

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

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

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

APPLICANT: Mr C Croft

I refer to the application referred to below received as valid on 04/06/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 06/08/2025

Drawing Nos: Matt's Architectural Technology Ltd: 24 - 327 - 04A, 05A, 06A, 07A

Application Ref: FULL/2025/0922

Property Ref: F005410000

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

1. By virtue of the footprint and level of accommodation to be provided within the proposed single-storey extension this would not represent a modest extension to the existing building and the extension would form a significant part of each new unit proposed. The scheme is therefore contrary to Policy OC1 c. of the Island Development Plan.

2. The scheme does not comply with Policy GP5 of the Island Development Plan as the effect on plan form and features of removing and repositioning the staircase of unit 2, together with the changes to openings through the rear/south wall of the building (all three units) would have a negative impact on the overall special interest of the protected building that has not been demonstrated to be outweighed by the reasonable aspirations of the property owner. The scheme also fails to provide sufficient information regarding the works and changes proposed to the protected building to allow a full assessment of the proposals in relation to Policy GP5 of the Island Development Plan and the published advice note CN11.

3. As a result of the level of extension, internal layout and nature of the subdivision proposed the scheme would fail to comply with the findings of the States' Strategic Housing Indicator (SSHI) 2024 and 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 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.

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/2025/0922
Property Ref: F005410000
Valid date: 04/06/2025
Location: Les Marais Ruelle Du Val De Haut St. Pierre Du Bois Guernsey
GY7 9LB
Proposal: Subdivide, extend and alter existing dwelling to create 3
dwellings and associated works (Protected Building) (Revised
scheme).
Applicant: Mr C Croft

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. By virtue of the footprint and level of accommodation to be provided within the proposed single-storey extension this would not represent a modest extension to the existing building and the extension would form a significant part of each new unit proposed. The scheme is therefore contrary to Policy OC1 c. of the Island Development Plan.
 2. The scheme does not comply with Policy GP5 of the Island Development Plan as the effect on plan form and features of removing and repositioning the staircase of unit 2, together with the changes to openings through the rear/south wall of the building (all three units) would have a negative impact on the overall special interest of the protected building that has not been demonstrated to be outweighed by the reasonable aspirations of the property owner. The scheme also fails to provide sufficient information regarding the works and changes proposed to the protected building to allow a full assessment of the proposals in relation to Policy GP5 of the Island Development Plan and the published advice note CN11.
 3. As a result of the level of extension, internal layout and nature of the subdivision proposed the scheme would fail to comply with the findings of the States' Strategic Housing Indicator (SSHI) 2024 and 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 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.
-

OFFICER'S REPORT

Site Description:

Les Marais is a linear building situated to the south of Rue Du Val. A number of residential properties are situated to the north of the road. The site frontage is open and hardsurfaced and a detached garage is situated to the west of the site and a second vehicular access to the side/rear of the site to the east. There are no defining boundaries between the domestic garden associated with the property and the agricultural land surrounding it.

The property comprises a one and a half-storey cottage in the centre, with decorative dormers to the slate roof with two-storey buildings to either side. The property has a painted exterior and a mix of casement and sash timber windows. The building attached to the east of the one and a half-storey cottage is more agricultural in its appearance given the multiple door openings in the front elevation. A lean-to glasshouse exists across the rear of the property, which varies in depth and which has clearly been altered and reinforced over time (partial Perspex roof and concrete block elements of wall).

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

Relevant History:

Domestic curtilage defined in 2024 – CURT/2024/1114

FULL/2024/1988 - Subdivide, extend and alter existing dwelling to create 3 dwellings and associated works (Protected Building) – refused

Pre-application advice was sought prior to the submission of the 2024 scheme which highlighted that OC1 will not support any more than a modest extension in connection with the proposed subdivision and that *“an extension must not be of such a scale that it forms a significant part of any new unit”*. The pre-application submission showed an extension that housed principal living accommodation for each dwelling which would form a significant level of extension contrary to Policy OC1.

