granny flat.

The creation of dower units has an historical and legal reference. By Guernsey law, a widow is entitled to one third of the house after her husband's death. It was common practice in the past to provide for this by constructing a wing half the size of the main house. This provided a third of the accommodation of the whole house and was known as a "widow's third" or dower unit. Nowadays, it is common for extra accommodation to be provided for parents, or other family members, providing a degree of both care and independence.

The need for planning permission

For legal purposes, dwelling is defined as, "a building or part of a building designed for human habitation, and includes any land within the curtilage of that building¹." Any ancillary or incidental uses associated with a dwelling are considered as part of the overall residential use²."

Do I need planning permission to use part of my house as a dower unit?

The use of part of a dwelling to accommodate a relative or relatives does not need planning permission as long as there continues to be a single household.

Do I need planning permission to use an outbuilding, including a garage as a dower unit?

Where an outbuilding within the domestic curtilage, including a garage, is converted to form an additional room or rooms to be occupied as part of the 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 residential use is simply being replaced by another. However, sometimes planning conditions require a garage to be retained for vehicle parking. Any such condition will mean that planning permission will be needed.

Do I need planning permission for any alterations?

Any alterations needed to use part of a dwelling, such as new windows and doors, may need planning permission. Changes to an outbuilding or garage, such as the change of a garage door to a window, are likely to need planning permission.

Do I need planning permission for extensions?

Most extensions will need planning permission although some small extensions are exempt. You can use our guidance note: Exemption 10: Extensions, available at www.gov.gg/planning, to check whether your extension needs planning permission.

If you have any doubt about the need for planning permission, you should check with us. The quickest and easiest way is to use the “Pre-Application Enquiry Form”.

This is available from the planning website www.gov.gg/planning_building_permissions

Main issues when assessing proposals for dower units

Policy Issues

Where planning permission is needed, a planning application will be considered against the policies contained in the Urban Area Plan or the Rural Area Plan. The policies most relevant are Policy HO14 of the Urban Area Plan (UAP) or Policy RH5 of the Rural Area Plan (RAP). These are set out in full in Appendix 1 at the end of this document. Copies of both Plans can be available on the planning website www.gov.gg/planning.

Because dower units are not considered as separate dwellings, the normal requirements regarding access, parking, garden space and level of residential amenity are not applied. Both Policies HO14 and Policy RH5 support the principle of creating dower units. However, both also indicate that any dower unit must remain a part of the existing dwelling.

The wording of the planning policies as they apply to the use of outbuildings to create dower units is different in the Urban and Rural Area Plans. Policy HO14 of the UAP refers to the “alteration or extension of houses including outbuildings.” Policy RH5 of the RAP refers to “alteration or extension of houses, including the conversion of outbuildings within the residential curtilage”. Both Plans allow for the conversion of outbuildings to dower units. Policy RH5 recognises the important role that conversion of existing outbuildings can play in providing such accommodation in the rural area.

The objectives of the two Plans and the characteristics of the areas they cover are different. This explains the different requirements of the policies. New development is to be concentrated in the urban area while the main objective of the RAP is to protect and enhance the open and undeveloped character of the rural area and to restrain development.

There may be other policies of the Plans which are relevant in considering proposals for new dower units. A pre-application discussion with a planning officer will allow for full discussion of relevant policies.

Ancillary or incidental

A main issue when dealing with proposals for dower units is whether the accommodation to be provided is to remain ancillary or incidental to the occupation of the dwelling.

The issues which are relevant to whether or not a dower unit would be ancillary or incidental to the main dwelling include the following:

- The relationship of the occupiers of the dower unit to those of the main dwelling;
- The physical relationship between the dower unit and the main dwelling;
- The facilities available in the dower unit such as kitchen, bath or shower, washing machine, storage of goods, separate parking or garden;
- Whether the unit would have independent access;
- Whether the unit would have its own defined garden;
- Whether the unit would have separate utility supplies and how these would be paid for;
- Whether meals will be taken with the occupiers of the main dwelling;
- Whether any of the facilities of the main dwelling would be shared;
- Whether the occupiers of the dower unit would receive any care and/or support from the main residents.

