

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: Erect 1.5 storey detached outbuilding to east of site (site of protected tree).

LOCATION: 2 La Pointe, Les Mares Pellees, Vale.

APPLICANT: Mr H Moriarty & Miss A Terriss

I refer to the application referred to below received as valid on 10/06/2025 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: JM Design Ltd: 2311-01 PD/01A, PD/02A

Application Ref: FULL/2025/0941

Property Ref: C00862A000

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 development by virtue of its height, mass and design, would be out of scale and character with its surroundings and would detract unacceptably from the character and visual amenities of the locality. The proposal does not achieve a good standard of design and conflicts with Policies GP8 and GP13 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/2025/0941
Property Ref: C00862A000
Valid date: 10/06/2025
Location: 2 La Pointe Les Mares Pellees Vale Guernsey GY3 5PJ
Proposal: Erect 1.5 storey detached outbuilding to east of site (site of protected tree).
Applicant: Mr H Moriarty & Miss A Terriss

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed development by virtue of its height, mass and design, would be out of scale and character with its surroundings and would detract unacceptably from the character and visual amenities of the locality. The proposal does not achieve a good standard of design and conflicts with Policies GP8 and GP13 of the Island Development Plan.

OFFICER'S REPORT

Site Description:

The property known as '2 La Pointe' is a modern two storey dwelling which sits in the middle of the site facing north. La Mares Pellees runs along the north boundary, along which is the vehicular access and a line of protected trees. La Route du Braye runs along the south boundary which also has a line of protected trees. To the west is another two-storey modern dwelling and to the east are two protected buildings, one facing north and the other facing south. The property is located in the St Sampson Main Centre Outer Area as defined in the Island Development Plan.

Relevant History:

FULL/2022/0361 - Variation to previously approved plans to erect two dwellings with associated works - Erect extension at 1st floor level to west elevation of unit 2 – Approved April 2022.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to erect a one and a half storey detached outbuilding to the northeast part of the site, replacing the existing containers, which have been unlawfully in situ since the properties were built.

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

GP1: Landscape Character and Open Land

GP5: Protected Buildings (Setting)

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There have been three letters of representation received and the issues are:

- The original plans for the triangular field were rejected due to over development and tree protection concerns, the proposed plans are aimed at circumventing that.
- The proposed building is too close to the road and too tall. There are no other structures of that scale built so close to the road in Mares Pellees.
- The proposed building will negatively impact the trees that are protected by a Tree Protection Order on the site.
- The proposed 1.5 storey development will be situated immediately behind the western boundary of the adjacent property - Mares Pellees, Les Mares Pellees. There will be a direct line of sight into the bedroom and potentially straight through to the main master bedroom. This lack of privacy will affect the reasonable enjoyment of the property.
- Given the scale of the proposed development it is not necessary to have an external staircase - there is sufficient space inside the building to have an internal staircase which would allay many of the concerns about intrusion, reasonable enjoyment and lack of privacy.
- It is noted that the windows in the roof to the south elevation will also overlook the back garden.
- Due to the scale and size of the proposed development it will also impact on the nearby protected buildings.
- The proposed materials will not enable the structure to blend into the surrounding area and will therefore affect the quality of the natural and built environment.
- The upstairs of the proposed building could be utilised as a self-contained dwelling; clearly the overlooking issue would be even more significant if the building was being lived in permanently.
- The dwellings were sited well into the site so as to fragment the visual form, to assist assimilation into their surroundings.

Consultations:

None

Summary of Issues:

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

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

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

Initially the proposed outbuilding was 8.5m x 6.6m (56.6sqm), was over 6.5m to the ridge and was clad in black timber with a dark grey slate roof.

The scale and mass of the proposed outbuilding was large and it would have stood out with the black cladding in strong contrast with the lighter more natural colours of the existing dwellings. At present there are two containers on site, which although not having the relevant permissions can be used to help assess the impact of the proposed development. These containers occupy a floor area of around 30sqm and are considered to blight visual amenity across the site and surroundings. The structure as proposed exceeds these containers in terms of size, massing and bulk and thus would have detrimental impacts on the character and appearance of the surrounding area.

Prior to the approval for two dwellings applications for an increased number of dwellings on the site had been rejected due to the impacts on the surrounding protected buildings and trees. The site has numerous trees running along both roadside boundaries and all of these are protected. The site also has two adjacent protected buildings to the east and two across the road to the south, and the setting of these protected buildings must be taken into account. Any additional structure on this site must therefore be in keeping with the existing structures, assimilate into the surrounding area and not impact on the setting of the protected buildings. In addition, the siting of the structure should not impact on the protected trees.

The amended drawings have been received but unfortunately, despite communication with the agent in which advice was provided, the proposed outbuilding does not appear to have greatly changed. It has been reduced in length by 700mm to 7.8m and reduced in width by 600mm to 6m, which, in turn has lowered the ridge by just over 300mm, meaning the structure is still over 6m high.

Unfortunately the proposed structure has not been reduced in size enough for it to assimilate into its surroundings harmoniously. Therefore the recommendation for this application is 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 Monuments or on SSS's.

Date: 29/07/2025