

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: Demolish existing building, erect building containing 4 flats to north of site (adjacent to no. 16 Mount Durand) and 3 dwellings to east of site (within the gardens of nos. 2 and 16 Mount Durand) with associated works.

LOCATION: Nos 2, 16 and 18 Mount Durand, St. Peter Port.

APPLICANT: SFD Limited

I refer to the application referred to below received as valid on 23/01/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 29/07/2025

Drawing Nos: Torode Architects: 6334-06C, 07B, 08C & 09C.

Application Ref: FULL/2025/0039

Property Ref: A403370000+A403360000+A403290000A403290000

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 site lies within a Conservation Area in which it is the duty of the Development & Planning Authority to pay special attention to the desirability of preserving or enhancing its character or appearance. The proposed frontage building to Mount Durand, by virtue of its flat roof/mansard roof design, scale and mass would be contrary to the aims of the Island Development Plan. The proposed terrace of houses to the rear of the site, with associated retaining wall, would be of a scale that is substantially larger than other buildings in the locality and with blank gables which do not represent a high standard of design. The scheme has not sought to incorporate hard and/or soft landscaping that would reinforce the local character nor which would help to mitigate the impacts of the development. The development would be visible from the wider area, does not represent a high standard of design and would be harmful to the character and appearance of the Conservation Area contrary to Policies GP4, GP8 a. good design, c. character of the local built environment, e. soft and hard landscaping to reinforce the local character/to mitigate the impacts of the development and GP9 b. of the Island Development Plan.

2. The scheme would result in the loss of private amenity space associated with no. 16 Mount Durand detrimental to the amenities that can reasonably be expected to be enjoyed by the occupiers of that family sized property and unit 5, the end of terrace property, would result in a degree of overshadowing of the amenity space to the rear of no. 14 Mount Durand contrary to Policies GP8 a. good design, d. health and well-being of neighbours of the development and GP9 b. amenities of neighbouring properties of the Island Development Plan.

3. The proposal, if permitted, would not provide the occupiers of unit 1 with an adequate level of outlook due to the proximity of a parking space to the windows serving primary living accommodation on the ground floor of the frontage building. Furthermore, the north facing single aspect design of unit 2 would impact on daylight to the accommodation. The scheme fails to comply with Policy GP8 a. good design, d. health and well-being of occupiers and Annex I of the Island Development Plan.

4. The application has not been accompanied by sufficient information to demonstrate that the development represents a sustainable form of development designed to take into account the use of energy and resources, its impact on the environment with regard to location, orientation and appearance and its resilience to climate change and flooding. The scheme is therefore contrary to Policy GP9 a. of the Island Development Plan.

5. The application has not been accompanied by sufficient information to demonstrate that the development either accords with the findings of the States Strategic Housing Indicator (SSHI) 2024 and the IDP policies which place a strong expectation that proposals that can accommodate a variety of dwellings do reflect the demographic profile of households requiring housing or to justify why the scheme deviates from the Indicator when considering current market conditions, viability or to enable development to support households with more complex or exceptional needs. The scheme therefore fails to comply with Policy MC2 b. mix and type of dwellings reflective of the demographic profile of households requiring housing.

6. The proposed development, by reason of its design, mass and scale, would detract from the setting of the adjoining protected buildings and prove detrimental to the special interest of the protected buildings of architectural and historic interest contrary to Policy GP5 of the Island Development Plan.

