

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: Variation to previously approved plans for change of use of building from offices to create 9 apartments and associated works (Protected Building) - Alterations to fenestration.

LOCATION: Borough House, Rue Du Pre, St. Peter Port.

APPLICANT: Mr M Holland

I refer to the application referred to below received as valid on 28/07/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 22/09/2025

Drawing Nos: A7 Architecture: 15-1611 WD/04 Rev D, 05 Rev C

Application Ref: FULL/2025/1166

Property Ref: A406270000

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 means of opening and resulting style and appearance of the windows proposed is not appropriate and fails to protect or enhance the Protected Building, and the proposal would not represent development which would constitute a reasonable aspiration of the property owner where this aspiration would outweigh the harm to the overall special interest of the building that would result from the works. The replacement of these windows as proposed would not therefore, comply with the aims of Policy GP5.

2. In addition, in relation to the impact on the Conservation Area, Policy GP4 supports development which conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area. The proposed alterations to the windows in all elevations of the building which is relatively visible due to its position as a stop-end to the built development, presenting its main façade to the open land with trees to the south, will fail to respect or conserve the character and appearance of the Conservation Area contrary to Policy GP4.

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/2025/1166
Property Ref: A406270000
Valid date: 28/07/2025
Location: Borough House Rue Du Pre St. Peter Port Guernsey GY1 1EF
Proposal: Variation to previously approved plans for change of use of building from offices to create 9 apartments and associated works (Protected Building) - Alterations to fenestration.
Applicant: Mr M Holland

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The means of opening and resulting style and appearance of the windows proposed is not appropriate and fails to protect or enhance the Protected Building, and the proposal would not represent development which would constitute a reasonable aspiration of the property owner where this aspiration would outweigh the harm to the overall special interest of the building that would result from the works. The replacement of these windows as proposed would not therefore, comply with the aims of Policy GP5.
 2. In addition, in relation to the impact on the Conservation Area, Policy GP4 supports development which conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area. The proposed alterations to the windows in all elevations of the building which is relatively visible due to its position as a stop-end to the built development, presenting its main façade to the open land with trees to the south, will fail to respect or conserve the character and appearance of the Conservation Area contrary to Policy GP4.
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OFFICER'S REPORT

Site Description:

The site is located between Park Street and Rue de Pre and comprises a substantial 4.5 storey building with additional basement level. Pitched roof dormers exist to the south and north (front and rear) roofslopes, with a flat roof central dormer and single rooflight also in this northern elevation. The existing windows are light grey aluminium, sliding sash.

The site is located within the Main Centre Inner Area and Conservation Area, and it is a Protected Building.

Relevant History:

FULL/2024/1690 - Change of use of building from offices to create 9 apartments and associated works (Protected Building). Approved

FULL/2020/0738 – Replace roof covering, windows and doors (Protected Building).

FULL/2019/0311 - Replace sliding sash window with casement window on south elevation (Protected Building). Approved

FULL/2019/0127 - Replace door to main entrance and install handrails on south elevation (Protected Building). Approved

Existing Use(s):

16 Office

Brief Description of Development:

This application proposes a variation to the previously approved scheme FULL/2024/1690, in relation to the proposed alterations to fenestration. The original application approved change of use of the building from offices to flats and as part of these works, and included the replacement of the existing windows with black aluminium, sliding sash double glazed windows. These were considered appropriate in relation to Policies GP4 and GP5 as the materials and design of the sash windows respected the historic interest of the Conservation Area and Protected Building.

The variations proposed in this application relate to the proposed use of black aluminium triple glazed units which have a similar design to the existing windows but are to be top hung over a fixed unit to the south, west and east elevations, including the front dormers, with inward opening tilt and turn windows proposed to the rear (north) elevation and dormers.

The application explains that the change in windows is requested to help manage ongoing maintenance in relation to the privacy and sensitivity of the neighbouring properties especially the apartments of Trinity Court Flats. Contractors for Borough House have previously relied on access on and over the Trinity roof which is intrusive on the privacy of the occupants due to the flat rooflights which serve bathrooms below. Exterior cleaning work is often undertaken at weekends/evenings and can last up to 2.5 hours having an impact on traffic flows in the vicinity and disruption/noise to local residents which has resulted in complaints.

It is contended that the proposed use of the tilt and turn windows will address the maintenance issues raised and allow a more practical and manageable solution which will have a neutral impact on balance. The application was not accompanied by a Statement of Significance.

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

Island Development Plan policies:

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

None

Consultations:

None

Summary of Issues:

The key issues in this case relate to the impact of the replacement windows on the special interest of the Protected Building and the character and appearance of the Conservation Area and having regard to sustainable development.

