

**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:** Change of use and extension of first, second and third floors to create 4 flats (Use Class 2) with communal roof terrace and associated works (Protected Building).

**LOCATION:** 32 High Street, St. Peter Port.

**APPLICANT:** Stone House Properties Ltd

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:** 19/03/2025

**Drawing Nos:** Courtillet Design: 24.822 04C, 05C, 06C & 10

**Application Ref:** FULL/2024/2037

**Property Ref:** A200320000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The development as proposed would result in partial demolition of the protected building, loss of the original plan form, loss of features within the building and construction of an extension which does not respect the scale or form of the existing building. The application does not rebut the presumption against partial demolition of the protected building set out within the Land Planning and Development (Guernsey) Law, 2005 and that demolition, together with the proposed extensions and alterations, would have an adverse effect on the special interest of the building and the setting of adjoining protected buildings which would not be outweighed by any identifiable economic, social or other benefits or the contribution of the development to the vitality of the Main Centre. The proposal fails to meet the terms of Policy GP5 (Protected Buildings), GP8 (Design) and GP9b (Sustainable Development) and would not meet the statutory duties in respect of protected buildings.

2. The proposed development, by virtue of the scale, bulk and form of the proposed extension relative to the existing building does not achieve a good standard of design

and does not respect the character of the local built environment. The proposal fails to meet the terms of Policy GP8a) and c) (Design).

3. The proposed development does not demonstrate that the proposals have adequately considered the health and well-being of the occupiers of the development by means of providing adequate privacy or that the proposals would not have unacceptable impacts on the amenities of neighbouring properties. The proposal fails to meet the terms of Policy GP8d) (Design) and GP9b) (Sustainable Development).

4. As the proposal does not meet all of the relevant policies of the Island Development Plan, the presumption in favour of residential development contained within Policy MC2 (Housing in Main Centres and Main Centre Outer Areas) and retail development contained within Policy MC6 (Retail in Main Centres) is rebutted.

#### **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/2024/2037  
**Property Ref:** A200320000  
**Valid date:** 05/12/2024  
**Location:** 32 High Street St. Peter Port Guernsey GY1 2JU  
**Proposal:** Change of use and extension of first, second and third floors to create 4 flats (Use Class 2) with communal roof terrace and associated works (Protected Building).  
**Applicant:** Stone House Properties Ltd

**RECOMMENDATION** - Refusal with Reasons:

---

**REASONS FOR REFUSAL**

1. The development as proposed would result in partial demolition of the protected building, loss of the original plan form, loss of features within the building and construction of an extension which does not respect the scale or form of the existing building. The application does not rebut the presumption against partial demolition of the protected building set out within the Land Planning and Development (Guernsey) Law, 2005 and that demolition, together with the proposed extensions and alterations, would have an adverse effect on the special interest of the building and the setting of adjoining protected buildings which would not be outweighed by any identifiable economic, social or other benefits or the contribution of the development to the vitality of the Main Centre. The proposal fails to meet the terms of Policy GP5 (Protected Buildings), GP8 (Design) and GP9b) (Sustainable Development) and would not meet the statutory duties in respect of protected buildings.
  2. The proposed development, by virtue of the scale, bulk and form of the proposed extension relative to the existing building does not achieve a good standard of design and does not respect the character of the local built environment. The proposal fails to meet the terms of Policy GP8a) and c) (Design).
  3. The proposed development does not demonstrate that the proposals have adequately considered the health and well-being of the occupiers of the development by means of providing adequate privacy or that the proposals would not have unacceptable impacts on the amenities of neighbouring properties. The proposal fails to meet the terms of Policy GP8d) (Design) and GP9b) (Sustainable Development).
  4. As the proposal does not meet all of the relevant policies of the Island Development Plan, the presumption in favour of residential development contained within Policy MC2 (Housing in Main Centres and Main Centre Outer Areas) and retail development contained within Policy MC6 (Retail in Main Centres) is rebutted.
-

## **OFFICER'S REPORT**

### **Site Description:**

From the High Street No 32 appears as a four-storey building with retail accommodation on the ground floor and ancillary retail space on the upper floors. The building has been extended to the rear with a single storey extension which covers the remaining site area. The land rises from the High Street towards the rear of the building and from that direction the building appears as three storey, with the roof of the rear extension at ground level.

