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: Construct pitched roof over existing dwelling and 1.5 storey extensions to east.

LOCATION: Les Rondiaux, Rue Des Rondiaux, St. Pierre Du Bois.

APPLICANT: Mr & Mrs Fell

I refer to the application referred to below received as valid on 21/05/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 19/09/2025

Drawing Nos: Lovell Ozanne & Partners Ltd: 10602 S1-10D, 11B, 12B, 13A, 14A, 15B

Application Ref: FULL/2025/0723

Property Ref: F012700000

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 proposed extensions would substantially increase the scale, bulk and massing of the existing building, forming a dominant and intrusive building in the rural landscape which detracts from the character of the area, contrary to Policies GP1 (Landscape Character and Open Land), GP8c) (Design) and GP13b) (Householder Development) in the Island Development Plan.

2. The proposed extensions do not present a coherent and resolved built form, and do not achieve a good standard of design, contrary to Policy GP8a) (Design) in the Island Development Plan.

3. The proposed extensions, by virtue of the scale and increased proximity to the adjacent protected building, would have a negative effect on the setting of that building, contrary to Policies GP5 (Protected Buildings), GP8 (Design), GP9b) (Sustainable Development) and GP13 (Householder Development) in the Island Development Plan and would not meet the statutory duty in respect of protected buildings.

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

States of Guernsey
Planning Service

PLANNING APPLICATION REPORT

Application No:	FULL/2025/0723
Property Ref:	F012700000
Valid date:	21/05/2025
Location:	Les Rondiaux Rue Des Rondiaux St. Pierre Du Bois Guernsey GY7 9SQ
Proposal:	Construct pitched roof over existing dwelling and 1.5 storey extensions to east.
Applicant:	Mr & Mrs Fell

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed extensions would substantially increase the scale, bulk and massing of the existing building, forming a dominant and intrusive building in the rural landscape which detracts from the character of the area, contrary to Policies GP1 (Landscape Character and Open Land), GP8c) (Design) and GP13b) (Householder Development) in the Island Development Plan.

2. The proposed extensions do not present a coherent and resolved built form, and do not achieve a good standard of design, contrary to Policy GP8a) (Design) in the Island Development Plan.

3. The proposed extensions, by virtue of the scale and increased proximity to the adjacent protected building, would have a negative effect on the setting of that building, contrary to Policies GP5 (Protected Buildings), GP8 (Design), GP9b) (Sustainable Development) and GP13 (Householder Development) in the Island Development Plan and would not meet the statutory duty in respect of protected buildings.

OFFICER'S REPORT

Site Description:

The site ownership comprises a detached and extended farmhouse, with associated outbuildings, set in the north-east corner, with grounds extending to the south and west and agricultural land to the south. A new dwelling has been constructed to the south-west of the site, in accordance with the permission granted under FULL/2023/1515 (described below). The site ownership is bordered by agricultural land to the east and south and the Rue des Rondiaux runs along the north and west boundaries, separating the land from further agricultural land to the west and a residential property to the north. The domestic curtilage includes the farmhouse and ancillary structures and the

grounds to the south and west, including the new dwelling, forming the whole of the Cadastre parcel F012700000.

The exterior of the main farmhouse building, together with the roadside walls, is protected. The single storey rear structure, glazed structure and outbuildings are excluded from the listing.

The application site includes the western and southern parts of the domestic curtilage, taking in the new dwelling and the former stables building located to the south of the farmhouse.

The site is located Outside of the Centres, within a designated Agriculture Priority Area, in the Island Development Plan. The site has archaeological value and is located within the Western Airport Public Safety Zone.

