

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: Create a residential flat at ground floor level. Extend and alter at 1st floor and create accommodation at 2nd floor level

LOCATION: 6 Clos Des Jardinieres, Rue Des Pointues Rocques, St. Sampson.

APPLICANT: Mrs M Levrier

I refer to the application referred to below received as valid on 09/07/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 15/12/2025

Drawing Nos: Corbeau - LEV-02-10A, Proposed East Elevation LEV-02-13

Application Ref: FULL/2025/1025

Property Ref: B00758A006

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 2.5 storey element does not respect the scale of the surrounding built environment and would represent an overdevelopment of the site contrary to Policy GP8.
2. A bedroom window to the north elevation is proposed 3m from the neighbouring property boundary which would result in significant overlooking and loss of privacy, to the detriment of the amenity that neighbouring residents might reasonably expect to enjoy.
3. The proposal, by virtue of its scale, mass and bulk neither conserves nor enhances the character or appearance of the Conservation Area. The harm caused is sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met (Policy GP13). The proposal is contrary to Island Development Plan Policies GP4, GP8 and GP13.
4. Policy MC2 supports new housing provision within the Main Centres of an appropriate mix, type and variety of dwellings but only where it accords with all

other policies of the Island Development Plan. As the proposal conflicts with other Plan policies, it is also contrary to Policy MC2.

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/2025/1025
Property Ref: B00758A006
Valid date: 09/07/2025
Location: 6 Clos Des Jardinieres Rue Des Pointues Rocques St. Sampson
Guernsey GY2 4HW
Proposal: Create a residential flat at ground floor level. Extend and alter
at 1st floor and create accommodation at 2nd floor level
Applicant: Mrs M Levrier

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed 2.5 storey element does not respect the scale of the surrounding built environment and would represent an overdevelopment of the site contrary to Policy GP8.
 2. A bedroom window to the north elevation is proposed 3m from the neighbouring property boundary which would result in significant overlooking and loss of privacy, to the detriment of the amenity that neighbouring residents might reasonably expect to enjoy.
 3. The proposal, by virtue of its scale, mass and bulk neither conserves nor enhances the character or appearance of the Conservation Area. The harm caused is sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met (Policy GP13). The proposal is contrary to Island Development Plan Policies GP4, GP8 and GP13.
 4. Policy MC2 supports new housing provision within the Main Centres of an appropriate mix, type and variety of dwellings but only where it accords with all other policies of the Island Development Plan. As the proposal conflicts with other Plan policies, it is also contrary to Policy MC2.
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OFFICER'S REPORT

Site Description:

The application site includes a 1.5 storey, semi-detached dwelling located on a small clos known as Clos Des Jardinieres. The clos is made up of 4 houses and is located south of Rue des Pointes Rocques.

The property is in a Main Centre Outer Area and a Conservation Area as designated in the Island Development Plan.

Relevant History:

Reference No	Description	Decision	Date
PREA/2025/0463	Extend dwelling to create first and second floor living accommodation.	Pre-application enquiry	2025
FULL/2022/2199	Change of use of ground floor room (Residential Use Class 1) for a Beauty Parlour business (Residential Use Class 5).	Granted	2023

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to create a residential flat at ground floor level, and to extend the property at first and second floor level.

The application was deferred in order to seek additional information to assess the proposed extension in context with neighbouring properties on the clos. In addition, a shadow analysis was also requested to assess the impact of the development on the amenities of neighbouring residents.

The agent has provided additional information dated 8th October, including a proposed street scene elevation, photomontage, and a shadow analysis, to enable further consideration of the proposal.

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

MC2 Housing in Main Centres and Main Centre Outer Areas
GP4 Conservation Areas
GP8 Design
GP9 Sustainable Development
GP13 Householder Development
IP6 Transport infrastructure and support facilities
IP7 Private and communal parking
IP9 Highway Safety, Accessibility and Capacity

Supplementary Planning Guidance – Parking Standards and Traffic Impact Assessment (2016)

Representations:

The Authority has received 4 representations from 4 parties objecting to the original proposal. Grounds for objection principally relate to the following issues: -

- Impact on character of the area, and landscape character.
- Impact on neighbour amenity, including loss of light/overshadowing and loss of privacy.
- Lack of parking provision on site.
- Impact on the Conservation Area.
- Overdevelopment of the plot.
- Loss of trees and landscaping.
- Impact on solar panels on a neighbouring property.
- Poor design, including scale of development.

The Authority has received 3 representations from 3 parties commenting on the additional shadowing information noting the following issues: -

- All original objections still remain.

Consultations:

None.

