

**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:** Convert first floor to flat (Residential Use Class 2) and internal alterations. (Protected Building).

**LOCATION:** La Salle Paroissiale, Les Buttes, St. Pierre Du Bois.

**APPLICANT:** Constables Of St Pierre Du Bois

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:** 22/05/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 09/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Courtillet Design: 21.692/10, /11B & /12A.

**Application Ref:** FULL/2023/0356

**Property Ref:** F005910000

**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 removal of the existing doors, large scale drawings (1:20 elevations and 1:5 sections) of the replacement external doors and door frames and details of the internal safety bars to the first floor windows shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the development does not have any adverse impact on the character of the area or the special interest of the Protected Building.

5.Prior to the first occupation of the dwelling hereby approved the existing first floor windows in the north elevation shall be obscure glazed to a minimum level 3 on the Pilkington scale (or equivalent), the precise method and details of which shall beforehand be submitted to and approved in writing by the Authority. The approved obscure glazing shall be retained thereafter in perpetuity unless otherwise agreed in writing by the Authority.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

6.No development, including site works, shall begin until a scheme showing the provision to be made for the parking of cycles, under cover and secure, has been submitted to and agreed in writing by the Authority, and the dwelling hereby approved shall not be brought into use until the agreed scheme has been fully implemented. The provision for cycles shall not be used for any other purpose.

Reason - To encourage the use of bicycles as an alternative to the car.

7. Prior to the commencement of any work in connection therewith, details of the proposed hardsurfacing to be used in the development shall be submitted to the Authority. Only those materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - To secure the satisfactory appearance of the completed development in order to preserve the character and appearance of the Conservation Area and the setting of the Protected Building.

**Expiry Date: This permission will cease to have effect on 21/05/2026 unless development is commenced by that date.**

**ADVICE AND OTHER REMARKS:-**

With regard to condition 5 the Authority encourages the applicant or developer to explore ways to retain the existing glass in the north facing windows of this Protected Building whilst providing an obscure glazed product or film which will help preserve the special interest of the Protected Building whilst preserving the privacy of the occupiers of the neighbouring dwelling.

**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](http://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](mailto: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/2023/0356  
**Property Ref:** F005910000  
**Valid date:** 09/03/2023  
**Location:** La Salle Paroissiale Les Buttes St. Pierre Du Bois Guernsey  
**Proposal:** Convert first floor to flat (Residential Use Class 2) and internal alterations. (Protected Building).  
  
**Applicant:** Constables Of St Pierre Du Bois

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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internal safety bars to the first floor windows shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

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Reason - To secure the satisfactory appearance of the completed development in order to preserve the character and appearance of the Conservation Area and the setting of the Protected Building.

## **INFORMATIVES**

With regard to condition 5 the Authority encourages the applicant or developer to explore ways to retain the existing glass in the north facing windows of this Protected Building whilst providing an obscure glazed product or film which will help preserve the special interest of the Protected Building whilst preserving the privacy of the occupiers of the neighbouring dwelling.

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## OFFICER'S REPORT

### Brief Description of the site:

"La Salle Paroissiale" is a protected building located north of Rue Des Buttes, St Pierre Du Bois. It is a two-storey building with render exterior and sash windows. A single-storey projection exists to the front/south of the building which has decorative corbel detailing to the main, slate roof and decorative feature to the roof of the entrance extension to the front. An external staircase exists to the east of the building.

The site is located in a Local Centre and Conservation Area as designated in the Island Development Plan. The property is a Protected Building.

### Relevant History:

Pre-application advice was sought in this case.

### Existing Use(s):

La Salle Paroissiale – Parish Hall.

### Assessment: *(Tick as appropriate)*

no representation

|                                     |
|-------------------------------------|
| <input type="checkbox"/>            |
| <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> |

accords with policy

within curtilage

design acceptable

visual amenity acceptable

no material neighbour impact

traffic not affected

|                          |                                     |
|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> |

### Policies considered most relevant:

Island Development Plan policies:

LC2: Housing in Local Centres

LC3(B): Social and Community Facilities in Local Centres - Change of Use

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

### Representation:

One letter of representation has been submitted commenting on the application and raising the following points:

- Whilst the application states that the windows in the rear of the proposed flat will not generate overlooking this is not correct. Although a hedge exists it is dying and without the hedge all the windows would face the garden (pool, outdoor dining area) of Buttes House and face the windows in the side elevation of this adjoining house which serve a bathroom and bedroom
- The application states that new amenity space will not be overlooked but this is incorrect as the garden of Buttes House extends to the common boundary, outside the line of the existing hedge. Direct overlooking is therefore possible
- Policy GP8 d) states new development should have regard to the health and wellbeing of occupiers and neighbours of a development with regard to sunlight/daylight and private open space – the proposed amenity space has limited direct light due to the narrow strip of land between the building and adjoining hedge and concerns exist that there will be future requests for the hedge to be lowered for natural light but which will have a significant impact on privacy
- The application assessment should be carried out on the basis of the hedge (or its replacement) being at the current height and without request for it to be lowered
- The application does not consider the privacy and wellbeing of occupiers of Buttes House
- The external amenity space should be rejected/omitted and the permission should allow the neighbour to maintain/replace the hedge at its current height

#### **Conclusion/Brief comment:**

The application relates to the change of use of the first floor of the building to a self-contained flat and for internal alterations to be undertaken at both ground and first floor levels. The application has been accompanied by supporting information that assesses the value of the building and its features and an explanation for the works, in order to make better use of the Parish property, improving the ground floor layout for flexible use, WCs/water and accessibility.

The value of elements of the building have been assessed against the magnitude of impact of the works to establish the effect of the development on the overall special interest using the matrix on page 16 of BS 7913:2013.

The external works, comprising the replacement of first floor doors/frames, roof vents, replacement guttering, fencing, bin store, alterations to steps and paving are all considered to represent the reasonable aspiration of the property owner when considering Policy GP5. It is reasonable to require large scale details for the doors/frames and paving details to be provided by planning condition. The works would not have a detrimental impact on the Conservation Area in line with the aims of Policies GP4 and GP9 of the IDP.

The reconfiguration of the ground floor as shown would affect modern insertions with sanitation provision and better accessibility. These works represent a reasonable aspiration when considered against Policy GP5.

With regard to the configuration of the first floor there are two early windows with architraves that remain and, as amended, the scheme would ensure internal lining would not interfere with these architraves and they are to be retained in accordance with Policy GP5.

The scheme would bring the upper floor of the building into active use as a unit of residential accommodation which represents efficient and effective use of the premises. The external alterations represent a good standard of design that respects the local built environment and the scheme would have little effect on the character of the local built environment in line with Policy GP8.

The scheme provides adequate internal space provision for future occupiers along with satisfactory outlook, daylight and sunlight. There is also reasonable access to external open space both on site and within the local area for occupiers to enjoy and utilise. Concerns have been raised regarding privacy associated with the development and it is noted that the north windows of the flat would be approximately 2m from the boundary. Changes in levels mean that the windows face directly towards an adjoining garden but the thick hedge does provide existing effective screening between the properties. Although comments have been received regarding the condition of the hedge and its possible removal/replacement the application must be considered on the basis of the situation as it currently exists as there is no requirement or guarantee through the planning process that the hedge will be removed and replaced. The accommodation is dual aspect with only two windows in the north elevation which limits the potential for overlooking and loss of privacy to the adjoining garden should the hedge be lowered/removed. These windows could however, be required to be obscure glazed to offer light rather than outlook in order to manage the effects of the change of use and potential increase in overlooking to the adjoining garden area. A condition relating to obscure glazing should be worded to enable consideration to be given to the different options available which may include retaining the existing glass in this Protected Building, however the Authority recognises that the works to obscure glaze the windows represent a reasonable aspiration of the property owner when considering Policy GP5.

The hedge has been set away from the common boundary for maintenance access however, on balance this would not undermine the privacy of occupiers of the flat as maintenance is likely to take place infrequently.

The flat could be adapted (subject to planning permission) at a later date should the layout require upgrading for the needs of a particular occupier offering flexible and adaptable accommodation. The scheme relates to the change of use of part of an existing building which is accessed by stairs which limits its accessibility but the

accommodation itself is all on a single level and would remain accessible by ambulant disabled.

The proposed off-road parking is remote from the site and is not convenient for access however this alone would be insufficient reason to refuse planning permission when considering Policy GP8 (good design and accessibility). The parking standards are recognised as guidance and to offer flexibility. The site is located within a Local Centre and there is no specific requirement for parking to be made available for such residential development. There is also reasonable access to public transport a short distance from the site, the scheme therefore satisfies Policy IP7. There is no specific provision in the scheme for secure/covered cycle storage however this is a matter that could be managed by condition and it could possibly be provided in the area currently highlighted for bin storage with the bins moved into the open storage area under the staircase thereby addressing IP7.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

In view of the above it is recommended permission is granted for the proposed development subject to conditions relating to replacement doors/frames, new paving and cycle/bin storage.

**Recommendation:**

Grant with Conditions



**Date:** 22/05/2023