Relevant History:

FULL/2022/1533 Convert stables/outbuilding to a residential dwelling with associated parking. Approved 19/01/2023

FULL/2023/1515 Demolish building, erect dwelling to west of site with associated works and create new vehicle access. Approved 23/01/2024

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

Permission is sought under this application to extend the existing single storey flat roof dwelling at the site, incorporating a pitched roof over the existing structure and constructing a 1.5 storey extension to the north-east, perpendicular to the existing building. A bedroom and bathroom would remain within the existing building, as previously approved, and the kitchen/living area would become a kitchen and utility. The proposed extension would contain a living area, study/gym/bed and ensuite and covered car/cycle store at ground floor with two ensuite bedrooms at first floor. Access and hard surfacing would remain as previously approved. Solar panels are approved to the south roofslope, replacing those previously approved to the flat roof of the existing dwelling.

A Planning and Design Statement was submitted in support of the application.

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

GP1 Landscape Character and Open Land
GP5 Protected Buildings
GP8 Design
GP9 Sustainable Development

GP13 Householder Development
GP17 Public Safety and Hazardous Development

Representations:

None received.

Consultations:

Guernsey Airport comment as follows:

This application is different to that of what we accepted without comment on previously. Mr and Mrs Fell had discussed their initial plans with us directly, but the proposed dwelling is now significantly larger than initially planned and not something we have since provided comments on to Mr and Mrs Fell.

For the avoidance of doubt, the dwelling does sit within the public safety zone (PSZ), and the principal objective of the PSZ policy is to prevent an increase in the population living or working within this zone. This is a precautionary measure grounded in aviation safety standards, there is a concern that with the notable increase in size of this dwelling there could be a natural increase to the living population within the PSZ.

We would advise that careful consideration is given to this proposal and we suggest that guarantees are sought from the applicant that the habituating population is not increasing. I would also urge having discussions with the Office of the Director of Civil Aviation (ODCA) who may have a further view on the development within the PSZ as the aviation regulatory body for Guernsey.

The Office of the Director of Civil Aviation was contacted however no response was received.

Summary of Issues:

Status of the existing building and relevant policy framework;
Impact on the amenities of adjoining properties;
Impact on the character of the area;
Design;
Impact on the special interest of the adjacent protected building;
Amenity, access and parking;
Sustainable Development;
Airport Safety Zone.

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).

Status of the existing building and relevant policy framework.

The creation of a new dwelling at this site was first allowed through permission for the conversion of an existing building at the site, and then through the demolition of that building and the construction of a new dwelling under Policies GP16(A) and GP16(B) (Conversion of Redundant Buildings). In the absence of published guidance, it has previously been accepted that, once a dwelling approved under GP16(B) is constructed to a wind and watertight state, the residential use of that building is established and any further application for extension or alteration to the building falls to be considered under Policy GP13 (Householder Development).

In this case, the dwelling approved under FULL/2023/1515 has been constructed to a wind and watertight condition, and there are no outstanding planning conditions which would require discharge prior to the current stage of development. Whilst the building originally approved for conversion has yet to be demolished, the condition requiring that demolition related to occupancy or completion of the new dwelling and would not yet be engaged. The current application therefore falls to be considered under Policy GP13 and relevant General policies as outlined above. Given the alterations proposed under this application, it would however be difficult to ascertain when the dwelling could be considered complete for the purposes of the demolition condition and therefore, to ensure the removal of the building originally approved for conversion in accordance with Plan policy, it is recommended that the condition requiring demolition is reiterated if the current application is approved, linked to completion of the works currently proposed.

Policy GP13 allows for alterations and extensions to residential properties, and provides no stipulations in terms of the potential scale of any such alterations or extensions, provided there is no significant adverse impact on the amenities of adjoining properties; the design, scale, mass and form of development does not detract from the character of an open area; and there is no adverse effect on the special interest of a Conservation Area, Area of Biodiversity Importance, Protected Building or Protected Monument. In this case, the site is not located within or adjacent to a Conservation Area or Area of Biodiversity Importance, and does not form part of the setting of a Protected Monument.

Policies GP1, relating to landscape character and open land, GP5 relating to the setting of the adjoining protected building, GP8 and GP9, relating to Design and Sustainable Development and GP17 relating to the Airport Public Safety Zone, would also be relevant and the material considerations of the Law must be taken into account.