Summary of Issues:

- Whether the proposal to create a flat is acceptable in principle.
- Whether the design, scale, mass, siting, form and materials of the development are acceptable.
- The impact of the development on the character and appearance of the Conservation Area.
- The impact of the development on neighbour amenity.

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).**

Legal and Policy Context:

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.

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.

Under Section 38 of The Land Planning and Development (Guernsey) Law, 2005 the Authority has a duty to pay "special attention to the desirability of preserving and enhancing the character and appearance" of Conservation Areas. This duty is encapsulated in Policy GP4 (Conservation Areas) which states that "proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area."

The preceding text of Policy GP8 (Design) refers to the need to consider the material planning considerations as specified in Part IV, Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007, the following of which are considered to be most 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,*
- (e) the likely effect of the development on roads and other infrastructure, traffic and essential services, and*
- (i) the likely effect of the development on the reasonable enjoyment of neighbouring properties.*

Whether the proposal to create a flat is acceptable in principle:

Policy MC2 supports new housing provision within the Main Centres of an appropriate mix, type and variety of dwellings.

In this case, the principle of creating a 1 bedroom, ground floor flat within the Main Centres is supported under Policy MC2, but only where it accords with all other policies of the Island Development Plan. These matters are assessed further below.

Whether the design is acceptable and impact of the development on the character and appearance of the Conservation Area:

The proposed development adopts a 2.5 storey pitched roof design, extending vertically above the majority of the main house, but retaining the 1.5 storey pitched roof above the existing utility and treatment room. However, its scale, mass and bulk, would substantially alter the relationship between the application site, the adjoining semi, and the remaining houses on the clos. The scale of the proposed extension at second floor level would also be prominent in the Conservation Area.

The proposed 2.5 storey element does not respect the scale of the surrounding built environment and would be at odds with the smaller properties on the clos. Parking standards in the Main Centres are maximums and amenity space would remain; however the proposal would represent overdevelopment of the site due to the design approach adopted and contrary to Policy GP8.

The proposal, by virtue of its scale, mass and bulk neither conserves nor enhances the character or appearance of the Conservation Area, and the harm caused is sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met (Policy GP13). The proposal is contrary to Island Development Plan Policies GP4, GP8 and GP13.

The impact of the development on neighbour amenity:

The agent has provided a shadow analysis and commentary on the sun-path assessment.

Based on the shadow analysis submitted, it is acknowledged that the increased height of the building will cause shadowing towards neighbouring properties, although the degree of harm demonstrated is not considered to be substantial.

Some concerns are also raised in terms of the scale of the building and its overbearing effect on neighbouring properties, particularly to the north of the application site. The apex of the proposed roof would be approximately 6.5m away from the north boundary. However, when taking into account that the bulk and mass of the building would be set back from the neighbouring boundary to the north and that the orientation of the roof form slopes away from the neighbouring boundary, such impact is unlikely to cause undue harm.

With regards to overlooking, it is acknowledged that the proposed 1st and 2nd floor level would result in additional overlooking towards neighbouring properties in all directions.

The proposed south elevation overlooks a highway, with the nearest neighbour's parking area and front garden set at a distance of approximately 10m.

To the west, the proposed building line of the extension would be approximately 9m from the boundary and already features a window at first floor level. The additional window at 2nd floor level would not cause sufficient harm to conflict with the relevant policies.

The distance and relationship of the east facing window to neighbouring properties at second floor level is acceptable.

To the north elevation a bedroom window is proposed 3m from the neighbouring boundary which would result in unsatisfactory overlooking and loss of privacy. When taking into account the distance and relationship between the proposed window and the neighbouring property to the north, the development would cause significant harm to justify refusal with regard to overlooking.

Conclusions:

The proposal, by virtue of its scale, mass and bulk neither conserves nor enhances the character or appearance of the Conservation Area, and the harm caused is sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met (Policy GP13). The proposal is contrary to Island Development Plan Policies GP4, GP8 and GP13.

The proposed 2.5 storey element does not respect the scale of the surrounding built environment and would represent an overdevelopment of the site contrary to Policy GP8.

A bedroom window to the north elevation is proposed 3m from the neighbouring property boundary which would result in significant overlooking and loss of privacy, to the detriment of the amenity that neighbouring residents might reasonably expect to enjoy.

Policy MC2 supports new housing provision within the Main Centres of an appropriate mix, type and variety of dwellings but only where it accords with all other policies of the Island Development Plan. As the proposal conflicts with other Plan policies, it is also contrary to Policy MC2.

The proposal is therefore contrary to Island Development Plan Policies MC2, GP4, GP8 and GP13. For the reasons set out above, it is recommended that planning permission is refused.

Date: 15/12/2025

