

**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, extend and alter outbuilding/garage to create dwelling with associated works, relocate existing vehicle access to south-west boundary and create additional vehicle access and parking for existing dwelling to south-east boundary.

**LOCATION:** Les Châtaigniers, Courtil De La Fontaine, Kings Road, St. Peter Port.

**APPLICANT:** Mr & Mrs D Domaille

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:** 15/11/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/10/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** ArcTECH Freelance Architecture - DD-24-1174-02F, 03F, 04F

**Application Ref:** FULL/2024/1742

**Property Ref:** A307530001

**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 commencement of works on site, full details of the hedge planting scheme, noting the species, sizes, numbers and densities of plants shall be submitted to and agreed in writing by the Development & Planning Authority.

Reason - To ensure the approved hedging is acceptable in the interests of visual amenity and neighbour amenity.

5.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season (October - April) following the new dwelling being brought into first use. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity and neighbour amenity.

6.No development, including site works, shall begin on site until the applicant or developer has contacted the States archaeologist and has arranged a suitable time for the archaeologist to oversee any excavation works carried out as part of the development, including the footings for the approved extensions.

Reason - The application site is located within an area of known archaeological importance and appropriate and satisfactory provision for overseeing excavation works are essential. This condition is imposed to make sure that any potential features of archaeological interest are protected or recorded.

7.As indicated on the approved drawings, no cladding shall be brought to the site until such time as details of the type, texture and colour of the cladding material to be used

have been submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - The drawings submitted are not clear. This reason is required to avoid any ambiguity with the external appearance of the approved dwelling in the interests of visual amenity.

8. Notwithstanding the information submitted, the development must provide covered and secured provision for bicycle parking prior to the hereby approved dwelling-house being first occupied.

Reason - To ensure that storage is available for bicycles to encourage their use as an alternative to the car, in accordance with Supplementary Planning Guidance, Parking Standards and Traffic Impact Assessment.

9. Notwithstanding the information submitted, the first floor window on the west elevation of the main house (Les Châtaigniers) shall be fixed and obscured glazed ((to Pilkington Level 3 or equivalent) prior to the hereby approved dwelling-house being first occupied.

Reason - To protect the amenities of the residents occupying the hereby approved dwelling-house.

10. The eaves of the hereby approved rooflights and the north gable window at first floor level as shown on drawing no. DD-24-1174-03F shall be installed at no less than 1.7m above finished floor level.

Reason - To protect the amenities of neighbouring residents.

11. The new hereby approved boundary wall, located between Les Chataigniers and the new dwelling, shall be erected in accordance with the approved drawings prior to the new dwelling being first occupied.

Reason - to ensure that the boundary wall is completed within a reasonable timeframe to respect the amenities of both properties.

12. The wall hereby approved to the front of the dwelling shall be finished in smooth render on both sides, within 2 months of construction.

Reason - To ensure that the boundary wall achieves an acceptable finish in the interests of visual and neighbour amenity.

**Expiry Date: This permission will cease to have effect on 15/11/2027 unless development is commenced by that date.**

**ADVICE AND OTHER REMARKS:-**

In light of Condition 8, it is recommended that secure and covered bicycle parking is located to the rear of the hereby approved dwelling-house in the interest of visual amenity.

**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/2024/1742  
**Property Ref:** A307530001  
**Valid date:** 16/10/2024  
**Location:** Les Châtaigniers Courtil De La Fontaine Kings Road Kings Road  
St. Peter Port Guernsey GY1 1QB  
**Proposal:** Convert, extend and alter outbuilding/garage to create  
dwelling with associated works, relocate existing vehicle  
access to south-west boundary and create additional vehicle  
access and parking for existing dwelling to south-east  
boundary.  
**Applicant:** Mr & Mrs D Domaille

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

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2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

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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.

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Reason - To ensure the approved hedging is acceptable in the interests of visual amenity and neighbour amenity.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season (October - April) following the new dwelling being brought into first use. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity and neighbour amenity.

6. No development, including site works, shall begin on site until the applicant or developer has contacted the States archaeologist and has arranged a suitable time for the archaeologist to oversee any excavation works carried out as part of the development, including the footings for the approved extensions.