Impact on the amenities of adjoining properties

The site is set away from nearby residential properties, with the exception of that existing at the application site, and the extensions have been designed to face away from that building, at sufficient distance to prevent any impacts on the amenities of that

building or the associated amenity space. Fenestration proposed in the facing elevation is limited and located at high level.

There would therefore be no adverse impact on the amenities of adjoining properties and the proposal would comply with Policies GP8d), GP9b) and GP13a), as relevant to this consideration.

Impact on the character of the area

In respect of landscape character, this site is set within the Upland Plateau landscape character type as defined within Annex V of the Island Development Plan. That landscape type is stated to be characterised by a web of hedges, banks, hedgerow trees and tree-lined lanes, which enclose numerous small pastures, and interspersed through this field pattern are a series of small scattered settlements. It is also noted that the landscape fabric generally keeps views short. This description is appropriate to the context within which the application site sits. The existing buildings at the site form part of the scattered residential properties located within a network of tree lined lanes and open land to the south of the St Pierre du Bois Local Centre, and views of the site are limited to the immediately surrounding lanes, heavily obscured by the planting on the site boundaries.

In approving the relocation of the dwelling under the previous application it was observed that:

"The proposed new dwelling would be re-positioned to the west of the site, away from the existing building group and towards the adjacent open land. The land itself is however recognised as domestic curtilage which, as defined in the IDP (see "Brownfield" in Glossary), comprises previously developed land and cannot therefore be considered as undeveloped land for the purposes of Policy GP1.

The land does however sit within a wider area of open land to the west and south and the introduction of a building in the proposed location could intrude into the openness of the area. The boundaries of the application site are however densely vegetated, and are to be retained as such, and the building as currently proposed would be a single storey, flat roof structure, and substantially screened from the surrounding roads. It would therefore be difficult to state that the building would have an unacceptable impact on the open landscape character of the area. Whilst it is noted that, once complete, further applications could seek to increase the size, or specifically, the height, of the dwellinghouse, any such application would have to be considered on its own merits and would need to meet the relevant planning policies at the time of consideration. The proposal as submitted would therefore comply with Policies GP1, GP8c) and GP16e)."

This assessment remains largely valid. The topography and character of the area prevent long views across the surrounding fields. The constructed dwelling is visible only in glimpses through the boundary vegetation from the road along the north boundary of the site, and through the access serving the existing farmhouse at the site, and is entirely obscured from the road running along the west boundary. The earthbank and planting previously located between the application site and the adjacent access

track to the west, between the roadside and the gate to the rear of the track, have however been removed as part of the construction works, and without planning consent. The removal of this bank and vegetation has opened up views of the new building when approaching the site from along Rue des Raies to the west.

The Rue des Raies has a rural aspect, passing between fields and bounded by earthbanks and vegetation and forms a straight run of c150m as it approaches the site. The dwelling which has been constructed sits at the end of this run, slightly offset to the south. Whilst visible in views from along the road, the limited size of the building, together with the retention of some screening vegetation, limits the impact of the structure on the character of the lane. The proposed extensions would however substantially increase the scale, bulk and massing of the existing building in these views, introducing built form into the otherwise rural landscape, and would form a dominant and intrusive building which detracts from character of the area. Even were the former boundary treatment in situ, or were new planting to be undertaken along the boundary, it is considered that any such planting would not be sufficient to mitigate the intrusive scale of the extended building.

The proposed extensions would therefore be contrary to Policies GP1, GP8c) and GP13b).

Design

In addition to the impacts arising solely from the scale of the building within its rural setting, Policy GP8 requires that a development achieve a good standard of architectural design. In considering the interpretation of this requirement, the Appeals Tribunal in the Bradways appeal (ref PAP/004/2023) concluded that this essentially required that a design "*present to the observer a coherent and comprehensible arrangement of architectural forms and materials that intentionally create a visual effect that is respectful to the surroundings*".

