

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: Extend and alter at ground floor, 1st floor, 2nd floor and 3rd floor levels including terrace areas/balconies to east (rear) elevation (Protected Building).

LOCATION: Villa Fallaise, Havelet, St. Peter Port.

APPLICANT: Mr P Hearn

I refer to the application referred to below received as valid on 29/01/2026 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 08/04/2026

Drawing Nos: Tyrrell Dowinton: 2549 03.01, 02, 2157 01.01A

Application Ref: FULL/2026/0042

Property Ref: A407310000

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 extension if permitted would cover the rear elevation of the protected building resulting in the undesirable screening of the rear façade of the building which is of architectural and historic interest, harmful to its special interest. The combined effect of the extension in addition to the demolition of existing dormers, removal of existing windows and the infilling and enlargement of window openings would be severely detrimental to the character, appearance and special interest of this protected building.

The site lies within a Conservation Area in which it is the duty of the Development & Planning Authority to pay special attention to the desirability of preserving or enhancing its character or appearance. The extension would change the architectural composition, character and appearance of the rear façade of this protected building and would not complement the architectural character of the Conservation Area.

The scheme therefore fails to comply with Policies GP4, GP5 and GP13 of the Island Development Plan and by extension, by virtue of the development failing to comply

with Policies GP4 and GP5 of the Island Development Plan the proposed development would not represent a good standard of architectural design and would not respect the character of the local built environment contrary to Policy GP8 a) and c) 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/2026/0042
Property Ref: A407310000
Valid date: 29/01/2026
Location: Villa Fallaise Havelet St. Peter Port Guernsey GY1 1BB
Proposal: Extend and alter at ground floor, 1st floor, 2nd floor and 3rd floor levels including terrace areas/balconies to east (rear) elevation (Protected Building).
Applicant: Mr P Hearn

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed extension if permitted would cover the rear elevation of the protected building resulting in the undesirable screening of the rear façade of the building which is of architectural and historic interest, harmful to its special interest. The combined effect of the extension in addition to the demolition of existing dormers, removal of existing windows and the infilling and enlargement of window openings would be severely detrimental to the character, appearance and special interest of this protected building.

The site lies within a Conservation Area in which it is the duty of the Development & Planning Authority to pay special attention to the desirability of preserving or enhancing its character or appearance. The extension would change the architectural composition, character and appearance of the rear façade of this protected building and would not complement the architectural character of the Conservation Area.

The scheme therefore fails to comply with Policies GP4, GP5 and GP13 of the Island Development Plan and by extension, by virtue of the development failing to comply with Policies GP4 and GP5 of the Island Development Plan the proposed development would not represent a good standard of architectural design and would not respect the character of the local built environment contrary to Policy GP8 a) and c) of the Island Development Plan.

OFFICER'S REPORT

Site Description:

Villa Fallaise is a 5-bay with a central door, two-storey dwelling under a pitched roof with one central dormer window facing Havelet. The rear has a similar symmetrical composition with two captain's dormers and modern extensions at ground and first floor level together with a swimming pool and decking which spans over a car parking area

(the extensions, swimming pool and decking are not part of the protected building). The building forms part of the Georgian and Regency (1780 – 1840) architecture.

The adjoining property to the north has a multi-storey rear projection and a conservatory beyond. The boundary is marked by a painted wall which is c. 2m from the height of the terrace to the rear of Villa Fallaise.

Villa Fallaise, was part of a terrace of buildings, but is currently an end of terrace (with an exposed gable end) following demolition of the adjacent building (Ana Capri) to the south.

The property is located in the St Peter Port Main Centre and is within the Conservation Area as defined in the Island Development Plan. The whole of the property is a Protected Building and there are other protected buildings in the vicinity of the site.

The St Peter Port Conservation Area Character Appraisal is relevant in this case and highlights that the site is located towards the top of the southern hill within tiered development (tier 3) and also close to a large area of green space/trees and also that there are large areas of green private gardens adjacent to the site. The site is visible in public views, including from Castle Cornet and the approach to St Peter Port by boat.

The third tier described in the St Peter Port Conservation Area Character Appraisal, is a group with characteristics of 19th Century buildings such as pitched roofs, chimneys, high solid: void ratios, vertical proportions and a symmetrical architectural composition.

Relevant History:

FULL/2022/1773 - Erect extension to east (rear) elevation. (Protected Building) – granted

FULL/2021/2491 - Erect car port with raised terrace pool area at 1st floor level to east (rear) elevation (retrospective) (Protected Building) – granted

FULL/2017/0939 - Variations to plans previously approved to extend existing terrace, erect car port, demolish shed, erect plant room/store and install swimming pool at rear of dwelling - Alter position of swimming pool (Protected Building) – Approved May 2017.

FULL/2016/1795 - Extend existing terrace, erect car port, demolish shed, erect plant room/store and install swimming pool at rear of dwelling (Protected Building) – Approved September 2016. (Works to the rear garden area are shown on aerial photographs from c. 2000 onwards)

A rear glass extension appears on the 1979 aerial photograph as do the front and rear dormer windows (which are assumed to be contemporary with the building)

A building in the location of Villa Fallaise appears on the 1843 and 1873 maps and the 1898 map is more detailed and shows the floor print of Villa Fallaise as it is today.

Villa Fallaise was first protected in 1974 and transferred to the Protected Buildings List in 2009.