Reason - The application site is located within an area of known archaeological importance and appropriate and satisfactory provision for overseeing excavation works are essential. This condition is imposed to make sure that any potential features of archaeological interest are protected or recorded.

7. As indicated on the approved drawings, no cladding shall be brought to the site until such time as details of the type, texture and colour of the cladding material to be used have been submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - The drawings submitted are not clear. This reason is required to avoid any ambiguity with the external appearance of the approved dwelling in the interests of visual amenity.

8. Notwithstanding the information submitted, the development must provide covered and secured provision for bicycle parking prior to the hereby approved dwelling-house being first occupied.

Reason - To ensure that storage is available for bicycles to encourage their use as an alternative to the car, in accordance with Supplementary Planning Guidance, Parking Standards and Traffic Impact Assessment.

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Reason - to ensure that the boundary wall is completed within a reasonable timeframe to respect the amenities of both properties.

12. The wall hereby approved to the front of the dwelling shall be finished in smooth render on both sides, within 2 months of construction.

Reason - To ensure that the boundary wall achieves an acceptable finish in the interests of visual and neighbour amenity.

## **INFORMATIVES**

In light of Condition 8, it is recommended that secure and covered bicycle parking is located to the rear of the hereby approved dwelling-house in the interest of visual amenity.

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## **OFFICER'S REPORT**

### **Site Description:**

The application site consists of a detached two storey dwelling, with a detached garage to the west of the site, served by gardens to the front and rear of the property. The property is one of five properties on a small clos, accessed off Kings Road. The site is located in a Main Centre Outer Area and Conservation Area as designated in the Island Development Plan.

**Relevant History:**

|                |                                                                                                                                                                                                                                                |                         |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| FULL/2024/1183 | Convert, extend and alter outbuilding/garage to create dwelling, with associated works, relocate existing vehicle access to south-west boundary and create additional vehicle access and parking for existing dwelling to south-east boundary. | Withdrawn               |
| PREA/2018/1477 | Possibility of converting large detached garage into a dwelling                                                                                                                                                                                | Pre-application enquiry |

**Existing Use(s):**

Residential use class 1 – dwelling-house.

**Brief Description of Development:**

Planning permission is sought to convert, extend and alter an outbuilding/garage to create a new dwelling. The application involves removing a section of the boundary hedge and relocating the existing vehicle access to the south-east boundary serving the host dwelling, and creating a new vehicle access and parking area for the proposed dwelling to south-west of the site.

A planning application was recently withdrawn earlier this year (2024) for a similar proposal although concerns were raised over the design of the scheme, in particular the detailing of the roof and the quality of the first floor accommodation afforded to future occupiers. The application had received a number of representations.

The new application has been submitted in attempt to address the concerns raised by the Authority. The new scheme seeks to increase the ridge height of the property to improve the internal space provision of the proposed first floor accommodation and to negate the continuous flat roof dormer window which flanked both the east and west elevations as part of application FULL/2024/1183. The new application has received a number of representations.

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

- MC2 Housing in Main Centres and Main Centre Outer Areas
- GP4 Conservation Areas
- GP8 Design
- GP9 Sustainable Development
- GP13 Householder Development
- IP7 Private and communal parking
- IP9 Highway Safety, Accessibility and Capacity

Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment.

### **Representations:**

The Authority has received 2 representations objecting to the proposal.

One of the representations has been signed by 2 different parties.

Grounds for objection principally relate to the following issues:-

- Parking and traffic.
- Character and appearance of the clos.
- Design.
- Environmental impacts.
- Impact on services.
- Future use of garage conversion.

### **Consultations:**

States Archaeologist's comments:

*"The site lies only a few metres north of the Iron Age settlement and cemetery beneath Acorn House and properties further to the south, and for that reason there is potentially some archaeological interest here. I would be grateful if permission is granted that a condition be placed on the approval to the effect that we can inspect any footings dug as part of the development."*

### **Summary of Issues:**

The main issues in deciding this application are:

1. Whether the principle of a new dwelling is appropriate in this location;
2. The impact of the development on the character and appearance of the area;
3. The impact of the development on the amenity of people living in the area, including the residents of the existing and new house; and
4. Parking and access issues, taking into account the above planning policies.