In this case, as discussed above, the west elevation is particularly key, although there may also be some visibility of the north elevation should the vegetation along the north and west boundaries of the site reduce for any reason. The west elevation comprises of three discrete building elements, which vary in terms of ridge and eave heights, roof forms and overall proportions and together do not present a coherent and considered built form, particularly when viewed from the adjacent road. This impact is lessened to the north elevation, where the garage and core extensions appear more resolved, however the west projecting wing would appear particularly dominant in any views from that direction, taking into account the length of the projection and high eaves relative to the gable width and eaves height of the central element, and the absence of fenestration. These considerations are also relevant to the east, and some extent the south, elevations, however these are of lesser importance given the absence of impact in public views.

Overall, and notwithstanding the submission of a Design Statement, the proposed built form appears unresolved and would not achieve a good standard of design as required under Policy GP8a).

Impact on the special interest of the adjacent protected building

As noted above, the exterior of the main farmhouse building at this site, together with the roadside walls, is protected.

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** [emphasis added].

Section 15 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, sets out additional material considerations that apply to protected buildings, referring back to the considerations set out under Section 14 in respect of protected monuments, of which the following is relevant:

a) the desirability of preserving the special interest by reason of which the protected monument is listed,
b) the opportunity that the development may afford to restore, enhance or improve the protected monument **or its setting** [emphasis added].

Policy GP8 states that, within areas of higher protection, such as, inter alia, where development relates to protected buildings or their settings, development will be expected to conserve the particular special interest of those buildings and refers further assessment to the relevant policy relating to protected buildings, namely Policy GP5. The policy text to Policy GP5 is not directly applicable in this case, where works are not proposed directly to a protected building, however the pre-facing text states that policy provides for appropriate development, and to manage change, of the historic environment in order to secure, as far as possible, the particular special interest of protected buildings whilst at the same time taking into consideration the requirement to meet the social and economic aims of the States of Guernsey and the reasonable aspirations of property owners. Policies GP9b) and, as stated above, GP13, state that proposals for new development will be supported where it has been demonstrated that, inter alia, the development will not have an adverse effect on the special interest of protected buildings.

Reference is made within the supporting documentation to the protected building at the application site, noting the distance between the extended dwelling and that building, the relative heights and intervening trees, and the design of the proposed extension as factors mitigating impacts on the setting of that building.

The building is essentially a C.15th farmhouse. The environment within which it sits (i.e. its setting) has altered little since it was first built and, aside from the building subject to this planning application and airport lighting masts, its setting has not materially changed since that time or since it was added to the list. As noted above, there are mature trees and vegetation within the grounds and around the site perimeter which help to screen the protected building and the new dwelling from views in the lanes surrounding the site, however the new dwelling can be seen from the vehicle entrance to the protected building as well as in glimpsed views through vegetation/trees from the surrounding lanes, and can be clearly seen when in the grounds of the protected building.

The new dwelling is a single storey flat roof building, located approximately 30 metres to the south-west of the protected building, and within the grounds of that building. As part of the consideration of the application for the erection of the new dwelling, taking into account the scale and position of that dwelling, it was found that there would be no adverse impact on the setting of the protected building.

The substantial extensions proposed under this application will however result in a building that is substantially larger than the existing single storey structure and closer to the protected building, and will result in negative effects on the setting of that building. The negative effect on the setting of the protected building will be apparent, but not limited to, public views from the vehicle entrance to the protected building as well as views from with the grounds of the protected building.

In considering impacts on protected buildings, the above cited policies require any harm to the setting of a protected building to be balanced against the benefits and/or reasonable aspirations of the property owner. In this case the development would extend a 1bed, 2 person dwelling to provide a 3 bed, 6 person dwelling (with a floor area that substantially exceeds the best practice standards for such a dwellings). Therefore, whilst the development would contribute to the identified need for new housing in the Island, so does the existing building. As existing, the building provides smaller housing that is better aligned with the States' Strategic Housing Indicator. Therefore, on balance, it is concluded that the effect on the setting of the protected building is not outweighed by the benefits/reasonable aspirations of the property owner and the proposal would be contrary to Policies GP5, GP8, GP9b) and GP13 and would not meet the statutory duty in respect of protected buildings.