The fact that a dower unit is capable of being used separately does not mean that it cannot or will not be occupied in a way which is ancillary or incidental to the main dwelling. However, it is possible that a unit containing all the facilities for day to day existence could subsequently be let or sold off separately from the main dwelling. Any unauthorised use of this nature may be difficult to detect. As such, planning permission will not be granted for a dower unit unless there is clear evidence that it can and will be used as ancillary or incidental to the main dwelling.

Requirements by **Building Control** may influence the facilities which must be provided. Building Control does not recognise a dower unit as anything other than part of the main dwelling. When the creation of a dower unit requires an extension, then the Regulations that are applied are the same as they would be for any other extension.

Where a dower unit is created through the conversion of existing outbuildings, then Building Control recognise this as remote ancillary accommodation and as such all the requirements identified under the relevant Regulations are applied.

Of these, the most important is probably Regulation G4 which, in any building containing sleeping accommodation, requires that “adequate kitchen facilities shall be provided containing a fixed sink unit and suitable provision of hot and cold water.” To comply with this requirement, basic ‘kitchenette’ type facilities would normally be considered acceptable in planning terms provided that the accommodation remains clearly ancillary to the existing dwelling.

Other building control issues to be considered in the planning of a dower unit, whether attached or remote from the main dwelling, include a minimum room size for sleeping accommodation, adequate sanitary facilities within the same building, and suitable means of escape in the event of fire.

Further advice is available by speaking to Building Control. Call 01481 717200 for further information.

Proximity and ease of access

Policy RH5 of the RAP requires that an outbuilding or new curtilage building to be used as a dower unit must be “well related to the principal dwelling in terms of siting within the curtilage, proximity to and ease of access from the dwelling.” This raises the following issues:

- is the building within the curtilage?
- is the building close to the main house with easy access?

The basic principle of a dower unit is to share accommodation in the house. As such, any proposal which requires occupants to walk any more than a few metres in the dark, rain and cold to the main house is unlikely to be regarded as well related.

Size of dower unit

Neither the UAP nor the RAP contains guidance about the minimum or maximum size of a dower unit. Each case will be different both in terms of the individual requirements of the family member(s) to be accommodated and the characteristics of the main house and any outbuilding.

In assessing any planning application, the size of the unit will be considered. Any proposal which provides all the facilities for self-contained day to day existence, contains excessive floorspace and/or contains more than one bedroom is unlikely to be regarded as a dower unit. Significant extension of outbuildings may result in a building with all the facilities of a separate dwelling rather than the creation of a dower unit.

Character and appearance

The impact of any alterations and extensions on the appearance and character of the area will be an important consideration when deciding whether or not to grant planning permission. There are general planning policies which seek to make sure that development is of good design and is in character with its surroundings.

Protected buildings

There is a statutory duty to preserve and enhance the special interest and setting of Protected Buildings and Monuments³. This duty is reflected in Policy DBE8 of the UAP and RCE11 of the RAP. Professional advice from a qualified and experienced architect should make sure that any alterations and/or extensions are carried out in a way which respects the character of the building. This will be particularly important where demolition is involved. A Planning & Design Statement should normally accompany any application affecting the character of a Protected Building.

Conservation areas

Within conservation areas, by law special attention must be paid to preserving and enhancing the character and appearance of the area⁴. This duty is reflected in Policy DBE7 of the UAP and RCE10 of the RAP. If you are proposing works within a conservation area, they must preserve and enhance the special character of the area.