The building forms part of the row of multi-storey, historic buildings located on the west side of the High Street, attached to that to the south and separated from that to the north by a cobbled venelle. To the rear the property is separated from a small courtyard by a high wall and further buildings rise up the hillside away from the site.

The main building comprises a part flat, part pitched roof with a parapet to the front elevation which ties in with that on the attached building to the south. The front elevation incorporates a shop front at ground floor level with six over six sash windows at first and second floor and a three over six window at third floor level. The rear elevation incorporates six over six sashes at first floor, two over two at second floor and two over four at third floor.

The site is located in the St Peter Port Main Centre and Conservation Area, and the Core Retail Area as designated in the Island Development Plan. The whole of the building is protected and the area is recognised as of archaeological importance.

### **Relevant History:**

None relevant relating to the application site.

#### **34-36 High Street (A200300000)(North of application site)**

FULL/2023/0865 Permission for change of use of 1st, 2nd and 3rd floors from retail to create 3 residential flats. Demolish extension and outbuildings, erect 4 storey extension, alter roof and install rooflight to west (rear) elevation and internal alterations, alterations to outbuilding/bin/bike store (Protected Building) Approved 29/08/2023

#### **5 Berthelot Street (A200360000)(South-west of application site)**

FULL/2011/0065 Change of use of office to residential accommodation (Protected Building). Approved 22/09/2011 – Appears implemented on site.

### **Existing Use(s):**

Retail

### **Brief Description of Development:**

The application relates to the conversion of the first, second and third floors of 32 High Street to form four residential flats, 3no 1 bed and 1no 2 bed.

To support the conversion the following alterations are proposed:

- Alterations to ground floor, forming WC and servery, replacing and enclosing the staircase and forming new entrance to stair from venelle;
- Demolition of rear wall of building at first, second and third floor levels and part of roof and construction of 3 storey flat roof extension above existing single storey extension, incorporating roof terrace and with external access steps to rear (west) elevation;
- Retained roof to be stripped, insulated and re-laid and lead flashing to be renewed;
- Existing windows to front (east) and side (north) elevation are to be retained and refurbished, excepting replacement of upvc dormer window, with new timber windows formed to side (north) and rear (west) elevations;
- Widen aperture in wall to rear of building for access and renew steps;
- Internal insulation to all external walls;
- Removal of internal wall and construction of new wall to first floor between Flats 1 & 2;
- Reinforcement of internal wall between Flats 1 & 3 and 1 & 4;
- Form shower room on landing at second floor, including demolition of part of wall;
- Alteration to wall at third floor level to enlarge bathroom.

A Statement of Significance and Statement of Need are provided in support of the application.

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

Island Development Plan policies:

MC2: Housing in Main Centres and Main Centre Outer Areas

MC6: Retail in Main Centres

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

IP6: Transport infrastructure and support facilities

### **Representations:**

An email has been received noting that it is understood that the venelle does not belong to the applicant and querying whether there would be a right of way for the new residential units. This query has been forwarded to the applicant to address. No response has been received at the time of writing.

### **Consultations:**

None.

### **Summary of Issues:**

The key issues in this case relate to the design of the development, the impact of the proposed development on the fabric and special interest of the Protected Building, and the impacts on the amenities of the occupiers and neighbours of the proposed development.

### **Assessment against:**

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

### **Legal and policy framework**

This application relates to an extended protected building located to the west of the High Street. The property falls within the Core Retail Area of Town, and forms part of the Conservation Area in the St Peter Port Main Centre Inner Area, as defined in the Island Development Plan (2016).

The application is for the conversion of the upper floors to form residential flats, together with internal alteration to the retained retail unit, and includes partial demolition of the building, extension and internal alterations. The proposal would fall to be considered under Policies MC2 (Housing in Main Centres), MC6 (Retail in Main Centres), GP4 (Conservation Areas), GP5 (Protected Buildings), GP8 (Design) and GP9 (Sustainable Development) in the Plan. In addition, regard must be had to the duties set out within the Land Planning and Development (Guernsey) Law, 2005, in particular:

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.

Section 35 of the Law states that there is a strong presumption against planning permission being given for any development which:

- a) involves the demolition or destruction of or of any part of a protected building,  
or
- b) adversely affects its special character or features.

