

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: Subdivide, extend and alter existing dwelling to create 3 dwellings and associated works (Protected Building).

LOCATION: Les Marais, Ruelle Du Val De Haut, St. Pierre Du Bois.

APPLICANT: Mr C Croft

I refer to the application referred to below received as valid on 05/12/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 03/03/2025

Drawing Nos: MAT Ltd: 24-327-04, 05, 06, 07,

Application Ref: FULL/2024/1988

Property Ref: F005410000

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. By virtue of the size and level of accommodation to be provided within the proposed single-storey extension this aspect of the proposed subdivision scheme would not represent a modest extension to the existing building and the extension would form a significant part of each new unit proposed. The scheme is therefore contrary to Policy OC1 c. of the Island Development Plan.
2. The proposed development, if permitted, would result in the removal and permanent loss of five windows and two doors, all existing staircases, a built-in cupboard, moulded joists, a tree-branch lintel, fireplace and the remnants of the chimney hood and old window openings which are all features that contribute to the special interest of this protected building. The development would also have a detrimental impact on the plan form of the building through the removal and repositioning of the staircases in units 1 and 2 and the proposed substantial changes to openings within those buildings and through the rear/south wall of units 1, 2 and 3.
3. These works would detract from the special interest of the property as a protected building of architectural and historic interest, contrary to Policy GP5 of the Island Development Plan.

3. The proposed extension, by reason of its form, scale and the external materials proposed would detract from the appearance of the protected building. As a result, the extension if permitted, would not achieve a sufficiently high standard of design to complement the architectural character of the building and the open landscape concerned. Furthermore, the physical effect on the protected building resulting from the proposed alterations to openings and to the interior so as to accommodate the extensions would prove detrimental to the special interest of the property as a protected building of architectural and historic interest contrary to Policies GP5, GP8 a. (design) and c. (local character), GP9 b. (impact on protected building) and GP13 b. (scale and mass and open character).

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/2024/1988
Property Ref: F005410000
Valid date: 05/12/2024
Location: Les Marais Ruelle Du Val De Haut St. Pierre Du Bois Guernsey
GY7 9LB
Proposal: Subdivide, extend and alter existing dwelling to create 3
dwellings and associated works (Protected Building).
Applicant: Mr C Croft

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. By virtue of the size and level of accommodation to be provided within the proposed single-storey extension this aspect of the proposed subdivision scheme would not represent a modest extension to the existing building and the extension would form a significant part of each new unit proposed. The scheme is therefore contrary to Policy OC1 c. of the Island Development Plan.
 2. The proposed development, if permitted, would result in the removal and permanent loss of five windows and two doors, all existing staircases, a built-in cupboard, moulded joists, a tree-branch lintel, fireplace and the remnants of the chimney hood and old window openings which are all features that contribute to the special interest of this protected building. The development would also have a detrimental impact on the plan form of the building through the removal and repositioning of the staircases in units 1 and 2 and the proposed substantial changes to openings within those buildings and through the rear/south wall of units 1, 2 and 3. These works would detract from the special interest of the property as a protected building of architectural and historic interest, contrary to Policy GP5 of the Island Development Plan.
 3. The proposed extension, by reason of its form, scale and the external materials proposed would detract from the appearance of the protected building. As a result, the extension if permitted, would not achieve a sufficiently high standard of design to complement the architectural character of the building and the open landscape concerned. Furthermore, the physical effect on the protected building resulting from the proposed alterations to openings and to the interior so as to accommodate the extensions would prove detrimental to the special interest of the property as a protected building of architectural and historic interest contrary to Policies GP5, GP8 a. (design) and c. (local character), GP9 b. (impact on protected building) and GP13 b. (scale and mass and open character).
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OFFICER'S REPORT

Site Description:

The site is located Outside of the Centres as designated in the Island Development Plan and the land to the south and east of the existing curtilage forms part of an Area of Biodiversity Importance. The property, both inside and out, is a protected building.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

01 dwellinghouse

28 agriculture

Brief Description of Development:

The application relates to the subdivision of the existing building into three dwellings, the removal of the existing lean-to glasshouse and the construction of a single-storey flat roof extension with associated roof lanterns to the rear of the entire building along with a sloping roof section for each proposed dwelling to house the staircase. The application also proposes the replacement of windows and doors, infilling windows, forming new window openings, new rooflights to the rear roofslopes and internal alterations including new staircases and internal partition wall and infilling internal doorways.