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.

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'.

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 Part IV of The Land Planning and Development (General Provisions) Ordinance clarifies that the considerations referred to in paragraphs (b) and (c) of section 14 also apply to protected buildings.

Borough House was listed in 1974 and this was amended in 2018 to remove the interior, following a request from the owner citing extensive renovations in the 1970's. The extent of the listing is therefore the exterior only, and the Summary of Special Interest is: *A building on the site from before 1787 and on the same footprint as today from 1843, possibly rebuilt in the 1860-70's. A stone and brick former warehouse which has been extensively renovated to offices in the 1970's leaving only the exterior walls of the original building. Colloquially known as 'the Jam Factory' due to associations with the world's largest producer of Marmalade at the time, James Keiller & Son of Dundee, who ran an export business in Guernsey c. 1857-1879 where the main goods were confectionary. The business was among the principal employers on the island, and had a large effect on Guernsey's economic and social history. Grade B.*

The building fronts onto an open area with trees to the south, and has group value together with other former industrial/warehouse buildings which characterise this part of the Conservation Area in the Charroterie, most notably the Town Mills. The building's special interest is considered to be moderate to high and derived from the social,

cultural and economic importance of the building, its age and rarity in the town, along with the style and proportions of the building.

The existing windows, including the dormers, are light grey aluminium sliding sash which are 20th Century replacements for the original windows which given the proportions of the openings and the similarity to other buildings in this area (in particular the Town Mills), were likely to have been timber sliding sash, probably with 6 panes to each sash. When assessed under 'CN11: Windows and doors in protected buildings' the existing windows are considered to detract from the building, because they are low quality late 20th century aluminium windows, and yet the method of opening likely does reflect the original windows that they replaced.

In the previous application FULL/2024/1690, the replacement aluminium windows were considered acceptable as they were an improvement over the existing. Despite the material not being timber as the original windows would have been, the modern materials and construction of the windows would be an improvement over the existing and the configuration and means of opening were appropriate.

Approved application FULL/2019/0311 allowed the sash window in the central dormer to the south (front) elevation to be changed to a casement window which appeared similar to a vertical sash unit. This was required to provide an openable vent for smoke ventilation to the protected staircase. As this was only alteration to one window, and with strong justification, it was considered to have a neutral impact on the Protected Building and was approved.

Since the previous applications, advice note 'CN11: Windows and doors in protected buildings' has been published which sets out the Authority's approach to windows.

This application proposes triple glazed aluminium tilt and turn windows to the rear elevation, with aluminium top hung windows over a casement window to the remaining elevations. The advice in CN11 states that: -

Windows and doors that detract or are neutral: We will support the principle of their replacement. The replacement window or door offers an opportunity to enhance the protected building. Where windows or doors detract because of configuration and method of opening we may seek a more appropriate design, albeit the material may reflect that existing. Where windows or doors are historic but neutral to overall special interest we may seek that the material, method of opening and, in the case of a window, configuration is appropriate to the overall architectural or traditional interest of the building. Double glazing will be acceptable.

Therefore the configuration, method of opening and material are all elements that make up the suitability of the window to the building that they are in. In this case the proposed windows are not considered to be acceptable as although the material is accepted by the previous application, the means of opening results in a design which visibly differs from sash windows, often resulting in a thicker central glazing bar with openable top section which is visibly different from a sash window and is not considered

sympathetic to the building. This would have an adverse effect on the overall interest of the protected building. The reasonable expectations of the property owner and justification regarding maintenance is not considered to outweigh this harm.

It is clear that the means of opening and resultant style of the windows proposed is not appropriate and fails to protect or enhance the building, and the proposal would not represent development which would constitute a reasonable aspiration of the property owner where this aspiration would outweigh the harm to the overall special interest of the building that would result from the works. The replacement of these windows as proposed would not therefore, comply with the aims of Policy GP5.

In relation to the impact on the Conservation Area, Policy GP4 supports development which conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the Conservation Area. The site is located within the Charroterie Valley area of the wider St Peter Port Conservation Area. The Conservation Area Appraisal notes that the style of buildings in this area reflects their age, with a mix of Georgian-style shops and country houses, small Victorian terraces, large 19th century mill buildings and modern residential and office buildings. The appraisal considers that vertical sliding sash windows are typical of buildings in this Character Area.

The proposed alterations to the windows in all elevations of the building which is relatively visible due to its position as a stop-end to the built development, presenting its main façade to the open land with trees to the south, will fail to respect or conserve the character and appearance of the Conservation Area.

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: 17/09/2025