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/2025/0039
Property Ref: A403370000+A403360000+A403290000A403290000
Valid date: 23/01/2025
Location: Nos 2, 16 and 18 Mount Durand St. Peter Port Guernsey GY1 1ED
Proposal: Demolish existing building, erect building containing 4 flats to north of site (adjacent to no. 16 Mount Durand) and 3 dwellings to east of site (within the gardens of nos. 2 and 16 Mount Durand) with associated works.
Applicant: SFD Limited

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The site lies within a Conservation Area in which it is the duty of the Development & Planning Authority to pay special attention to the desirability of preserving or enhancing its character or appearance. The proposed frontage building to Mount Durand, by virtue of its flat roof/mansard roof design, scale and mass would be contrary to the aims of the Island Development Plan. The proposed terrace of houses to the rear of the site, with associated retaining wall, would be of a scale that is substantially larger than other buildings in the locality and with blank gables which do not represent a high standard of design. The scheme has not sought to incorporate hard and/or soft landscaping that would reinforce the local character nor which would help to mitigate the impacts of the development. The development would be visible from the wider area, does not represent a high standard of design and would be harmful to the character and appearance of the Conservation Area contrary to Policies GP4, GP8 a. good design, c. character of the local built environment, e. soft and hard landscaping to reinforce the local character/to mitigate the impacts of the development and GP9 b. of the Island Development Plan.

2. The scheme would result in the loss of private amenity space associated with no. 16 Mount Durand detrimental to the amenities that can reasonably be expected to be enjoyed by the occupiers of that family sized property and unit 5, the end of terrace property, would result in a degree of overshadowing of the amenity space to the rear of no. 14 Mount Durand contrary to Policies GP8 a. good design, d. health and well-being of neighbours of the development and GP9 b. amenities of neighbouring properties of the Island Development Plan.

3. The proposal, if permitted, would not provide the occupiers of unit 1 with an adequate level of outlook due to the proximity of a parking space to the windows serving primary living accommodation on the ground floor of the frontage building. Furthermore, the north facing single aspect design of unit 2 would impact on daylight to

the accommodation. The scheme fails to comply with Policy GP8 a. good design, d. health and well-being of occupiers and Annex I of the Island Development Plan.

4. The application has not been accompanied by sufficient information to demonstrate that the development represents a sustainable form of development designed to take into account the use of energy and resources, its impact on the environment with regard to location, orientation and appearance and its resilience to climate change and flooding. The scheme is therefore contrary to Policy GP9 a. of the Island Development Plan.

5. The application has not been accompanied by sufficient information to demonstrate that the development either accords with the findings of the States Strategic Housing Indicator (SSHI) 2024 and the IDP policies which place a strong expectation that proposals that can accommodate a variety of dwellings do reflect the demographic profile of households requiring housing or to justify why the scheme deviates from the Indicator when considering current market conditions, viability or to enable development to support households with more complex or exceptional needs. The scheme therefore fails to comply with Policy MC2 b. mix and type of dwellings reflective of the demographic profile of households requiring housing.

6. The proposed development, by reason of its design, mass and scale, would detract from the setting of the adjoining protected buildings and prove detrimental to the special interest of the protected buildings of architectural and historic interest contrary to Policy GP5 of the Island Development Plan.

OFFICER'S REPORT

Site Description:

The site is located in a Main Centre and Conservation Area as designated in the Island Development Plan (IDP). A number of surrounding properties, including no. 2 Mount Durand, are Protected. The site is situated within the Victoria Road Character Area. There is an area of Important Open Land and Area of Biodiversity Importance close to the site.

Mount Durand is a winding narrow street that is adjacent to a large swathe (referred to as a terrace in the Conservation Area Appraisals) of green and wooded open land (Important Open Land in the Island Development Plan) and is identified as important large green open space in the St Peter Port Conservation Area Overview. The site visually forms the stop end to those areas because it is wooded and green although does not form part of the IDP designation for Important Open Land and Biodiversity Importance.

The site is visible in several public framed views across the Charroterie Valley and forms part of the townscape of traditional domestic scale buildings - stone and rendered walls under steep pitched roofs (slate or pantile) and many contain small dormer windows. The retaining walls of the site are visible in these public views along with the blank gable

of the adjacent site. Buildings share similar form and proportion, high solid to void ratio of windows and walls and a vertical emphasis reinforced by chimneys and the use of similar materials and dormer window designs.

