

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: Change of use of basement level of outbuilding to residential unit, erect single storey carport to west elevation of outbuilding to west of site (site of Protected Building).

LOCATION: Delmar House, Vauvert, St. Peter Port.

APPLICANT: Dragoslav Vasic

I refer to the application referred to below received as valid on 07/10/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 23/01/2026

Drawing Nos: Paul Vaudin & Associates Ltd: 25-023-02

Application Ref: FULL/2025/1591

Property Ref: A306860000

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 basement floor space located within the garage building was specifically approved to provide additional facilities in association with the use of the main building, to supplement the inadequate provision within that building. The proposed change of use would reduce the facilities available to the main dwelling, detracting from the health and well-being of the occupiers of the accommodation within that building, contrary to Policy GP8d) (Design).
2. The proposed accommodation would provide an unsatisfactory living environment and standard of accommodation, having regard to daylight, sunlight and outlook and the proposal would fail to consider the health and well-being of the occupiers of the proposed accommodation, contrary to Policy GP8 a) and d) (Design).

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/2025/1591
Property Ref: A306860000
Valid date: 07/10/2025
Location: Delmar House Vauvert St. Peter Port Guernsey GY1 1NJ
Proposal: Change of use of basement level of outbuilding to residential unit, erect single storey carport to west elevation of outbuilding to west of site (site of Protected Building).
Applicant: Dragoslav Vasic

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The basement floor space located within the garage building was specifically approved to provide additional facilities in association with the use of the main building, to supplement the inadequate provision within that building. The proposed change of use would reduce the facilities available to the main dwelling, detracting from the health and well-being of the occupiers of the accommodation within that building, contrary to Policy GP8d) (Design).
 2. The proposed accommodation would provide an unsatisfactory living environment and standard of accommodation, having regard to daylight, sunlight and outlook and the proposal would fail to consider the health and well-being of the occupiers of the proposed accommodation, contrary to Policy GP8 a) and d) (Design).
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OFFICER'S REPORT

Site Description:

Delmar forms part of a terrace of pre-1900 buildings located to the west of and facing on to Vauvert/La Couperderie junction, with the latter road running along the east and around the south of the terrace. The site is accessed via a shared drive running along the rear (west) of the terrace from La Couperderie to the south and benefits from parking and a garage/laundry building to the rear of the site.

The site is located within the St Peter Port Conservation Area and Main Centre Inner Area in the Island Development Plan. The whole of the main building is protected, together with the adjoining buildings to the south (Le Mont de Val and Aux Cordiers), Grange Road House to the west and those fronting on to La Grange to the north. The tree located to the north of the garage, on the neighbouring property but immediately adjacent to the boundary, is also protected.

Relevant History:

Application to construct garage and archway. Approved 2002.

Application to construct basement store to garage. Refused 2002.

PAPP/2002/5629 Variations to works previously approved to construct a garage – alterations to dimensions of garage (6.8m x 7.1m) and creation of basement laundry room. Refused 27/05/2003

PAPP/2003/2492 Variations to works previously approved to construct a garage (Retrospective) – alterations to dimensions of garage (6.8m x 5.4m) and creation of basement laundry room. Approved 07/07/2003

PAPP/2004/0343 Variations to works previously approved to construct a garage/utility room (Retrospective) – alterations to the overall dimensions (6.8m x 7.1m) and siting. Refused 23/03/2004

PAPP/2004/2441 Variations to works previously approved to construct a garage/utility room (Retrospective) – alterations to dimensions (6.8m x 5.4m) and siting. Approved 16/03/2005, conditioned as follows:

2.The parking area, garage and the laundry room, hereby approved, shall be used solely as ancillary facilities for those purposes by the owners and occupiers of 'Delmar' and at no time shall the building be used as habitable accommodation or for any purpose independent of 'Delmar' (see additional note below).

Other remarks: The residential property 'Delmar' is recognised in terms of the Island Development (Use Classes) Ordinance 1991 as comprising: Lower ground floor and attic Residential Use Class 4 [Flat]; Ground, first and second floors Residential Use Class 7 [Residence for more than one household].

FULL/2012/3746 Convert basement of garage to unit of residential accommodation (Retrospective). Refused 08/03/2013

FULL/2023/0038 Variation to Condition 2 of FULL/2004/2441 to allow for use of the laundry room for habitable purposes ancillary to the residential use of Delmar (Retrospective). Refused 14/06/2023

FULL/2024/1352 Creation of car parking space to east (front) of site. Approved 19/02/2025 – Not implemented at time of site visit.

