

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 dwelling to form 2 dwellings and associated works. Create new vehicle access.

LOCATION: Courtil Martin, Route De La Croix Au Bailiff, St. Andrew.

APPLICANT: Mr & Mrs Roussel

I refer to the application referred to below received as valid on 25/07/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 13/11/2025

Drawing Nos: 101/25, 102/25, annotated photographs of proposed vehicle access (all date stamped received 25th July 2025).

Application Ref: FULL/2025/1114

Property Ref: K001500000

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. Criterion c) of Policy OC1 in relation to subdivision of a dwelling into two or more self-contained units requires that *“the extension is not of such a scale that it forms a significant part of any new unit”*. The proposed extensions in this case would equate to an increase of approximately 34.2% in relation to the proposed three-bed unit and would form a significant part of the new unit, contrary to criterion c) of Policy OC1 (Housing Outside of the Centres) of the Island Development Plan.

2. Demolition of a section of the hedgebank to create an additional vehicular access to the front of the proposed dwelling would result in road safety and traffic management concerns. The proposal would therefore conflict with Policies GP8 (Design) and IP9 (Highway Safety, Accessibility and Capacity) of the adopted 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/2025/1114
Property Ref: K001500000
Valid date: 25/07/2025
Location: Courtil Martin Route De La Croix Au Bailiff St. Andrew
Guernsey GY6 8RY
Proposal: Subdivide, extend and alter dwelling to form 2 dwellings and
associated works. Create new vehicle access.
Applicant: Mr & Mrs Roussel

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. Criterion c) of Policy OC1 in relation to subdivision of a dwelling into two or more self-contained units requires that *"the extension is not of such a scale that it forms a significant part of any new unit"*. The proposed extensions in this case would equate to an increase of approximately 34.2% in relation to the proposed three-bed unit and would form a significant part of the new unit, contrary to criterion c) of Policy OC1 (Housing Outside of the Centres) of the Island Development Plan.
 2. Demolition of a section of the hedgebank to create an additional vehicular access to the front of the proposed dwelling would result in road safety and traffic management concerns. The proposal would therefore conflict with Policies GP8 (Design) and IP9 (Highway Safety, Accessibility and Capacity) of the adopted Island Development Plan.
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OFFICER'S REPORT

Site Description:

The application site known as 'Courtil Martin' consists of a detached dwelling-house located to the north of Route De La Croix Au Bailiff. The property is served by an attached garage to the east and has front and rear gardens. A vehicular access and parking provision lies to the south of the property and is bounded by a roadside hedgebank.

The property is located Outside of the Centres as defined in the Island Development Plan (IDP).

Relevant History:

Reference No	Description	Decision	Date
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PREA/2025/0574	Pre-application enquiry	N/A	2025
PAPP/2005/1040	Extend and Alter Dwelling	Granted	2005

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to sub-divide, extend and alter the dwelling to create two independent units of accommodation, and create a new vehicular access to the south of the site.

It is proposed to subdivide the existing garage from the main dwelling to create a new unit of accommodation. The unit will feature 2 bedrooms, a kitchen, living room, bathroom and an entrance lobby, whilst the remainder of the property will serve as a 3-bedroom dwelling, split over two floors.

As part of the works proposed, an existing conservatory located to the west of the property will be demolished and will be replaced by a single storey pitched roof garage. The proposed garage will be approximately 42sqm (internal floor area).

The proposal also includes extending the property at first floor level to serve as a dressing room and shower room, leading onto bedroom 3. The first-floor extension will be approximately 16sqm.

It is also proposed to create a 4.5m wide access point along the south boundary of site, located west of the existing access and in front of the proposed garage.

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

Policy OC1	Housing Outside of the Centres
Policy GP8	Design
Policy GP9	Sustainable Development
Policy IP6	Transport Infrastructure and Support Facilities
Policy IP7	Private and Communal Car Parking
Policy IP9	Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

Traffic and Highway Services' comments:

A site visit has been carried out by the Traffic and Highways Services Officer, and the following observations made.

The site is located on Route de la Croix au Bailiff, which is classified as a Traffic Priority Route within the Road Hierarchy with a posted speed limit of 35mph with the speeds for traffic in this section of the road seen to be in the region of 20-25mph.

The site is bordered to the front (southwest) by an embankment, varying between 900mm to 1.2m in height alongside established tree and shrubs. An existing access is 8.5m distance from the southeast boundary which has high hedging and trees and borders the private clos 'The Hollies'. To the northwest it borders a neighbouring field separated by a panel fence and a large established tree. The neighbouring property has a small granite wall to the front measuring 900mm high and with foliage and hedging above measuring up to a total 2m.

The application is to subdivide the property and create new access by the removal of a section of the front banking and foliage starting 1.8m from the north boundary and measuring 4.6m wide. The designs show an 'L' shaped driveway that is 11m deep and is between 5m and 11m wide allowing sufficient room for a representative car to turn within the property and egress square to the carriageway. The site plan provided shows the existing tarmacked driveway would be reduced to be replaced by garden meaning the overall amount of available parking on the whole site would only slightly increase and THS would see this as an acceptable intensification of use.