Mount Durand is a hillside, one way, road and the application site is made up of a single storey building with associated parking area known as 18/20 Mount Durand. This is a perceived gap in the Mount Durand street scene. The application site also utilises an area of the existing residential garden associated with no. 16 along with the large, sloping garden space currently attached to no. 2 Mount Durand which is situated towards the bottom of the hill.

No. 16 Mount Durand is a protected building to the east of the development site. No. 2 Mount Durand is also a protected building, at the base of the hill and which has a garden that extends back to the west, up a very steep slope. It is this garden that would provide the majority of the plot for the proposed houses.

Relevant History:

None.

Existing Use(s):

01 dwellinghouse
Parking

Brief Description of Development:

The application relates to the demolition of the single-storey building at 18/20 Mount Durand and use of the garden areas of no.2 and no. 16 Mount Durand (including the demolition of a boundary wall to the garden area of no. 16) to create a residential development. The scheme was amended during the course of consideration, although the amendments were not at the request of the Planning Service.

The scheme under consideration comprises a two and a half storey building fronting Mount Durand containing four flats with a terrace of three dwellings to the rear of the site. The scheme proposes three, one-bedroom flats (ground and first floor) and one, two-bedroom flat within the frontage building. The terrace of houses would offer two, four-bedroom houses and one five, bedroom unit.

Due to the topography of the site these houses appear as two-storey from the front and two and a half-storey from the rear. All new buildings have been designed with a rendered exterior, slate roofs and flat roof dormers. The span of the frontage building is such that a substantial flat roof is proposed between the front and rear façades.

A carriage arch/pend is proposed from Mount Durand in order to provide vehicular access. Although the application form states that there will be a reduction in off-street car parking, from 5 to 0, the plans show that a total of 8 parking spaces are proposed.

An area for cycle parking is also shown to be provided, to the rear of the frontage apartment building.

The submission has not been accompanied by any supporting information that addresses the current Island Development Plan policies nor addresses the requirements of Policy GP9: Sustainable Development in any detail.

The site plan provided is at scale 1:200 which presents difficulties in fully assessing elements of detail as does the site topography. It is also noted that drawing labels are incorrect and that no elevations/details appear to have been supplied in relation to the design and appearance of the proposed cycle and refuse store. In addition, the application drawings are unclear what the setback space is used for and appear to show a pavement and there appear to be discrepancies between the height/size of units and buildings when scaled from the floor plans vs elevation drawings which could impact on parking spaces or the size of amenity space associated with the three houses proposed or that retained to serve no. 2 Mount Durand.

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

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

Parking Standards and Traffic Impact Assessment SPG 2016

Bicycle Parking Advice Note

Representations:

Seven letters of representation have been submitted in relation to the original and revised proposals raising the following points and concerns:

Residential amenity

- The development would overlook and result in a loss of privacy to adjoining dwellings including from proposed balconies
- The development will result in the loss of green space which has been left to nature, important for residents
- The development will result in the loss of light to the flats opposite the site in Mount Durand as the open gap currently enables natural light to enter the building(s); this will be worse during the winter months
- Light will be impacted to other properties surrounding the development site
- Rubbish for 9+ households being placed adjacent to the neighbour's boundary is unacceptable

- There will be unacceptable noise and dust etc. generated by the development impacting on residential amenity and pets in nearby properties

Conservation Area

- The open space is long-standing and an important feature of the Conservation Area
- The houses will be very high and will stand out in the area as there are no high developments in the green spaces to the back of houses in the street
- The façade of the building is not in keeping with the Conservation Area or surrounding protected buildings
- It is essential that the treatment of the boundaries and the massing of the houses is sympathetic with the green area
- There will be a significant level of disruption over an extended period of time

Design

- The character of the developments in the 'gardens' along Mount Durand are low in height and massing, the three houses proposed will not be in keeping with the character of the built environment
- The archway feature is an odd addition in this location