Existing Use(s):

01 dwellinghouse

28 agriculture

Brief Description of Development:

The application relates to the subdivision of the existing building into three, three-bedroom dwellings, the removal of the existing lean-to glasshouse and the construction of a single-storey mono-pitched roof extension to the rear of the entire building. The drawings also refer to the replacement of windows and doors (double glazed and timber), alterations to existing window/door openings, formation of new window openings, new rooflights and internal alterations including new partition walls and the removal and replacement of staircases. Other associated works include walls, earthbanks/hedges, gates, parking areas, paths and the installation of a field gate.

On the ground floor a bedroom, bathroom and utility are proposed within the existing part of the building whilst the lounge, kitchen and diner are proposed within the single-storey extension for all three units. Two bedrooms and a bathroom/shower room are proposed for each dwelling at first floor level.

The application has been accompanied by a Site Waste Management Plan and Statement of Significance but this has not been updated to reflect the current proposals. No window and door schedule has been provided despite numerous units (including the majority of the windows/doors of the south elevation) being proposed for replacement. The submission explains that all the windows have been reviewed by a joiner and although "it's not the most cost-effective option we have opted to keep all existing units, repair and redecorate them, due to this there is no broken-down window schedule. The new units will be bespoke made to match the existing units."

A letter of justification is included in support of the application and which seeks to address the reasons for refusal:

1. That the design, size, scale and mass of extensions have been changed in order to address the reasons for refusal and so now comply with OC1 a, b and c.
2. On the elevations drawing the existing garage outline is shown in green in relation to the new structure. Planning drawing 06A – West Elevation – Demonstrates the outline of the existing garage building and the limited view from the west side of the building of the rear extensions
3. Features such as the tree branch lintel, moulded ceiling joists, fireplace, additional windows, staircase positioned have been retained
4. The proposed external materials for the extension now comply with Policy GP8 and GP13
5. External landscaping is in keeping with the local area and would enhance the land and environment in line with GP8 c. and e.
6. The scheme considers access for people of all ages and abilities (GP8 f. and g.)
7. Cycle parking provision is included (IP6)
8. Air source heat pumps proposed taking into account the use of energy and resources (GP9)
9. Windows where indicated will be installed to match the existing, all other units and windows will be repaired and re decorated to comply with planning policy
10. Issues with head height to meet Building Regulations are noted in relation to the staircase in unit 2 and two possible options explored. Option 2 selected, to alter the orientation of the staircase by widening the hallway doorway (to accord with GP1 a, b and GP8 d.)
11. The cupboard in unit 2 is caulked into the wall but is a piece of free-standing furniture

The Planning Service note:

- The proposed elevation drawing notes make reference to a new dormer. This is not shown on the other drawings.
- The application does not make reference to any proposed alterations to roof structures or to the insertion of linings (to roofs or walls) or to means of waterproofing.

- It remains the case that investigations on site confirm omission from the drawings of various chimneys breasts and alcoves/niches.
- No details of the existing windows in the south elevation (currently obscured by the vinehouse) have been provided although the submission states “Survey drawing 02 demonstrates the view of the rear elevation with removal of the vine houses as requested.”

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

Island Development Plan policies:

OC1: Housing Outside of the Centres
 GP1: Landscape Character and Open Land
 GP5: Protected Buildings
 GP8: Design
 GP9: Sustainable Development
 GP13: Householder Development
 IP6: Transport infrastructure and support facilities
 IP7: Private and Communal Car Parking
 IP9: Highway Safety, Accessibility and Capacity

CN11: Windows and Doors in Protected Buildings

Representations:

None.

Consultations:

Office of Environmental Health and Pollution Regulation – commented on the 2024 application – Our records show that this department has attended this site in relation to the burning of waste and I would like to highlight to the applicant that the submitted Site Waste Management Plan should be followed should the application be approved.

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

Summary of Issues:

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

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

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

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

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

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

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

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

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

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

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

It is important to note that the individual policies or paragraphs of the IDP Written Statement should not be read in isolation or out of context and the IDP should be read as a whole including all relevant policies, preceding text, Annexes and the Proposals Map as well as reference to any relevant Supplementary Planning Guidance published by the Authority (IDP paragraph 1.4.14). All proposals are expected to be consistent with the Plan Objectives relevant to the specific proposals.