Section 38 of the Law explains the general functions of authorities in respect of conservation areas. This states that:

In the exercise, with respect to any building or other land in a conservation area, of any powers under this Law or any other enactment, special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that area.

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'.

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,
- i) the likely effect of the development on the reasonable enjoyment of neighbouring properties.

Section 15 clarifies that the additional considerations referred to in paragraphs (b) and (c) of section 14 also apply to protected buildings, namely:

- b) where any alteration to a protected monument is proposed, the appropriateness and compatibility of that alteration in relation to that monument, and
- c) the opportunity that the development may afford to restore, enhance or improve the protected monument or its setting.

#### The principle of development

In respect of the alterations to the retained retail unit, Policy MC6 states that proposals to alter or redevelop existing retail premises will be supported, providing they accord with all other relevant policies of the Plan.

In respect of the change of use of the ancillary retail areas on the upper floors, Policy MC6 states that, within the Core Retail Areas, change of use away from retail on upper floors will generally be acceptable, where the new use would contribute to the vitality

and viability of the Core Retail Area. The pre-facing text to that policy recognises that residential use of upper floors would comprise a use which could contribute to the vitality of the Centre.

The creation of residential accommodation on the upper floors would fall to be considered under Policy MC2.

Policy MC2 states that proposals for housing development will be supported, providing that where they are able to accommodate a variety of dwellings they provide an appropriate mix and type of dwelling and that the proposals are in accordance with all other relevant policies of the Plan.

In this case, the form of development proposed is to some extent constrained by the layout of the building and the need for any proposal to respect the special interest of the protected building. The provision of 3no one-bedroom flats and 1no two-bedroom flat would be acceptable in respect of identified housing requirements and would be appropriate in this town centre location.

Policy therefore supports the principle of the development proposed, subject to the details of the development meeting the terms of the relevant policies and statutory duties, as set out above.

#### Impact on the special interest of the protected building.

In addition to the requirements of Policy GP5, Policy GP8 states that, where development relates to protected buildings or their settings, development will be expected to conserve the particular special interest of those buildings and sets out an expectation for development to achieve a particularly high standard of design. Policy GP9 states that it must be demonstrated that proposals would not have unacceptable impacts on the special interest of protected buildings.

#### *Partial demolition*

The application proposes the demolition of the rear wall of the building, the ground to first floor stairs, internal partitioning at first, second and third floor levels (resulting in partial loss of the internal plan form), and part of the roof structure.

Policy GP5 reiterates the presumption against demolition or partial demolition of a protected building set out within the Law, and states that this will only be permitted where:

*a) it is demonstrated that the building is structurally unsound or technically incapable of repair.* The application documents cite rot to the timber-framed west wall of the building as a reason for its removal but no structural issues were evident on site and no Structural Engineer's report has been provided in support of the application. No further justification is provided in respect of the other elements of demolition. This criterion is not therefore met.



*b) the demolition or partial demolition relates to a structure which detracts from the special interest of the protected building.* The rear wall, including its windows, and the ground floor staircase are of medium value to the overall special interest of the protected building when assessed against BS 7913:2013. The slate-clad roof and internal plan form are of high value. With the exception of the area of flat roof, which appears to have been installed over and retaining the earlier sloping roof, the proposal does not relate to a structure which detracts from the overall special interest of the building. This criterion is not therefore met.

*c) it is demonstrated that the economic, social or other benefits of the proposed development and, where appropriate, its contribution to enhancing the vitality of a Main Centre outweighs the presumption against the loss or partial loss of the protected building.* The building is located within a Main Centre and the proposal would provide 4 units of private market residential accommodation which would be a social benefit (e.g. contribute towards an identified requirement for housing) and could contribute to enhancing vitality of the Main Centre. However, means exist by which to achieve a similar development without such a degree of loss to the special interest of the protected building. Therefore, the presumption against loss is not outweighed by the benefits. This criterion is not therefore met.

The presumption against partial demolition of the building set out within the Law and Policy GP5 is not therefore rebutted.

### *Extension*

The proposal is to construct a 3-storey flat roof extension, incorporating roof terrace, above the existing single storey extension to the rear of the building.