Traffic, Access, Parking

- The appropriateness of the entrance/exit is difficult to assess in terms of visibility of traffic travelling down Mount Durand from the site access
- It is unrealistic, given the size of dwellings proposed, that each dwelling will have one car and there is already limited parking available around Mount Durand (densely populated and insufficient parking at present) so these dwellings would exacerbate the issue
- Construction traffic and delivery vehicles will block the road and present highway safety issues as the site is not sufficient in size to accommodate them
- Debris from the site and vehicles on the road will create a dangerous situation for vehicles and pedestrians

Other matters

- It is essential that site poles are erected to assess the massing and impact of the development from all key viewpoints
- Concerns are raised regarding damage that could be caused to adjoining properties during demolition – shared walls and neighbour's balcony could be affected
- The development will impact on views from neighbouring properties
- The application site relates to 2, 16, 18 and 20 Mount Durand
- The scheme will result in the removal of well-established trees
- No CEMP has been completed which would be appropriate for a large project such as this – pollution etc. should be monitored
- The developers have stated that they are converting no. 16 to an HMO and objections are raised to this.

Consultations:

Traffic and Highway Services - I do not have any comments to make on this application and do not wish to raise any objections to the proposals.

Office of Environmental Health and Pollution Regulation – no comments or objections.

Summary of Issues:

The key issues in this case relates to the design and appearance of the Conservation Area, the impact of the development on the amenities of surrounding occupiers 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.

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'.

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

Principle of residential development

Being located in a Main Centre the Island Development Plan supports the principle of new housing development. The scheme has sought to address the policy requirement in terms of mix and type of dwellings with flats and houses proposed and a range of unit sizes. The scheme also offers multi-storey development in line with the aims of Policy GP8 b.

Nonetheless, the States Strategic Housing Indicator is used to inform housing mix and type for individual sites based on the most up-to-date data available. The IDP policies place a strong expectation that, where proposals can accommodate a variety of dwellings, then this should be reflective of the demographic profile of households requiring housing although, as an indicator, the SSHI should be used to inform and guide development in order to still allow developers to respond to market conditions and enable development to support households which have more complex or exceptional needs. The IDP, therefore acknowledges that in some circumstances there may be important economic or social reasons to provide a particular type of dwelling. The larger units proposed (three-, four- and five-bedroom units) would not align with the findings of the SSHI and the application is silent on the matter and does not present any argument or justification to deviate from the SSHI and in this regard the application fails to comply with the IDP. Had the scheme been acceptable in other respects however, further information and justification could have been sought in relation to the unit sizes and the SSHI.

Impact on local built environment and character and appearance of the Conservation Area

Paragraph 19.9.3 of the IDP states:

Whilst new development should acknowledge the surrounding built form, flexibility in the design of development will be allowed in order to ensure proposals also address issues of sustainable design, mitigation and adaptation to climate change and creating flexible and adaptable spaces within buildings as well as recognising the personal choice and aspirations of property owners. Development should respect the palate of traditional local materials without necessarily being bound by them, unless the special interest of a Conservation Area or protected building or protected monument would be adversely affected.

The site, as previously noted, is viewed as part of the wooded/green and open land to the south and west. The open land extends from the site up the hill and out of the central town. It is considered to be important to the character of the Conservation Area.

The scheme proposes a two and a half-storey building facing onto Mount Durand and, similar to other buildings, stepping down to follow the underlying topography of the street and set slightly set back from the pavement. The scheme does, however, include a gap or pend to provide vehicular access to the rear of the site. A pend arrangement is not characteristic of this part of the Conservation Area however, it is used to provide access to and enable development to the rear of the site thereby making efficient use of the site and would not result in harm to the Mount Durand street scene.

There are two elements of the development that effect the views across the Charroterie Valley.

The first, is the block of flats facing Mount Durand which extends past the rear elevation of no. 16 (including its extension) and as a result the rear and side elevations plus the mansard roof will be visible. The design of the mansard roof does not follow the proportions of a traditional mansard roof and has a large area of flat roof.