Neighbours

The impact of any alterations and extensions on neighbouring properties is an important consideration when deciding whether or not to grant planning permission for a dower unit. There are planning policies which seek to make sure that development protects the reasonable enjoyment of adjoining properties. Particular care must be taken to avoid undue overlooking, overshadowing and loss of outlook. Planning applications are publicised by means of a notice displayed on the application site and you should discuss any development proposal with your neighbours at an early stage.

Parking and Access

As dower units are occupied as part of the existing dwelling and its household, there would not normally be an expectation of separate access and parking. It may be appropriate to provide additional parking to accommodate the increased occupancy.

Other Issues

There is a wide variety of planning policies and planning considerations which may be relevant to any development proposal. The issues listed above are the main ones likely to be relevant when considering dower units. We welcome discussions prior to the submission of any planning applications. These can help in identifying the main planning issues, the likelihood of permission being granted and any changes which might improve the proposal.

Information to be included with planning applications for a dower unit

We will expect all planning applications for dower units to be accompanied by four copies of the following information: (see page 5)

1. A site plan to a scale of 1:1250 or 1:2500 which is accurate and is adequate to easily identify the application site. This should preferably be an extract from a Digimap plan. The application site should be marked clearly in red, with any adjoining land owned or controlled by the applicant edged in blue;
2. Detailed drawings, preferably to a scale of 1:50 showing floor plans and elevations; and
3. A block plan, preferably to a scale of 1:200, showing clearly the existing property, the proposed extension and neighbouring properties. The plan should show the positions of all existing and proposed door and window openings, adjacent roads, any boundary features and any landscaping. The area to be used for parking, if appropriate, should be shown on the plan.

The application should be accompanied by a supporting statement containing information to address the main planning issues identified above. You should therefore provide information about all the following points:

- What is the relationship of the occupiers of the dower unit to those of the main dwelling;
- What facilities will be available in the dower unit – will there be a kitchen, bath or shower, washing machine, storage of goods, separate parking or garden;
- Whether the unit will have independent access;
- Whether the unit will have separate utility supplies (gas, electricity, etc) and who will pay the bills;
- What meals, if any, will be taken with the occupiers of the main dwelling;
- Will any of the facilities of the main dwelling be shared; and
- Will any care and/or support be provided by residents of the main house.

Your decision may be delayed if this information is not provided.

Planning conditions

As explained above, as dower units are not considered as separate dwellings, the normal requirements regarding access, parking, garden space and level of residential amenity for new dwellings are not applied. Any planning permission granted for a dower unit does not allow it to be used as an independent dwelling. Any such use would be a breach of planning control and could be the subject of formal enforcement action.

In order to make the status of any permission clear and to emphasise the purpose of the proposed development, the following condition is applied to all permissions. This may be modified to suit particular circumstances:

“The additional accommodation hereby permitted shall remain an integral part of and incidental to the principal dwelling presently known as (), to which it is attached, and shall not at any time be severed from that dwelling to provide a self contained unit of accommodation separate from the principal dwelling”.

References

- 1 Section 5 of The Land Planning and Development (Use Classes) Ordinance 2007
- 2 Section 2 of The Land Planning and Development (Use Classes) Ordinance 2007
- 3 Section 34 of The Land Planning and Development (Guernsey) Law 2005
- 4 Section 38 of The Land Planning and Development (Guernsey) Law 2005

Glossary

Ancillary and incidental: A dower unit is accommodation that is related and subordinate to the principal use of the main residence. It is connected to the main house both physically (either adjoining or within the domestic curtilage with some shared facilities) and through the relationship of the occupants of both buildings, who are normally family.

Domestic curtilage: Domestic curtilage is usually a garden, but can include land for parking areas, access roads, vegetable plots, children's play equipment, and stables (where the horses are kept for pleasure rather than agricultural use). It is not necessarily marked off or enclosed, but it should be clearly attached to the house or serving the purpose of the house in some useful and intimate way.

Dwelling: Defined as "a building or part of a building designed for human habitation, and includes any land within the curtilage of that building." Any ancillary or incidental uses associated with a dwelling are considered as part of the overall residential use.