Existing Use(s):

Main building:

Lower ground and attic floors: Residential Use Class 2 (Flat)

Ground, first and second floors: Residential Use Class 6 (Premises in Multiple Occupation)

Garage building:

Ground level: Parking ancillary to the use of Delmar

Basement: Laundry room providing ancillary facilities to the occupiers of Delmar

Brief Description of Development:

Permission is sought for a change of use of the basement level of the garage/laundry building to the west of the site to form a 29.72m² bedsit, containing open plan bed and living area, enclosed shower room and a kitchen/dining area within the enclosed verandah. It is not explicitly clear within the submitted material however a fee has been paid for the creation of a separate unit, the material references the creation of new housing under Policy MC2 and there is no indication that the proposed accommodation would share any of the internal facilities of the main building, although it is stated that the applicants would have access to the communal garden area. The application has been described as a “residential unit” and no challenge has been received to that description. The proposal therefore falls to be considered as the change of use to form a separate unit of residential accommodation.

No external alterations are proposed as part of the change of use, however bike storage would be provided on the existing parking area.

In addition, it is proposed to resurface the existing parking area to the west of the garage and to construct a single storey carport over that parking area.

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

- MC2 Housing in Main Centres and Main Centre Outer Areas
- GP4 Conservation Areas
- GP5 Protected Buildings (setting)
- GP8 Design
- GP9 Sustainable Development
- GP13 Householder Development
- IP6 Transport Infrastructure and Support Facilities
- IP7 Private and Communal Car Parking
- IP9 Road safety, Accessibility and Capacity

Parking Standards Supplementary Planning Guidance

Representations:

None received.

Consultations:

The Office for Environmental Health and Pollution Regulation commented on the previous application (ref FULL/2023/0038) as follows:

I have reviewed the proposed plans for conversion of the basement room under the garage to an additional bedroom which were received by post on 26th January and there are a number of issues of concern that I must raise.

Delmar is a house in multiple occupation and at my last visit in April 2021 the basement of the main part of the property was not a separate flat but was used as an HMO with access to the upper part of the building. The basement comprised one large double room and three single bedrooms, a shower room and kitchen which was in a poor state of repair. It should be noted that the two small rooms in the basement shown as 'bed 13' and 'cupboard' do not meet the minimum room sizes for sleeping and do not have any windows or mechanical ventilation. In May 2021 the applicant was asked to relocate the tenants in those rooms or be served with a closing order preventing their legal use for sleeping. I note that the room 13 was vacated promptly and the room described as a cupboard was vacated in late 2021.

It should be noted that 21 tenants were housed at Delmar when I visited in April 2021. If the basement is used as a self-contained flat the kitchen is not available for use by the HMO tenants. This leaves one very small kitchen to be shared between the occupants of the HMO, which is insufficient.

I do not support the conversion of the room under the garage to additional sleeping accommodation and recommend refusal for the following reasons;

- There is insufficient ventilation to the room under the garage
- The tenants would have to cross the garden to the main house every time they wanted to prepare food or drinks
- There are insufficient kitchen facilities for the current number of bedrooms in the property.

In respect of the current application, *The Office for Environmental Health and Pollution Regulation* recommend that the application is refused due to the lack of effective ventilation to the habitable room.

Summary of Issues:

- The contribution of the floor area which forms the subject of this application to enhancing the standard of ancillary and communal facilities to serve the existing premises of multiple occupation;
- The living environment of the proposed accommodation.

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).**

Change of use of basement level of the garage/laundry building to form a bedsit

The detached garage and associated basement which forms the subject of this application were completed in 2005, following numerous applications, and the decision was conditioned as set out above, to restrict use of the building to those uses proposed within the application, to provide ancillary facilities for the occupants of Delmar. Under the terms of that condition, the basement of the garage could only be used as a laundry room, for use by the occupants of Delmar.

It has previously been established that the main building at Delmar comprises independent flats at lower ground and attic levels, while the use of the ground, first and second floors is as a premises in multiple occupation, comprising 8 double rooms and 1 single room, allowing for a maximum occupancy of 17 persons. In assessing the previous application for change of use of the basement space within the garage (application ref FULL/2023/0038), it was found that the provision of kitchen and communal living space within the main building is inadequate to serve the existing number of bedrooms in the premises, and the approved basement space within the garage was designed to provide some enhancement to the available facilities. This assessment was corroborated by the consult response from the Office for Environmental Health and Pollution Regulation on that application, which is reproduced above and stated that the existing amenities provision for the premises of multiple occupation is insufficient to serve the existing rooms within the building. No evidence has been provided as part of the current application to demonstrate that this position has changed.

The change of use of the basement area as proposed would remove the capacity for additional facilities necessary to serve the existing uses at the site, and would therefore be detrimental to the health and well-being of the occupiers of the main building, contrary to Policy GP8d) (Design). The application must therefore be refused and there would be no need to assess the remainder of the proposal. For completeness, that assessment is however provided below.

Were a change of use away from the existing use acceptable, Policy MC2 (Housing in Main Centres) could provide for the creation of an independent residential unit within the basement area, where the proposal was in accordance with all other relevant policies of the Plan.

In this case, the floor area of the space is not sufficient to accommodate a mix of dwellings, and the site is not located within an area identified as Important Open Land, therefore criteria b) and c) of Policy MC2 are not relevant.