The building is considered to be out of scale with the surrounding buildings. Based on the information available it would be circa double the depth of other buildings in the row. Although it is noted that different buildings do project forward and back along Mount Durand the proposed building would result in the projecting side wall of the car park tunnel entrance appearing unduly prominent in the street. The east elevation will be in an extremely prominent location, butting up against the wing of the protected building at no. 16. when having regard to the various views of the site from around the valley. This will be three-storeys high and with a flat roof. As noted elsewhere the mansard roof is not “true” as there would be a low-pitched roof over it, a feature partially dictated by the depth of the building and in some regards this is more akin to a third floor flat roof element with tiled walls which affects the front and back views where the flat roof and side walls will be visible. The scale and mass of the building proposed does not represent a high standard of design having regard to the well-

proportioned Victorian buildings in the Conservation Area surrounding the site nor the setting of surrounding protected buildings.

The front and rear facades have been designed in a classical style with parapets and render bands, PVCu windows, doors and rainwater goods, slate roofs and red brick, dummy, chimneys and although reservations exist regarding some elements and materials proposed these could reasonably be managed by condition if the scheme were acceptable in all other respects.

The second is the row of houses to the rear which will appear as three + storeys from across the valley. The overall scale and form of the buildings would be similar to others within the framed view however, the 1.8m high retaining wall will also be visible. As a result, the overall scale of development will be substantially larger than other buildings in the vicinity. In addition, although gables of some other buildings are visible within the framed view these are not blank, with windows to break up an otherwise blank façade and the proposed blank gable compounds the issue of scale and the impact of the development on the Conservation Area.

The scheme indicates that a wall, 2.7m above the level of the ridge of no. 2 would support the gardens of the terrace of three properties. This is highly likely to be elevated and prominent in the Conservation Area however, as outlined elsewhere, the drawings do include numerous inaccuracies which has presented challenges to the assessment of the scheme. As the scheme is unacceptable for various reasons, which would not alter whether or not the drawings were reviewed for errors, it is not considered reasonable and proportionate to require the drawings to be updated as part of the current scheme.

In addition to the above, the proposed hard and soft landscaping does not reinforce the local character nor mitigate the impacts of the development or contribute to more sustainable construction contrary to Policies GP8 and GP9.

In view of the above therefore, the scheme is not considered to represent a high standard of design and would result in harm to the character and appearance of the Conservation Area. The scheme is therefore contrary to Policies GP4, GP8 and GP9 of the Island Development Plan particularly due to the scale and mass of the buildings and the roof form of the frontage building. The scheme does not respect the character of the local built environment as it does not have adequate regard to the characterful nature of the surrounding area where the cluster of mostly Victorian buildings share similar proportions and styles.

Residential Amenity

Residential buildings are in close proximity to the application site and in this central location there will currently be an existing element of mutual overlooking.

The proposed frontage building would be situated to the south of other terrace properties in Mount Durand. Concerns have been raised through the public consultation process regarding the impact of the proposed building on light to those properties opposite. It must be noted however, that the site of 18/20 Mount Durand is a gap in an otherwise built frontage of terrace properties. It is clear that aspect and outlook from

adjoining properties to the north of Mount Durand will alter as a result of this development, the potential for overlooking and loss of privacy remains within acceptable limits, particularly given the layout of the proposed apartments.

With regard to the matter of loss of sunlight and daylight, it is clear from existing aerial images that buildings to the south of the road create shadow across the street up to the front/south façade of the properties opposite. It is also noted, as is present in this part of Mount Durand and throughout St Peter Port that the close relationship between properties, including an element of overshadowing is not uncommon. This gap in the street scene is an anomaly.

Whilst it is acknowledged that an element of mutual overlooking currently exists between terraced properties in this town centre location the proposed development introduces built development where none currently exists as existing fenestration across the street will be at more of an oblique angle than is currently proposed. The development of this site would inevitably result in inter-visibility between windows and overshadowing of adjoining properties, nonetheless, the character of the area would not preclude the development of the site in some form and subject to layout, the potential for overlooking of existing houses/flats would remain within acceptable limits. With the majority of bedroom accommodation facing the street, the potential for overlooking is more limited given the purpose and common times to use the bedroom accommodation, at night.