Household means:

1. A person living alone,
2. Any number of people living together as a family, or
3. Up to six people living together as a single household

Kitchenette means a small kitchen or area for preparing food, often just part of a room rather than a separate room.

Planning & Design Statement: Used to explain the design process and justify the design solution which has been adopted. This should normally involve an assessment of the site and its surroundings, identifying the constraints and opportunities, a description of the design alternatives considered as a result of the findings of the assessment and an explanation of why the proposed design solution is the preferred option.

Appendix 1 – Planning policies related to dower units

Policy HO14 of the Urban Area Plan

In order for relatives to be accommodated as part of an extended household, permission is often sought for an additional living unit connected to the main dwelling. These are usually referred to as dower units or granny wings. This can be in circumstances where a completely separate unit of accommodation would not comply with the normal criteria regarding access, space about dwellings and residential amenities. Such proposals are usually extensions but may be conversions of outbuildings. They will be treated sympathetically provided the property remains as one dwelling unit.

Policy HO14

The alteration or extension of houses including outbuildings, to form additional living units for occupation in association with the principal dwelling, will normally be permitted provided that:-

- a) there would be no loss of amenity to adjoining development; and
- b) the accommodation would form a subsidiary and integral part of the main dwelling unit.

Policy RH5 of the Rural Area Plan

In order for close family members to be accommodated as part of an extended household, it may be possible for an additional living unit to be linked to, either physically or through association with,

the main dwelling. Such developments are usually referred to as dower units or granny wings and form a traditional method of providing informal sheltered accommodation on the Island.

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 amenity. Proposals usually take the form of extensions to the main dwelling but can also include conversion of outbuildings within the recognised domestic curtilage, where these are reasonably close and well related to the principal dwelling. In order to prevent dower units being used as conventional dwellings, proposals will be expected to clearly demonstrate that the unit will not be a wholly self contained unit of residential accommodation and that it cannot readily be converted to such. The Department will normally expect a dower unit to retain some shared facility, such as kitchen, with the principal dwelling.

We will treat proposals for dower units sympathetically, provided the property clearly remains as one dwelling unit and subject to the proposal being acceptable in terms of scale, design, materials and impact on the amenities of neighbouring residents.

Proposals involving the erection of a new building to serve as a dower unit will be considered additionally under the provisions of the policies of the General and the Conservation and Enhancement chapters.

Policy RH5

The alteration or extension of houses, including the conversion of outbuildings within the residential curtilage, to form additional living units for occupation in association with the principal dwelling will normally be permitted provided that:

- a) the accommodation would be clearly subsidiary to and dependent upon the main dwelling unit and be of appropriate design; and,
- b) in the case of conversion of an outbuilding, or new curtilage building, the building is well related to the principal dwelling in terms of siting within the curtilage, proximity to and ease of access from the dwelling.

Contact us

For further information or advice at:

The Office of the Development & Planning Authority
Sir Charles Frossard House
La Charroterie
St Peter Port
GY1 1FH

Telephone 01481 226200 E-mail planning@gov.gg

Have you visited our website? Go to www.gov.gg/planning for additional guidance material and other planning information, or to book a pre-application discussion.

Warning: This Guidance is undergoing review, please refer to the relevant policies and Annexes of the Island Development Plan.

This note is issued by the Development & Planning Authority to assist with the understanding of the provisions of the Law. It represents the Authority's interpretation of certain provisions of the legislation and is not intended to be exhaustive or a substitute for the full text of the legislation copies of which are available from the Greffe. Electronic copies are also available at www.guernseylegalresources.gg Substantive queries concerning the legislation should be addressed to the Authority at Planning@gov.gg. The Authority does not accept any liability for loss or expense arising out of the provision of, or reliance on, any advice given. You are recommended to seek advice from an independent professional advisor where appropriate.