As proposed, the construction of the extension would entail removal of high and medium value parts of the protected building (see also assessments of partial demolition above and plan form below). The extension would be flat roofed and would exceed in height the north eaves of the building, near-matching in height the ridge. A glazed balustrade would enclose the roof terrace and this would exceed the height of the ridge. External access to the flats created would be via steps and balconies on the rear elevation, approached via a cobbled venelle between buildings.

In addition to the harm that would result to the overall special interest of the protected building through partial demolition, the scale, form and appearance of the proposed extension would dominate the existing building and use of a flat roof at the height proposed fails to take cues from the existing building or surrounding development. The submitted plans propose replicating the position of the removed rear wall at first floor but this would be repositioned at second and third floors, which disregards the existing plan form. Overall the proposed extension would have an adverse impact on the special interest of the protected building.

All of the buildings in this part of the west side of the High Street are protected buildings, the setting of which must also be given consideration. The value in the setting of the rear parts of these protected buildings derives from the sense of enclosure

between the buildings created by both narrow venelles, providing access, and small yards (often now covered by single storey development) between taller buildings. An extension of the height proposed would alter this setting through infilling the space to the rear of the building. In itself, some alteration to the setting through increased enclosure could be acceptable, however any such alteration would need to be of appropriate scale, form and appearance relative to its context to ensure the setting of adjacent protected buildings is maintained.

### *Plan form*

Above ground floor level, the internal plan form of 32 High Street has not been significantly altered. The proposal would reconfigure the layout of the rear parts of the first, second and third floors, including some repositioning of what is currently the back wall of the building. It would entail insertion of bathrooms at second and third floors which would encroach into the front rooms.

This level of alteration would have a moderate/large effect on the overall special interest of the protected building which is not outweighed by the reasonable aspirations of the owner. Alternative layouts could achieve a similar development with lesser effect on fabric and features.

### *Features*

Features of 32 High Street include staircases, fireplaces, a half-arch, architraves, skirtings, cupboards and doors.

Installation of internal lining as proposed would result in removal or concealment of many of these features amounting, cumulatively, to a large adverse effect on the overall special interest of the protected building. This is not outweighed by the reasonable aspirations of the owner, given that flexibility exists in the application of the Guernsey Technical Standards to protected buildings.

The ground floor staircase is of medium value and, whilst the effect of its replacement would be moderate/large, this could be considered a reasonable aspiration if required to make the development accessible. Given that significant review would be required to address the points raised above, it is not however demonstrated that there could not be alternative options to address this issue.

### *Other matters*

There is insufficient clarity in respect of the replacement of the second and third floor floors and the renewing of the slate roof to enable assessment of these works.

Other elements of the proposals, not cited above, could comprise reasonable aspirations which would outweigh any harm arising and, subject to conditions requiring further details of doors, windows and steps, would meet the terms of Policy GP5, as follows:

- Replacement of roof of existing rear extension with separating internal floor structure;
- Replacement of ground floor ceiling and addition of fire/acoustic separation to ceilings;
- Reconfiguration of ground floor layout;
- Insertion of 3 new windows and 1 door and replacement of upvc dormer window in the north elevation;
- Replacement of rainwater goods;
- Replacement of external stone steps and widening of pedestrian opening;
- Removal of second floor hearth and conceal cupboards;
- Re-hanging first floor door.

### *Summary*

The proposed development does not rebut the presumption against the partial demolition of this protected building and, cumulatively, would have an adverse effect on the special interest of the building and the setting of adjoining protected buildings which would not be outweighed by any identifiable economic, social or other benefits or its contribution to the vitality of the Main Centre. Consequently, the proposal fails to meet the terms of Policy GP5, GP8 and GP9b), and the statutory duties set out in the Law.

### Design

Policy GP8 requires that a proposal achieve a good standard of design which makes the most effective and efficient use of land and respects the character of the local built environment. The prefacing text to that policy states that, within Conservation Areas and where the development relates to a protected building, development will be expected to achieve a particularly high standard of design.

In this case, the proposal does seek reuse of underused upper floors in an existing building, thereby making a more efficient use of the building. As set out above, the scale, bulk and massing of the proposed extension however dominates the existing building and the flat roof form proposed and the height at and manner in which it intersects with the existing building does not achieve a good standard of design and does not respect the character of the local built environment.