The current use of no. 16 (although vacant at present) is as a family dwelling and the significant reduction in the external amenity space for a dwelling of this size would be unacceptable when considering the amenities, health and well-being of future occupiers contrary to Policies GP8 and Annex I. Although the applicant may have future plans for this building the Planning Service must assess the proposed development in the existing, recognised use.

With regard to the terrace of properties to the rear the building will not result in unacceptable overshadowing of properties to the east, south or west however, unit 5 is likely to impact to a degree on the, reduced, area of external amenity space to the rear of no. 16 and the amenity space rear of no. 14 Mount Durand which contains a number of flats.

Health and well-being of occupiers

Policy GP8 requires that the units created consider the health and well-being of the occupiers by providing adequate daylight, sunlight and private/communal open space, and directs proposals to be considered against Annex 1 of the Plan: Amenities.

New developments should be planned and built to support the health and well-being of occupants and users and maintain appropriate amenities for occupiers of neighbouring properties.

Annex I sets out that building at higher densities brings challenges with respect to ensuring reasonable amenities are provided. There must be a balance between the most

effective and efficient use of land and the requirement to ensure that proposed living and working conditions are acceptable and that the higher density Main Centres, in particular, remain attractive places to live and work.

Whether the proposal would provide a good living environment for future occupiers

- Aspect/Outlook
- Daylight/Sunlight

The Annex seeks opportunities for occupiers of development to benefit from interesting or attractive outlook within the urban centre identified for example, as views over urban open spaces, public parks, landscape features or longer vistas over the townscape.

The Annex considers sunlight alongside daylight and their ability to enter a building will not, alone, be a determining factor when considering development proposals, providing that other amenity objectives are appropriately addressed. All new developments are encouraged to provide adequate levels of daylight and sunlight to all rooms, or at least principal rooms, gardens, balconies or communal external open spaces, these aspirations are qualified for sunlight by “where possible”. This reflects the constraints imposed by aspect relative to the movement of the sun, shading by existing development, and, in the case of converting existing buildings, their physical constraints.

Units 1 and 4 within the frontage building would be dual aspect whilst units 2 and 3, at first floor level are not. Unit 3 is single aspect to the south, with limited outlook over the proposed hardsurfaced parking courtyard area. Unit 2 would be single aspect and north facing to the street which is likely to impact on daylight to the accommodation particularly when taking into account the density and height of existing surrounding development.

Aspect and outlook for the houses to the rear of the property would be acceptable however, unit 1 within the frontage building would have poor outlook into the site as a parking space is situated immediately outside the windows serving primary living accommodation and with no defensible space between.

- Privacy

The Annex states that development will be expected to be designed with windows an adequate distance apart and / or suitably orientated to ensure that the level of privacy that could reasonably be expected to be enjoyed by an occupier is not adversely affected and that the use of obscure glazing alone to achieve privacy will not, normally, be considered acceptable.

The relationship between the proposed building and existing buildings to the north of Mount Durand is such that an element of overlooking from existing buildings may occur. This is not likely to be particularly problematic in relation to the bedroom accommodation proposed in units 1, 2 and 4 but would impact, to a degree, on the primary, open plan living accommodation, north facing, in unit 2 with a distance separation of c. 6m. It is acknowledged however, that this distance separation is not

unusual in the central parts of St Peter Port, given the tight knit arrangement of buildings.

- Access to external open space

The Annex states that the value of external open space becomes increasingly important in higher density development with all development having safe and convenient access to it. In this case, much of the external space is given over to parking and therefore the apartments have no onsite access to private amenity space. The houses to the rear (units 5-7) would benefit from amenity space and it appears that land alteration works would be carried out in order to provide generally level amenity space which is a change from the steeply sloping nature of the site at present. It remains the case however, that these are large family dwellings and the level of amenity space is very restricted for the nature of use proposed. Nonetheless, the site is within easy distance of the sea front and other areas of public open space and on balance access to external open space is considered satisfactory.