No external alterations are proposed to the area in question and the proposal would therefore be acceptable in respect of Policies GP4 (Conservation Areas) and GP5 (Protected Buildings – setting), the relevant criteria of Policies GP8 (Design) and GP9 (Sustainable Development) and the statutory duties in respect of Conservation Areas and protected buildings.

Although the application site includes car parking provision, and the application proposes enhancements to that area, it is not proposed to allocate any parking to the

new unit. Cycle storage is however to be provided. Taking into account the sustainable Main Centre location, there would be no requirement to provide allocated parking for the new unit and the proposal would be in accordance with Policies IP6 (Transport Infrastructure and Support Facilities) and IP7 (Private and Communal Car Parking).

In terms of the quality of the proposed accommodation itself, the floor area is stated to be 29.72m², falling just short of the Guernsey Technical Standard requirements for 1 person independent accommodation. The proposed floor space would however be separated into 18.72m² of sleeping accommodation, 3.23m² of bathing facilities and 6.78m² of cooking/eating accommodation in the form of the enclosed veranda. The layout of the proposed accommodation would therefore preclude meeting the detailed terms of the Technical Standards for such accommodation. The application however specifically proposes the accommodation as a bedsit, for which the floor space exceeds the requirement of the Guernsey Technical Standards.

The proposed accommodation would however be single aspect (easterly), largely below ground level with outlook restricted by the change in levels. In addition, the majority of the floor space comprises an inner room, with fenestration opening into the enclosed veranda. The accommodation would therefore suffer from low levels of daylight and sunlight, as well as limited outlook and likely poor ventilation, and would not meet the requirements of the Building Regulations in respect of means of escape. Access to the adjacent communal garden space would not be sufficient to overcome these limitations and, furthermore, others accessing that communal garden would have views into the new unit.

In light of the above, the proposal would result in a poor living environment and fails to consider the health and well-being of the occupiers of the development by means of providing adequate daylight and sunlight, and therefore fails to comply with Policy GP8a) and d).

Erection of a car port and associated works

Policy GP13 (Householder Development) would be relevant in respect of the alterations to the existing garage to form a car port, which would be unrelated to the change of use addressed above. That policy indicates that alterations and extensions to residential properties will be supported where there is no significant adverse impact on the amenities of adjoining properties; the design, scale, mass and form of development does not detract from the character of an open area; and there is no adverse effect on the special interest of a Conservation Area, Area of Biodiversity Importance, Protected Building or Protected Monument.

In this case, the proposals must also satisfy the terms of Policies GP4 and GP5 of the Plan, and meet the statutory duties with regard to protected buildings and conservation areas. In addition, Policies GP8 and GP9, relating to Design and Sustainable Development, and IP7 and IP9, relating to parking and road safety, would also be relevant.

The proposed car port essentially amounts to the formation of a roof between the two existing high stone boundary walls, with some limited build up to the wall heads. In association with this work it is proposed to surface the currently unmade parking area and to install a bin and bike store, although these are stated to be for use in association with the accommodation proposed above. These works would generally comprise a consolidation and enhancement of the parking area, located to the rear of the site and surrounded by similar arrangements. The proposal would comprise a discrete form of development, of minimal visibility within the wider Conservation Area and would conserve the character, interest and appearance of the Conservation Area, in accordance with Policies GP4, GP8, GP9 and GP13 and the statutory duties in respect of Conservation Areas.

The proposed location of the car port is set away from surrounding protected buildings, within and outside of the site boundaries, and is of low value to the setting of those buildings. The proposed works would have a negligible impact on that setting, and the resultant effect on the overall special interest of the protected buildings would be neutral/slight, in accordance with Policies GP5, GP8, GP9, GP13 and the statutory duties in respect of protected buildings.

The proposal is for the enclosure of the existing parking area and would not result in any alteration to the existing parking provision at the site, or give rise to any road safety concerns, in accordance with Policies IP7 and IP9.

The proposal would not result in any adverse impacts on the amenities of nearby residential properties, in accordance with Policies GP8 and GP9.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

Conclusion

The basement floor space located within the garage building was specifically approved to provide additional facilities in association with the use of the main building, to supplement the inadequate provision within that building. The proposed change of use would reduce the facilities available to the main dwelling, detracting from the health and well-being of the occupiers of the accommodation within that building, contrary to Policy GP8d).

Furthermore, the proposed accommodation would provide an unsatisfactory living environment and standard of accommodation, having regard to daylight, sunlight and outlook, which would not be offset by access to the communal garden. By virtue of the unsatisfactory living environment created, the proposal would fail to consider the health and well-being of the occupiers of the proposed accommodation. The proposal would therefore fail to comply with Policy GP8 a) and d).

In light of the above the application is recommended for refusal.

As set out above, whilst permission cannot be granted for the proposed erection of a car port and associated works under this application, that element of the proposals would meet the statutory duties of the Law and the terms of planning policy and it is advised that there is likely to be scope to consider a revised application for those works in isolation.

Date: 22/01/2026