### **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 set out in 2 below.

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

Whether the principle of a new dwelling is appropriate in this location

Policy MC2 makes clear that development for new housing will only be supported in Main Centres and Main Centre Outer Areas where they accord with all other relevant policies of the IDP and where the dwelling type, mix and size is appropriate.

The site is not identified as Important Open Land and a Development Framework and Waste Management Plan is not required. Criterion C) of Policy MC2 is therefore not relevant in this instance.

The application site is within a Main Centre Outer Area therefore the principle of housing development is acceptable. Further consideration as to whether the development would be in character with its surroundings, would be of satisfactory design and would comply with other relevant policies, is assessed below.

#### *Impact on the character and appearance of the area*

The application site is predominantly within a residential area. There are a mix of building scales, styles and forms in the locality. The small clos has a sense of cohesion in terms of its architectural composition of building facades and styles. The buildings are similar in their scale, mass and forms, which appears to have been built as one housing development sometime in the 1970s, based on orthophotographs.

In the wider locality there is a variety of detached, semi-detached and terrace properties, typically varying between 1.5 storey and 2 stories high.

The proposed 2 bedroom, 1.5 storey detached dwelling is considered to respect the surrounding built environment, and comprises a traditional slate roof appearance. The exterior will be comprised of external insulation with a render finish to the original walls of the garage with aluminium windows and doors. Whilst not noted on the drawings, it would appear that the top half of the pitched roof structure will be finished in cladding. This should be conditioned accordingly to avoid any ambiguity.

Whilst the proposed dwelling will be of a different design to that of the host dwelling, and the dwellings forming the Clos, there is sufficient flexibility in the Island Development Plan to ensure that new dwellings can take various forms and shapes, providing that they respect the character and appearance of the area, in which case this proposal does. Whilst different in terms of its architectural composition and style and scale, the proposed dwelling achieves a high enough standard of design in terms of its scale, mass, form, siting, materials and detail, which on its own merit is acceptable to comply with Policy. Whilst different to the style of buildings on the clos, the proposal would not have a significant detrimental effect to the surrounding built environment or visual amenity that would be reasonable and sufficient enough to refuse the application. The flexibility of building design is set out in both Policy GP8 below:

*“Some parts of the Island are more sensitive to building design than others.  
Within*

*Conservation Areas and where development relates to protected buildings or protected monuments and their settings, development will be expected to achieve a particularly high standard of design which should respect the character of the particular environment concerned. This may result in either a contemporary or traditional approach to design but, whatever the chosen approach, new development in such circumstances should consider, without necessarily replicating, the scale, mass, detail and special interest of the surrounding built form to complement the local character.”*

Due to the siting of the new dwelling which will be sited at some distance from the main road (Kings Road), the proposal is considered to ‘conserve’ the character and appearance of the Conservation Area by virtue of the scale, form, mass and materiality of the proposed house (Policy GP4) as explained above.

The application satisfactorily demonstrates the most effective and efficient use of the land available due to the multi-storey nature of the development (1.5 storey), whilst striking a balance that respects the surrounding local built environment (Policy GP8, Design).

With regard to the partial loss of the section of hedge to the front of the site, the removal of part of the hedging is required in order to create parking provision for both the host dwelling the proposed dwelling. A reasonable balance has been achieved by ensuring the both properties are bounded by hedging to respect the character and appearance of the clos, whilst enabling sufficient access to the respective properties. In addition, the clos is considered to have low traffic speeds and volumes therefore erecting a 1.1m high wall to the front of the site to divide both properties is acceptable in this scenario. The scheme also benefits from new hedging is also likely to reduce sightlines, but is similar to the relationship of other properties on the clos and strikes a reasonable balance between the character and appearance of the clos, and highway safety. Overall, the scheme will not unduly affect sightlines to cause significant highway safety issues. The application accords with Policy GP8, IP7 and IP9.

The proposed wall to the front of the house should be finished in smooth render on both sides and a condition to this effect should be attached to the decision.

With regard to Policy GP9 (Sustainable Development), it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

In light of the States Archaeologist’s comments, it is recommended that a suitable condition be attached to the decision to allow the States Archaeologist to oversee the excavation works for the proposed extensions.