The scheme relates to three dwellings each with an open plan kitchen, dining, lounge and utility in a new extension and a bedroom, snug and WC on the ground floor of the original building whilst at first floor level two further bedrooms are proposed for each unit with associated bathroom(s).

The application has been accompanied by a Site Waste Management Plan and Statement of Significance.

The Statement of Significance gives a brief history of the site, description of the buildings and explains the proposals. Although the Statement refers to the retention of some windows the application drawings show wholesale replacement. The submission also sets out that the removal of damaged/infected internal elements was part of the agreement of sale of the building and that the windows and doors are in a deteriorated condition.

A partial window and door schedule has been provided but it omits the whole south/rear elevation and does not make any distinction between the differing ages of the window and door units.

Investigations on site confirm omission from the drawings of various chimneys breasts and alcoves/niches.

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

Island Development Plan policies:

OC1: Housing Outside of the Centres
GP1: Landscape Character and Open Land
GP8: Design
GP9: Sustainable Development
GP13: Householder Development
IP6: Transport infrastructure and support facilities
IP7: Private and Communal Car Parking
IP9: Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

Office of Environmental Health and Pollution Regulation - Our records show that this department has attended this site in relation to the burning of waste and I would like to highlight to the applicant that the submitted Site Waste Management Plan should be followed should the application be approved.

OEHPR have also interrogated Guernsey Historic Maps, Historic Orthophotos, and Cadastre Registry of Land which show there were once heated greenhouses at the site. There is consequently the potential for the land to be contaminated and I would therefore recommend that a multi-section contamination condition be imposed should permission be granted.

Summary of Issues:

The key issues in this case relate to the principle of the subdivision, the demolition of lean-to glasshouse and its effect on the protected building, the scale of extension proposed, its design, appearance and impact on the character and appearance of the locality and the amenities of future occupiers.

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 purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

Section 34 of the Law explains the general functions of authorities in respect of protected buildings. This states that:

It is the duty of any department of the States when exercising its functions under this Law –

- (a) to secure so far as possible that the special historic, architectural, traditional or other special characteristics of buildings listed on the protected buildings list (“protected buildings”) are preserved, and
- (b) in particular, in exercising its functions with respect to a protected building or any other building or land in the vicinity of a protected building, to pay special attention to the desirability of preserving the protected building’s special characteristics and setting.

In respect of these statutory duties, the word ‘preserve’ is taken in its ordinary meaning as set out in Chamber’s dictionary, which is ‘to keep safe from harm or loss’.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey’s built and natural environment and the need to use land wisely. Relevant policies will be addressed below in assessing the key issues.

Section 13 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, sets out a number of general material considerations, the following of which are considered to be relevant in this instance:

- (b) the character and quality of the natural and built environment which is likely to be created by the development,
- (c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,
- (d) the likely effect of the development on the character and amenity of the locality in question,

Section 15 of the Law clarifies that the considerations referred to in paragraphs (b) and (c) of section 14 also apply to protected buildings.

Protected Building

The Statement of Significance sets out ‘significant features’ of the property which are broadly agreed although greater value would be afforded to the fabric and features to the rear and gable elevations and to the form, if not the fabric, of the vinehouse. It is noted that elements of the interior are unilaterally afforded no interest. This position

conflicts to an extent with the plan form, fabric and features identified on site, including staircases, ceiling joists, a fireplace, evidence of a former chimney hood and a lintel. The interior of the buildings does have some special interest.