There are further protected buildings located within the building group to the north-west of the site, at Les Caches. The distance to those buildings, intervening land, road and boundary vegetation would however prevent any impact on the setting of those buildings. In support of the current proposals it is noted within the submission that development has been approved to and within that building group, specifically the construction of a large garage building (ref FULL/2022/1055). Each application must however be considered on its own merits and in the context of that particular development. In respect of the cited application, the approved development differed from that now proposed in terms of the design of the building and the relationship to existing built form and surrounding public viewpoints.

Amenity, access and parking

As noted above, the proposed extension provides generous accommodation and would enhance the living environment enjoyed by the occupants of the dwelling. The dwelling benefits from a generous curtilage and the proposed extension would not compromise the amenity space associated with the dwelling.

The access and parking area would remain substantially as previously approved, although additional parking would be provided within the covered area to the north of the dwelling. The parking provision would however remain appropriate to the size of dwelling and the proposal would not be likely to result in a significant intensification in traffic on the adjacent lanes. Cycle storage would also be provided with the covered area.

The proposal would comply with Policy GP8d), as relevant to this consideration.

Sustainable development

A statement is provided in respect of sustainable development and solar panels remain part of the proposal, exceeding the provision forming part of the sustainable enhancements required under the previous approval. Were the application to be approved, implementation of those panels could be required by condition.

The proposal would comply with Policy GP9a).

Airport Public Safety Zone

Policy GP17 applies to proposals for development with the potential to cause, increase or be affected by significant risks to public health or safety, and the policy text states that additional controls may be applied to proposed development within Public Safety Zones, as set out within Annex IX of the IDP. That Annex states that development within the Public Safety Zones may be acceptable in principle however the purpose of these zones is to keep to a minimum the numbers of people on the ground where there is greatest risk of aircraft accident. The Annex therefore states that development should not significantly increase the number of people at risk from a known hazard and/or that proximity and type of development does not inhibit or interfere with the safe operation of the airport. In respect of extensions or alterations to dwellings, the Annex goes on to state that such works which could not reasonably be expected to significantly increase the number of people living at the site, is likely to be acceptable from a public safety perspective, providing the proposed development would not adversely affect the safe and effective operation of the airport.

In respect of the current application, it is acknowledged that the dwelling as initially proposed was small in scale, with a single double bedroom, and the current proposal comprises a substantial increase in scale of built form. In terms of numbers of occupants, as proposed, the dwelling would have 3-4 double bedrooms, potentially comprising an additional 4-6 occupants.

There is no local legislation or guidance which provides interpretation on a "significant increase". In allowing the creation of a new dwelling at this site, it was accepted that there would be an increase in the population at the site and, in the absence of advice or specific guidance to the contrary, the applicant had a reasonable expectation for potential further development. In this case, there is no indication that the built form proposed would, in itself, give rise to any increased risk within the Public Safety Zone and it would now, in the absence of local legislation curtailing such development, be unreasonable to place limitations on the further development of the constructed dwelling, based on a relatively low occupancy.

In this case, notwithstanding the potential risks identified by Guernsey Airport, it is not considered reasonable, within the terms of planning law, to resist the current application under Policy GP17.

Conclusion

The residential use of the approved dwelling has been established, and extension and alteration to that dwelling can be considered under the provision of Island Development Plan policy.

As proposed however, the extensions would substantially increase the scale, bulk and massing of the existing building, forming a dominant and intrusive building in the rural landscape which detracts from the character of the area, contrary to Policies GP1, GP8c) and GP13b).

In addition, the proposed extensions do not present a coherent and resolved built form, and do not therefore achieve a good standard of design, contrary to Policy GP8a).

Finally, by virtue of the scale of the extensions and increased proximity to the adjacent protected building, the proposal would have a negative effect on the setting of that building, contrary to Policies GP5, GP8, GP9b) and GP13 and would not meet the statutory duty in respect of protected buildings.

Consequently it is recommended that the application be refused.

Date: 18/09/2025