

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 section of wall to create additional vehicle access.

LOCATION: Heatherleigh, New Road, St. Sampson.

APPLICANT: Mr S Mahy & Mr J Harrison

I refer to the application referred to below received as valid on 27/05/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 01/09/2025

Drawing Nos: Chateaux Architectural Design - 25/011/01A

Application Ref: FULL/2025/0792

Property Ref: B002750000

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 proposal is to remove a section of wall, which contributes to the character of the Conservation Area. The proposed development would not conserve or enhance the character or appearance of the Conservation Area and therefore is contrary to Policy GP4 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/2025/0792
Property Ref: B002750000
Valid date: 27/05/2025
Location: Heatherleigh New Road St. Sampson Guernsey GY2 4QE
Proposal: Demolish section of wall to create additional vehicle access.
Applicant: Mr S Mahy & Mr J Harrison

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposal is to remove a section of wall, which contributes to the character of the Conservation Area. The proposed development would not conserve or enhance the character or appearance of the Conservation Area and therefore is contrary to Policy GP4 of the Island Development Plan.

OFFICER'S REPORT

Site Description:

The property known as 'Heatherleigh' is a pre-1900's two storey half attached dwelling which is slightly set back from and faces west onto New Road. There is a drive running along the north boundary with a church, and the church hall is to the east; the adjoining dwelling is to the south and across the road to the west are more residential properties. The property is located in the St Sampson Main Centre and Conservation Area as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to demolish a section of front boundary wall to create a second off street parking area.

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

GP4: Conservation Areas

GP8: Design

GP13: Householder Development

IP9: Highway Safety, Accessibility and Capacity.

The Bridge Conservation Area appraisal.

Representations:

None

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the conservation area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

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 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'.

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

The Bridge Conservation Area appraisal identifies Heatherleigh as a 'building of merit' and New Road as a 'Character Area', noting that nineteenth century development displays, depending on topography, a relatively increased rigidity in style and orientation, lining the highways and fronted by low walls and railings which give a sense of formal enclosure.

The proposed parking area is only 4m long which is smaller than a normal parking space at 4.8m, any large car would extend out into the road, causing traffic issues. There is already a substandard parking space in the southern half of the front garden, which appears to have been in place since before 1979. There is no ability to turn around on site and so cars will have to stop traffic by reversing into the space, which is considered a highway safety issue.

Policy GP4: Conservation Areas states that, *'proposals that would result in the demolition of a building, structure or feature... that contributes to the character, architectural or historic interest and appearance of the particular Conservation Area will only be supported where any replacement building, feature, structure or vacant site makes an equal or enhanced contribution to the character of that Conservation Area'*.

In this case the loss the wall, which is considered as a contributing feature to the character of this part of the Conservation Area, to create an undersized parking space would not make an equal or enhanced contribution to the character of this Conservation Area.

At present over half of the original wall remains, the proposals will leave three small individual sections of wall, which cumulatively add up to under half of the front boundary which is not considered acceptable under Policy GP4. The three individual sections of wall would not be read as a continuous feature but punctured by the existing parking and pedestrian areas and the proposed access. This would result in the loss of the enclosing boundary previously highlighted as a feature of this particular conservation area. In this instance the recommendation is for a refusal.

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

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 29/08/2025