To remove the vinehouses from the rear of the building amounts to the partial demolition of the protected building. There is a presumption against partial demolition unless the building is structurally unsound and technically incapable of repair or would result in the demolition of a structure that detracts from the special interest of the building. The west vinehouse is a modern replacement and the east is likely original but now clad with corrugated sheets and in poor condition, their demolition complies with Policy GP5.

Notwithstanding the above however, the form of the vinehouses are of high value to the overall special interest of the protected building by virtue of their scale, traditional proportions and associations with the former horticultural use of the site. To replace the glasshouses with the flat roof extensions as proposed would impact on the protected building. The effect of the form, scale and materials, and so appearance, of the extensions together with the physical effect on the existing building through alterations to openings and to the interior so as to accommodate the extensions would be to introduce a detractor.

The effect on plan form and features of removing and repositioning the staircases of Units 1 and 2, together with substantial changes to openings within those buildings and through the rear (south) wall of Units 1, 2 and 3 and loss of features (e.g. staircases, built-in cupboard, moulded joists, a tree-branch lintel, fireplace and the remnants of the chimney hood and old window openings) would have a cumulative moderate/large effect on the overall special interest of the protected building that is not outweighed by the reasonable aspirations of the owner. The proposed extensions and the works proposed to the interior of the protected building would not therefore, comply with the requirements of Policy GP5.

The application drawings set out that wholesale replacement of the windows and doors is proposed. Although the Statement of Significance refers to the retention of some windows the application has been assessed on the basis of the application drawings and removal of all existing windows and doors.

The submission, including window schedule, does not include details of windows and doors in the south elevation and as a result insufficient information has been provided to enable this aspect of the proposal to be fully assessed when considering the aims of Policy GP5. The submission does not include existing and proposed drawings of the south elevation excluding the vinehouse/proposed extensions. Details regarding the proposed approach to lintels would also be appropriate. Although the application could be deferred in order to request this information as the scheme is unacceptable in other respects this would be an unreasonable request and the applicant would likely incur further costs associated with the preparation of information to address these matters more fully.

Overall, due to their positive contribution to the overall special interest of the protected building and as repair is possible, replacement of a number of the windows and doors does not meet the guidance set out in CN11 and does not meet the aims of Policy GP5.

Specifically:

Unit 1

- Ground floor, window 1
- First floor, window 1

Unit 2

- Front door
- First floor, windows 1, 2 and 3

Unit 3

- First floor, door 1

The following works proposed are considered to represent a reasonable aspiration of the property owner that would outweigh the harm to special interest. If the scheme were acceptable in all other respects these elements could be supported and, where necessary, further details secured by condition:

- Replace specific windows and doors
 - Unit 1 front door
 - Unit 1 first floor, window 2
 - Unit 2 ground floor, windows 1, 2, 3 and 4
 - Unit 3 ground floor, window 1 and doors 1 and 2 and gable door
 - Unit 3 first floor, windows 1, 2 and 3 and first floor gable and gable top windows
- Replace existing and install additional rooflights in rear roof plane – subject to condition requiring the rooflights to be positioned between the existing roof timbers
- Create 2 new window openings in north elevation of Unit 1
- Install bargeboard and finial over middle dormer to match others
- Construct stone walls, earthbanks/ hedges and gates, create parking areas and paths and install 5 bar field gate
- Remove render (paint & slurry) of Unit 2 and leave stone exposed – subject to a condition requiring the repointing to be undertaken using a lime-based mortar
- Replace double barn door of Unit 3 with single door
- Replace downpipes and reposition from gables to front and rear elevations

If the scheme were acceptable in all other respects these elements could be supported and, where necessary, further details secured by condition.

Subdivision of existing building

Policy OC1 makes provision for the subdivision of an existing dwelling into two or more self-contained units. The site is located in an area with scattered residential development and the proposed subdivision would be compatible with the character of the locality and surrounding uses. The policy also specifies that the proposed subdivision should not involve more than a modest extension to create adequate accommodation

and the extension should not be of such a scale that it forms a significant part of any new unit.