The proposal therefore fails to accord with Policy GP8a) and c) (Design).

### Impact on the character of the Conservation Area.

The building is located within the Old Town Character Area of the St Peter Port Conservation Area. In addition to the requirements of Policy GP4, as set out above, Policy GP8 includes an expectation that development will conserve the particular special interest of Conservation Areas, achieving a particularly high standard of design, and Policy GP9b) states that it must be demonstrated that proposals would not have unacceptable impacts on the special interest of Conservation Areas.

The proposed extension would be located to the rear of the existing building and would be enclosed by high development on all sides. Views from public areas within the immediate area are extremely limited and in long views, e.g. from the Mignot Plateau to the south, the proposed development would be absorbed into surrounding development and would not form a prominent or intrusive feature.

Notwithstanding the comments made above in respect of the design of the proposed extension, it is located such that the character, historic and architectural interest and appearance of the Conservation Area would be conserved. The proposal would therefore meet the terms of Policies GP4, GP8 and GP9b), and the statutory duty of the Law in respect of Conservation Areas.

#### Amenities of the occupiers and neighbours of the development

In respect of residential amenity, the proposed units would exceed the floor space requirements of the Guernsey Technical Standards (no assessment has been undertaken in respect of other elements of those standards).

In terms of daylight, sunlight and outlook, it is recognised within Annex I of the Island Development Plan that building at higher densities, and attempting conversion of historic buildings, brings challenges with respect to ensuring reasonable amenities are provided. In this case, Flat 1 is positioned to the east of the building, utilising existing fenestration and facing over the high street. This flat would achieve reasonable outlook and lighting. The remaining units are located to the rear of the building, with the primary living accommodation orientated to the west and served by full length glazed doors and secondary windows. The bedrooms associated with those units would be less well served, with single windows offset to the side of the room and facing into the venelle to the north. On balance however, given that this is sleeping accommodation, the light provision to these units is considered acceptable. There are however concerns regarding potential interface between new windows in the north elevation and the windows in the facing elevation of the adjacent building to the north and impacts on privacy resulting from the proposed access arrangements, which are addressed in more detail below.

It is generally accepted within the Town area that the provision of amenities and facilities is good and there is not therefore a requirement for provision of external space or dedicated car parking. The absence of external amenity space and parking provision is not therefore a concern in this case.

Separate access is provided to each flat, through the venelle to the side of the building. As noted above, confirmation has not been received that the building benefits from right of way across that venelle. This is however a third-party matter and would not preclude determination of this application. Access to Flat 1 and Flat 2 would be appropriate. Access to Flats 3 & 4 would however necessitate passing immediately outside of the fully glazed doors serving the primary living areas for the flat/s below and would intrude on the privacy of those flats.

Accessibility of the units would be poor, all units being accessed by steps. It is however acknowledged that this can be a consequence of converting historic buildings, particularly when seeking to reuse upper floors on a constrained plot within the Town centre. In this instance, the benefit of providing a viable use for the protected building and making more efficient use of an existing building would outweigh the need to provide accessible accommodation.

There is no provision or capacity to provide secure and covered cycle storage external to the building. Inclusion of such space within the building would severely compromise the use of the building. In light of this and given that there is public provision for cycle parking in the area, it is not considered necessary to require such provision as part of this application.

A small area is allocated for bin storage to the rear of the site. This bin storage is however located immediately outside of the windows serving the primary living accommodation of Flat 2 and is likely to result in disturbance and odours affecting that flat.

Residential properties in the surrounding area are generally limited to the upper floors of adjacent buildings. The proposed development would not impact significantly on properties to the south or east.

Permission was granted in 2011 for the change of use of the building to the south-west to residential accommodation, and it appeared on site that that permission had been implemented. The building benefits from an enclosed courtyard to the rear, which is currently overlooked only by the rear windows of the application site and those of the building to the north. Whilst it is accepted that there is likely to be a level of overlooking in this location, the current proposals would result in significant additional overlooking of that courtyard area, introducing stepped access with landings up the rear of the proposed extension within 1m of the boundary with the courtyard.