THS would have strong concerns regarding the achievable sightline from the proposed access. In addition to the area of banking that is to be removed, the whole extent of the southwestern boundary would need to be landscaped to make sure the obstructions would be no higher than 900mm to create a suitable visibility splay and to do so would require the reduction in height of not only the bank but also the partial or complete removal of established hedges and trees. Should that work be undertaken and using a datum of 2m from the carriageway edge for the proposed access, the proposed oncoming sightline would be 9.5m, well below the minimum required standard, as the neighbouring property's front boundary wall and hedge would completely obstruct the visibility splay. THS note that the applicant has indicated in the covering letter, that this neighbouring property is owned by 'family', so it is possible that applicant could negotiate with the landowner to cutback and reduce the height of the obstruction needed to achieve a 33m oncoming sightline.

THS would also comment that the existing access is problematic due to a very poor visibility splay. The oncoming sightline is severely impacted by the height of the bank, further impacted by small bushes that have been planted on top. There is sightline of 5m to oncoming traffic and a representative vehicle egressing this driveway heavily relies on a traffic mirror that has been mounted on the left of the access within the boundary. The approaching sightline was measured at 7.5m, also well below the required standard.

THS would make the observation that with both the proposed and existing accesses not meeting the minimum standards for oncoming sightlines there would be an opportunity for the applicant to consider the provision of a single bellmouth access positioned more

centrally within the front border. The issue around the required sightlines would be easier to rectify if the necessary landscaping can be carried out within the applicant's own property and not relying on the neighbouring landowner to make changes to their boundary and continue to maintain them accordingly.

THS would conclude there are significant concerns that the minimum standard sightlines for oncoming traffic cannot be achieved with this proposed access and on that basis, THS would oppose this application on road safety and traffic management grounds.

Summary of Issues:

- Whether the principle of the development is supported under policy, and the impact of the development on the character and appearance of the area.
- Whether the proposed vehicle access point is acceptable and would not negatively impact on highway safety and/or traffic management.
- Whether the development provides a satisfactory living environment and amenities and if it would impact on the amenities of people living in the area.

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).**

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.

Whether the proposal complies with Policy OC1 (Housing Outside of the Centres)

The principle of new housing Outside of the Centres is supported under the provisions of Policy OC1 provided this is achieved through the subdivision of an existing dwelling or the conversion of an existing redundant building.

The subdivision of a dwelling into two or more self-contained units or into a house for multiple occupation will only be supported where:

- "a. the resultant development would be compatible with the character and amenities of the surrounding area; and,*
- b. the development would be acceptable in terms of provision of a satisfactory living environment and amenities; and,*
- c. the subdivision would not involve more than a modest extension to the existing building to create adequate accommodation and the extension is not of such a scale that it forms a significant part of any new unit".*

The surrounding built environment along Bailiffs Cross Road is characterised by a mix of detached, semi-detached dwellings and terraced properties, of varying scales, forms, and designs.

With regard to criterion c) of Policy OC1, the proposed garage and first floor extension would equate to approximately 44.53sqm. This would represent a 20.26% floor area of total footprint of the proposed units (219.77sqm). However, the policy also requires that *“the extension is not of such a scale that it forms a significant part of any new unit”*. The proposed extensions in this case would equate to an increase of approximately 34.2% in relation to the proposed three-bed unit and consequently would form a significant part of the new unit, contrary to criterion c) of Policy OC1.

Whether the proposed vehicle access point is acceptable and would not negatively impact on highway safety and/or traffic management:

Although the creation of a new access would not have a detrimental impact on the character or appearance of the area given the degree of flexibility afforded to householder development (Policy IP9 and GP13), Traffic and Highway Services' (THS) raise significant highway safety concerns regarding the substandard sightlines achievable from the proposed access point.

It is noted in THS' comments that the proposed access would need to achieve a 33m oncoming sightline, and that:

“The proposed oncoming sightline would be 9.5m, well below the minimum required standard, as the neighbouring property's front boundary wall and hedge would completely obstruct the visibility splay. THS note that the applicant has indicated in the covering letter, that this neighbouring property is owned by 'family', so it is possible that applicant could negotiate with the landowner to cutback and reduce the height of the obstruction needed to achieve a 33m oncoming sightline”.

THS has also made comment that:

“the existing access is problematic due to a very poor visibility splay. The oncoming sightline is severely impacted by the height of the bank, further impacted by small bushes that have been planted on top. There is sightline of 5m to oncoming traffic and a representative vehicle egressing this driveway heavily relies on a traffic mirror that has been mounted on the left of the access within the boundary. The approaching sightline was measured at 7.5m, also well below the required standard.”

A potential alternative of a single, centrally positioned bell mouth access point, serving both properties, together with a reduction in height of the boundary treatment, has been suggested by THS as a possible solution to overcome the concerns raised.

Other matters:

The proposal would achieve an acceptable living environment and amenities, both internally and externally when taking into account factors such as adequate daylight, sunlight, aspect/outlook, privacy, internal space provision and private open space, as set out in Policy GP8 and Annex 1: Amenities.

The proposal is not considered to adversely affect the privacy or amenity of neighbouring properties.

Whilst it is acknowledged that a decision on the application could be deferred to seek alterations to the proposals, cumulatively the matters in question are considered to go beyond what could reasonably be addressed through that process. Consequently, it is recommended that the application be refused. It is however considered that there could be potential for a revised application, addressing the issues laid out within this report, to successfully meet the requirements of policy.

Date: 11/11/2025