The single-storey extension proposed would facilitate access to the first floor accommodation, with all existing staircases removed and would house the kitchen, living and dining room for each new unit along with a utility room for each unit and an en-suite for one unit. As proposed, the extension would house a significant level of accommodation required for each unit to function as a dwelling, given the layout proposed. This is contrary to Policy OC1 c. and as a result the scheme cannot be supported.

The scheme relates to the removal of the existing lean-to glasshouse across the rear of the building. As outlined above, the principle of removing the lean-to vinehouse is supported however, the proposed extension is not considered sympathetic to the protected building and does not comply with Policy GP5 in terms of representing a reasonable aspiration of the property owner that would outweigh the harm to the overall special interest of the protected building.

Due to the scale, form and materials proposed for the single-storey flat roof extension and lean-to section to accommodate repositioned staircases in each unit the proposed extension would not represent a high standard of design that would respect the character of the built environment and open landscape concerned. As proposed therefore, the extensions fail to comply with Policies GP5, GP8 (a. and c.), GP9 b. and GP13 b.

Amenities

The proposed redevelopment, including extension, would not result in harm to the amenities of occupiers of adjoining dwellings in terms of overshadowing or overlooking.

The ground floor plan indicates 1.8m high privacy screen walls are proposed to the immediate rear of the proposed development in order to provide private patios for each of the three dwellings proposed. The remainder of the garden area would be divided by hedging on top of an earthbank which would be sympathetic to the rural and open surroundings. Fenestration proposed to the rear of the properties is limited and the development would ensure that the potential for mutual overlooking between the units proposed would remain within acceptable limits.

In this regard the scheme complies with Policy GP8 and OC1 b. of the Island Development Plan.

Parking

The site frontage is currently entirely open with opportunities to park outside any part of the existing front façade. This would remain unchanged in connection with the development. Parking would also be provided in front of the retained garage to the west of the site and to the east of unit 3. The maximum parking standards do not apply in this location and the level of off-road parking provision is considered satisfactory in this

case. A condition would have been appropriate relating to details of the proposed hardstanding having regard to the setting of the protected building.

Cycle parking provision (IP6) has not been accommodated for units 2 and 3 although unit 1 could utilise the detached garage for this purpose. If the scheme were acceptable in all other respects the application could have been deferred in order for such details to be requested, given the protected status of the site and in order to more fully assess the impact of outbuildings to serve this purpose on the setting of the protected building. Alternatively, if appropriate, the matter could have been managed by condition.

Sustainable Development

The submission, by way of a drawing note, briefly seeks to address the matter of sustainable development setting out that the development will comply with the current Building Regulations in terms of thermal efficiency of insulation and fenestration, the drainage, water efficiency, materials, waste storage and disposal.

Other matters

The proposed development would create three units of 3 bedroom/6-person housing together with a study/snug and so effectively these houses would be 4 bedroom/8 person units. Whilst the Housing Needs Survey highlights a requirement for smaller housing units it does indicate that a limited amount of accommodation of this scale is also required. As such it would not be justified to refuse permission on these grounds.

The comments and concerns of Environmental Health are noted, if the scheme were acceptable in all other respects conditions could be imposed relating to the Waste Management Plan and addressing contaminated land.

Conclusion

Due to the scale of extension proposed the scheme would fail to comply with Policy OC1 of the Island Development Plan that permits only modest extensions to existing dwellings in connection with their conversion to two or more self-contained units. Furthermore, the proposed single-storey extension and associated alterations to form three units of accommodation do not represent a high standard of design that respects the protected building or open landscape concerned contrary to Policies GP5, GP8 (a. and c.), GP9 b. and GP13 b. As a result, it is recommended that permission be refused.

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 or sites.

Date: 27/02/2025