Permission has recently been granted for conversion of the upper floors of the building to the north to residential. This permission has not yet been implemented. As existing the ground and first floors of the adjacent building are in retail use, the use of the remaining floors is unclear. There are windows at all levels facing south and west within the adjacent building, those to the south serve staircases, a cupboard and one window at first floor level serves a retail storage area. As approved, the west facing windows would serve bedrooms, as would the westernmost of the south facing windows at first and third floor level. The other windows at first, second and third floor levels would serve shower rooms. When considering the new windows proposed as part of this application, those serving the bedrooms for Flats 2, 3 & 4 appear to have potential for interface with existing windows in the adjoining property. The relative levels of the windows are unknown and it may be, in relation to Flat 3, that the use of the facing window as a shower room would negate any concerns, however, as proposed it has not been demonstrated that this relationship would not have any adverse impacts either on the privacy of the units created, or on the amenities of the adjoining property.

The proposed extension would project 6m beyond the rear elevation of the existing building, and c3.5m beyond the rear extension on the adjacent property to the north, with a separation distance of c1m from that building. The proposal would be likely to result in some loss of light to the rear facing windows in the adjacent property. As existing, the use of the rooms associated with those windows is unknown, however as approved, the windows would serve bedrooms and not primary living accommodation. In light of this and taking into account the high-density location, any impact arising would not be sufficient to warrant refusal of the application.

Whilst it is appreciated that conversion of an existing building within the central Town area is subject to a high level of constraints and there may be areas where the level of amenity must be compromised, in this case the potential impacts on the privacy of the proposed units, together with the location of the bin storage, go beyond what could be acceptable and it must be concluded that the proposals do not demonstrate that the health and well-being of the occupiers have been satisfactorily addressed, contrary to the requirements of Policy GP8d). Additionally, the proposals would result in overlooking of the external courtyard associated with the residential property to the south-west and there is insufficient information to determine that the proposals would not have unacceptable impacts on the amenities of the property to the north, contrary to the requirements of Policy GP8d) and GP9b).

#### Sustainable development

A statement has been submitted in respect of sustainable development and the requirements of Policy GP9, noting that the works will be in compliance with the Building Regulations, and the submitted information indicates upgrades to the existing building in respect of thermal performance. Given the constraints associated with the conversion of a protected building, this information is considered adequate to address the requirements of Policy GP9.

#### Conclusion

There is policy support for the upgrade of existing retail units and for the creation of residential units on the upper floors of buildings within the Core Retail Areas under Policies MC2 (Housing in Main Centres and Main Centre Outer Areas) and MC6 (Retail in Main Centres).

The development as proposed would however result in partial demolition of the protected building, loss of the original plan form, loss of features within the building and construction of an extension which does not respect the scale or form of the existing building. The application does not rebut the presumption against partial demolition of the protected building set out within the Law and that demolition, together with the proposed extensions and alterations, would have an adverse effect on the special interest of the building and the setting of adjoining protected buildings which would not be outweighed by any identifiable economic, social or other benefits or the contribution of the development to the vitality of the Main Centre. Consequently, the proposal fails to meet the terms of Policy GP5 (Protected Buildings), GP8 (Design) and GP9b)

(Sustainable Development) and would not meet the statutory duties in respect of protected buildings.

The proposed development, by virtue of the scale, bulk and form of the proposed extension relative to the existing building does not achieve a good standard of design and does not respect the character of the local built environment, and therefore fails to meet the terms of Policy GP8a) and c) (Design).

The proposed access arrangements to Flats 3 & 4 would impact on the privacy of the flat/s below and would result in overlooking of the residential property to the south-west. There is insufficient information to fully assess the potential interface between the proposed new windows in the north elevation and the existing windows in the facing elevation of the adjacent property. It has not therefore been demonstrated that the proposals have adequately considered the health and well-being of the occupiers of the development by means of providing adequate privacy or that the proposals would not have unacceptable impacts on the amenities of neighbouring properties, and consequently the proposal fails to meet the terms of Policy GP8d) and GP9b) (Sustainable Development).

As the proposal does not meet all of the relevant policies of the Island Development Plan, the presumption in favour of residential development contained within Policy MC2 (Housing in Main Centres and Main Centre Outer Areas) and retail development contained within Policy MC6 (Retail in Main Centres) is rebutted.

**Date:** 19/03/2025