The proposed refuse store, details of which have not been included with this submission, is situated a short distance from the garden area of proposed unit 5. The store will need to be carefully designed to avoid noise and odour nuisance to occupiers of the development. If the scheme were considered acceptable in other respects the application could have been deferred to seek clarification on this aspect of the proposed development.

- Internal space provision

All the units exceed Part G of the Building Regulations and although units 1 – 3 do not meet the DCLG space standards these represent best practice only. Overall, the scheme, both front and rear buildings, offer good internal space provision for future occupiers.

- Accessibility and flexible accommodation

The introduction of a multi-storey building on the site represents efficient and effective use of land and the scheme provides accommodation that will provide satisfactory daylight and sunlight having regard to the health and well-being of future occupiers.

The majority of accommodation proposed is served by stairs which would likely preclude access for wheelchair users but would still offer access to the upper floors by ambulant disabled. The layout of the apartment units proposed could also be adapted at a later date to meet the changing needs of occupiers (e.g. grab rails in WCs/bathrooms, installation of hoists provided bedroom and bathroom ceilings are constructed in an appropriate manner and careful and appropriate siting of service controls). There would also be scope for further alteration of the three house units through the incorporation of garages into the living accommodation and/or the erection of extensions (subject to exemptions/relevant permissions). The scheme therefore addresses GP8 criteria f. and g.

Overall, the scheme offers satisfactory internal space provision and access to external open space. On balance the matter of privacy for occupiers is considered satisfactory

however, scheme does not offer satisfactory aspect, outlook and daylight to all accommodation proposed within the frontage apartment building contrary to Policy GP8 and Annex I.

Sustainable Development

The application drawing provides a very brief one-line statement relating to sustainable construction and development having regard to Policy GP9 and a “Sustainability Statement” on the plans however this has been copied from another site and refers to “the amenities of Cobo village Centre”.

This information does not satisfactorily demonstrate that the proposed development will comply with the Building (Guernsey) Regulations 2012 and that the design, method of construction and location of proposals (including orientation) have been considered from the outset in order to achieve a more sustainable development. The scheme therefore fails to comply with Policy GP9.

Whilst the application could have been deferred to seek further, more detailed information relating to sustainability matters this would represent unreasonable and abortive work given that the scheme is unacceptable in other respects.

Setting of protected buildings

There are a number of Protected Buildings in close proximity to the site all of which have an urban setting, set within the densely packed urban block which form the streets. For the reasons outlined elsewhere in this report, particularly relating to design, mass and scale, the proposed development would harmfully affect the special interest of the surrounding protected buildings contrary to Policy GP5.

Highway Safety and parking provision

The level of off-road parking proposed does not exceed the maximum parking standards set out in the adopted SPG and accords with Policy IP7 of the Plan. This is a site which is in a highly sustainable location and where there is no specific requirement within the IDP to offer off-road parking.

As outlined elsewhere the site is currently used for off-road parking for multiple vehicles and the scheme would not be likely to result in significant changes in vehicle movements from the site and will not represent an unacceptable intensification in vehicle movements. The sightlines associated with the development will also not substantially alter from the existing situation and given the one-way nature of Mount Durand the scheme accords with Policy IP9 of the Plan.

The scheme incorporates an area of covered cycle storage for secure storage by occupiers of the development in line with Policy IP6 and there would be scope to store cycles within the garages and/or gardens of the three dwellings proposed.

Other matters

As highlighted elsewhere in the report various discrepancies between plans exist, some of which result from the sloping nature of the site. If the scheme had been considered acceptable in other regards the Planning Service could have deferred the application in order to ensure that the discrepancies were fully addressed. Although it has presented some difficulties in fully assessing aspects of the proposed development it has been possible to undertake an assessment against the requirements of the Island Development Plan.

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. The matter of protected buildings has been assessed elsewhere in this report.

Date: 29/07/2025