Subdivision of existing building

The IDP makes provision for housing within the Centres and does not allow for new build housing Outside of the Centres (with the exception of those developments permitted through Policy OC1: Housing Outside of the Centres to subdivide an existing dwelling into two or more self-contained units). Whilst modest extension can be allowed as part of a proposal, the direction is not to allow such extension to enable the use of a building where it would not otherwise be possible. In terms of residential development, the existing building must therefore be of a size and form that can provide an adequate living environment and at least meet the minimum space requirements for that use. In assessing this matter, the Guernsey Technical Standards (GTS) will be considered. Any extension should not be of such a scale that it forms a significant part of any new unit in effect creating a new building contrary to policy (paragraphs 16.1.7 and 19.17.8).

The site is located in an area with scattered residential development and the proposed subdivision would be compatible with the character of the locality and surrounding uses. The single-storey extension proposed would house the kitchen, living and dining room for each new unit. As proposed, the extension would house a significant level of accommodation required for each unit to function as a dwelling, given the layout proposed.

The existing building is sufficient in size to accommodate three units of residential accommodation without extension, the extension would however, represent significant increase to the floor area of each proposed dwelling:

Unit 1 - 73%

Unit 2 – 80.6%

Unit 3 – 77.6%

This cannot be considered as modest for the purposes of Policy OC1 and is specifically contrary to criteria c, as a result the scheme cannot be supported.

Protected Building

To remove the vinehouses from the rear of the building amounts to the partial demolition of the protected building. The form and the appearance of the vinehouses are important to the protected building. There is a presumption against partial demolition unless the building is structurally unsound and technically incapable of repair or would result in the demolition of a structure that detracts from the special interest of the building. The west vinehouse is a modern replacement and the east is likely original

but now clad with corrugated sheets and in poor condition, the demolition complies with Policy GP5.

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

- Construct single storey lean-to extensions to south
- Create two new window openings in the north elevation of Unit 1
- Install bike stores, EV points and ASHPs
- Replace existing and install additional rooflights in rear roof plane
- Remove render (paint & slurry) of Unit 2 and leave stone exposed
- Install bargeboard and finial over middle dormer to match others
- Construct stone walls, patios, earthbanks/hedges and gates, create parking areas and paths and install 5 bar field gate
- Replace double barn door of Unit 3 with single door
- Replace downpipes and reposition from gables to front and rear elevations

Turning to the works to the interior of the building the scheme proposes the replacement of the staircase in unit 2, this is likely 19th Century although with modern balusters and handrail. The scheme proposes its replacement and its relocation which entails the removal of part of the rear wall of the building with associated partitions and alterations to the roof structure. The replacement of the staircase which is a feature of the building with its associated impact on the plan form is not considered to represent a reasonable aspiration that would outweigh harm to special interest.

With regard to the proposed alterations to the openings of the south elevation (units 1, 2 and 3 the application has been accompanied by insufficient information to enable this aspect of the proposal to be fully assessed. Although confirmation is given that the tree branch lintel will be retained the submission does not provide confirmation of the proposed approach to the other lintels. As a result it is not possible for a full assessment to be undertaken to establish whether the scheme would accord with the aims of Policy GP5 and the Law.

With regard to replacement windows, many windows which were previously proposed to be replaced are now proposed to be kept however the submission does not address windows in the south elevation. The following windows as shown in the submission are considered acceptable for replacement when assessed against Policy GP5 and associated guidance (CN11). In some cases the design of the replacement fenestration is not considered appropriate however, the detailed design could be managed by condition. In all cases large scale details would be required through a planning condition if the scheme were acceptable.

Unit 3

- GF N double doors (right)
- GF N double doors (left) (subject to design of replacement)
- GF gable door (subject to design of replacement)

- FF gable window (subject to design of replacement)
- FF gable top window

As per the previous scheme from 2024 it is noted that there is no objection in principle to replacing various other windows/doors (as labelled as part of the previous scheme) at Les Marais subject to joinery details:

Unit 1

- Front door
- FF W2
- GF W1

Unit 2

- GF W1
- GF W2
- GF W3
- GF W4

Unit 3

- GF W1
- GF D1
- GF D2 (subject to design of replacement)
- FF W1
- FF W2
- FF W3

Notwithstanding the above, there is insufficient information on a number of other points to enable the possible cumulative impact of the proposed internal works to be fully assessed including:

- Whether the walls would be lined
- Internal floor level over the void
- Insulation details and how this could impact on features such as the former window opening and remnants of the chimney hood in the east gable (first floor) of proposed unit 2 and niches in unit 3
- Whether changes are proposed to ground floor, first floor or roof structures and details of such changes; in unit 3 would the ground floor be concrete?
- Whether the first-floor fireplace in proposed unit 2 would be retained or only the chimney breast
- The relationship between the new first floor structure in relation to existing openings (all elevations) and how would any conflict be resolved?
- East-west sections for each new unit to show the changes in level and relationship of new vs. old fabric and features
- Clarification of the proposal as regards replacement of window and door units in the south elevation of Units 1, 2 & 3 and regarding replacement/retention of other windows and doors
- Clarification regarding alterations to the openings of the south elevation of Units 1, 2 & 3 – provide an unobscured south elevation

As a result the proposals cannot be fully assessed in relation to the internal alterations, alterations to the south elevation and windows in that elevation. Based on the information provided there is uncertainty regarding the loss of features and the cumulative effect of these changes on the special interest of the protected building. As such, the works have not demonstrated to be outweighed by the reasonable aspirations of the property owner when assessing Policy GP5 and the published advice note regarding windows in protected buildings, CN11.

Design

The scheme relates to the removal of the existing lean-to glasshouse across the rear of the building. As outlined above, the principle of removing the lean-to vinehouse is supported but the form and appearance of the glasshouses are important. This revised scheme has sought to address the previous reasons for refusal which related to the scale, form and materials proposed. A lean-to extension, with a reduced floor area, is now proposed. The drawings indicate the use of Millboard 'smoked oak' composite timber effect vertical wall and cladding, Aulla Biopietra stone wall cladding for the exterior of the extension and the use of grey coloured zinc for the lean-to roof and anthracite windows, doors and rainwater goods, however reservations exist in relation to the use of a composite cladding on the extension to this protected building.

Amenities

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

The proposed boundary treatments would be sympathetic to the rural and open surroundings.

First floor fenestration proposed to the rear of the properties is limited and the development would ensure that the potential for mutual overlooking between the units proposed would remain within acceptable limits.

In this regard the scheme complies with Policy GP8 and OC1 b. of the Island Development Plan and the boundary treatments indicated could have been secured by planning conditions.

Parking

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

A shed is shown on the block plan/site layout plan in the gardens of units 2 and 3 to offer secure and covered cycle parking. It remains the case that unit 1 could utilise the detached garage for this purpose.

Sustainable Development

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

It is also noted that air source heat pumps are indicated to be provided to serve each dwelling which do not represent exempt development within the curtilage of a protected building. No details of these have been supplied to enable an assessment of the equipment and noise generated when considering the amenities of occupiers and neighbours of the development. Without this information the air source heat pumps could not be fully assessed against Policies GP8 and GP13 of the IDP.

Other matters

As a result of the scale of extension proposed, the nature of the subdivision (into three units of accommodation) and the layout as proposed the development would create three units of 3 bedroom/6-person housing and as outlined above a significant level of extension is necessary to provide the scale of accommodation indicated in the submission.

Although the subdivision of an existing dwelling represents efficient and effective use of land consideration must also be given to the States' Strategic Housing Indicator. This 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 provision of three-bedroom dwellings as indicated 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. In this regard the application fails to comply with the SSHI. 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.

Conclusion

Due to the scale of extension proposed the scheme would fail to comply with Policy OC1 of the Island Development Plan that permits only modest extensions, that do not form a significant part of any new unit proposed, to existing dwellings in connection with their conversion to two or more self-contained units.

The scheme does not comply with Policy GP5 of the Island Development Plan as the effect on plan form and features of removing and repositioning the staircase of unit 2, together with the changes to openings through the rear/south wall of the building (all three units) based on the information supplied would have a negative impact on the overall special interest of the protected building that has not been demonstrated to be outweighed by the reasonable aspirations of the property owner. The scheme also fails to provide sufficient information regarding the works and changes proposed to the protected building to allow a full assessment of the proposals in relation to Policy GP5 of the Island Development Plan and the published advice note CN11.

In addition, the scheme does not address the requirements of the States' Strategic Housing Indicator (SSHI) 2024.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no adverse impact on protected trees or sites.

Date: 06/08/2025