*Impact on the amenity of people living in the area, including the residents of the existing and new houses*

Careful consideration has been given to the effect of the development on the amenities of neighbouring residents.

By virtue of increasing the height of the pitched roof has improved the physical appearance of the new dwelling which relates better to the surrounding built form. By virtue of increasing the ridge height has increased the head-room and functionality of the space for potential occupiers, thereby improving the internal space provision at first floor level.

Despite being of limited size when compared to the footprint of the proposed building and site as a whole, the proposal achieves an acceptable standard of internal and external amenity space.

The proposed dwelling is considered to satisfy the amenity standards set out in Annex 1 (Amenities) of the IDP, therefore a satisfactory level of amenity is afforded to future occupiers as a result of the development.

It is however acknowledged that by increasing the ridge height of the building has indirectly created an overshadowing and overbearing effect for neighbouring properties, particularly to the north of the application site. However, when taking into account the increase to the proposed ridge height (approximately 1.3m) together with the area most affected (which is located towards the middle of the neighbour's rear garden to the north of the site), the degree of overshadowing and overbearing will be noticeable, although is not considered to be so substantial to justify grounds for refusal when taking into account the existing shadowing effect and relationship of the garage and high boundary wall.

The neighbours to the east and west of the site will also be affected by the increased ridge height, although are not considered to be significantly affected either to amount to undue harm.

The proposed roof lights and north gable wall shall be installed at no less than 1.7m as shown on the proposed drawings to respect the amenities of neighbouring residents as this will prevent overlooking concerns.

Although, due to the overlooking concerns from the first floor window of the host house that faces west towards the proposed dwelling, it is considered necessary and reasonable that this window be fixed shut and obscure glazed to prevent overlooking given its close proximity and relationship to the new property.

Effects from the development during the construction phase of the development are noted, although are not significant planning considerations that could have a bearing on the outcome of this decision.

### Parking and access issues:

As set out above, the proposed parking arrangement has been revised in order to take into account the SPG: Parking Standards and Traffic Impact Assessment. The SPG seeks to limit the number of car parking spaces to 2 per dwelling in the Main Centres and Main Centre Outer Areas as part of new housing development in order to reduce the dependency on the car. A condition regarding including secured and covered bicycle parking should be attached as a condition to reduce the dependency on the car as directed by the SPG.

It is reasonable to impose conditions requiring details of hedge planting around the front garden area and for the planting to be carried out within a set timeframe. Consequently, the extent of parking provision is acceptable with regards to Policy GP8 and IP7.

Due to the low traffic flows and speeds along this private road, the proposed access arrangements are unlikely to cause significant highway safety issues. The loss of a hedge and the creation of car parking provision to the front of the new dwelling, and the parking arrangement for Les Châtaigniers has been noted above. The proposal is acceptable with regards to Policy IP9.

### Conclusions

The principle to construct a 2 bedroom 1.5 storey dwelling-house in this location is appropriate under the provisions of Policy MC2 and is considered to respect the character and appearance of the surrounding area.

The dwelling is acceptable in terms of its design, scale, mass, form, siting, layout and materials under Policy GP8, which also demonstrates the most effective and efficient use of land whilst respecting the surrounding built environment. Whilst different in terms of its design, the proposal is not considered to cause unacceptable harm to the character and appearance of the clos or wider area that would be sufficient and reasonable to refuse permission.

The new dwelling would satisfy the amenity standards providing a reasonable living environment set out in Annex 1 (Amenities).

The proposal is not considered to cause significant harm to neighbouring residents.

The parking provision proposed complies with the relevant policies and supplementary planning guidance, subject to appropriate conditions.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

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

The matters to be considered under Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007 have been assessed as part of the section dealing with policy issues set out in 2 above.

Careful consideration has been given to the representations made by neighbouring residents, and where appropriate are addressed above.

Third party private matters, the supply of electricity and the use of the turning point on the cros are not material planning considerations therefore cannot be considered as part of a planning application.

With regards to the future use of the proposed dwelling, any operational development that requires planning permission in its own right would be assessed on its own merits and would be advertised accordingly.

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

The proposal would have no impact on protected trees, buildings or sites.

**Date:** 13/11/24