Ana Capri

FULL/2023/2196 - Demolish dwelling and erect 5 apartments with associated parking and landscaping (Revised Scheme) – granted

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The existing ground floor flat roof extension and first floor glazed extension are shown to be demolished. The existing decked terrace area, with undercroft parking below is shown to be retained. A replacement ground floor extension is proposed and the existing terrace area north of the pool is proposed to be extended and the existing glazed screen replaced with a blockwork wall to create a privacy screen.

A substantial first floor extension and terrace over (bringing the existing outdoor pool undercover) is also proposed with associated high wall for privacy to the southern edge of the terrace. The second-floor extension would take the form of a small projection from the rear façade with a shared terrace projecting out over the roof of the substantial first floor extension below. The extensions are shown to have a rendered finish and would be substantially glazed to the east. 1.8m high glazed screens are proposed to part of the third-floor roof terrace and northern edge of that terrace and to the northern edge of the second-floor terrace along with a high parapet wall to the southern edge for privacy.

The application includes the removal of the two captain's dormers to the rear roofslope and their replacement with pitched roof dormers in order to provide access out onto the proposed roof terrace at third floor level.

The application is supported by a covering letter (TDA 02-01/26), which includes a Statement of Significance that sets out the agent's understanding of the special interest of the protected building and the effect of development on that special interest. The letter asserts that only the front elevation of the building has special interest and does not set out why the rear elevation (and any other parts of the building) do not have special interest.

Although the submission also refers to CN10 this is householder guidance to the IDP and is not relevant to the proposed scale of development. The submission also seeks to highlight that proposed works are to capture sunlight longer through the day which would otherwise be lost from the development at Ana Capri.

The existing roof plan does not appear to accurately represent the existing captain's dormers to the front and rear of the property. There is also no unobscured rear

elevation of the building showing the fenestration without the balcony balustrades screening them.

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

GP4: Conservation Areas
GP5: Protected Buildings
GP8: Design
GP9: Sustainable Development
GP13: Householder Development

Annex VII provides a Summary of Special Interest of the Conservation Area, which is a high-level study of St Peter Port Conservation Area.

A partial St Peter Port Conservation Area Character Appraisal has been published and includes development guidelines relevant in this case:

- Inappropriate small-scale extensions or alterations to a building can individually and cumulatively harm the character and appearance of the Hillside Town
- Extensions to existing historic buildings will need to be considered on a case-by-case basis taking account of the architectural composition of the building and how it contributes to (or detracts from) the character and appearance of the Hillside Town

Representations:

None

Consultations:

None

Summary of Issues:

- design and appearance of the proposed development
- impact on the character and appearance of the Conservation Area
- effect on the special interest of the protected building and the setting of others in the locality
- impact on residential amenity

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** [emphasis added].

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 clarifies that the considerations referred to in paragraphs (b) and (c) of section 14 also apply to protected buildings.

Effect on the Protected Building

The whole of the building is protected in this case which means everything, inside and out, is protected and so the starting point is that all parts of the building have special interest. In this case, the submission considers only the front elevation to have special interest so the extensions to the rear would not negatively affect special interest. However, it is a misunderstanding that the special interest of this building is limited to the front façade only. The special interest of Villa Fallaise is focused on its historic interest (age, authenticity) architectural interest (style, proportion, use, appearance) and other interest (group value, setting).

The demolition works proposed relate to the ground and first floor extensions which are excluded from the listing and as such do not represent the partial demolition of a protected building for the purposes of Policy GP5. They are modern additions to the building, and their removal is considered acceptable in relation to the aims of the IDP.

Policy GP5 will be met where there is no adverse effect on the overall special interest of a protected building. However, should the works be demonstrated to be a reasonable aspiration of the property owner that outweighs the harm to the protected building, then the requirements of Policy GP5 can be considered to have been met. It is an aspiration for a property owner to extend their property, but the scale, form and appearance of that extension is limited to what might be considered reasonable in the context of the protected building in question.

The proposal relates to the erection of extensions at ground, first, second and roof level to form living accommodation, bedrooms and external terraces. The extension is very large, creating several new rooms along with the external terraces. The scheme would also see the rear dormers replace a dormer with a different form. The works proposed would cover the rear elevation of the protected building. Furthermore, existing rear dormers would be removed along with existing windows and the infilling of the openings. In other areas existing windows are to be removed with cills of the openings reduced to create new doors serving the proposed external terrace. The cumulative effect of all the works would have a substantial negative effect on the rear elevation of the protected building and would not be outweighed by the reasonable aspirations of the property owner and is therefore contrary to Policy GP5.

Criterion c. of Policy GP5 is not relevant in this case as it relates to the economic, social or other benefits of a development and its contribution to enhancing the vitality of a Main Centre.

Effect on the Conservation Area

The rear elevation is also visible in public views, which form part the setting of the protected building and its group value and there is overlap between the effect on setting and group value with the effect on the Conservation Area (Policy GP4).

The aim of Policy GP4 is to ensure that development respects, conserves and, where possible, enhances the character and appearance of the particular Conservation Area

and its special interest rather than the application of the policy in the same way across all Conservation Areas regardless of their particular special interests (19.5.5). This aim is reflected in Policy GP4:

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 cumulative effect of all the works would change the architectural composition, character and appearance of the rear façade. The extension would cover its elevation and see the removal and replacement of the dormer windows. The void of the solid: void ratio would be much higher than at present or is characteristic of this location, the building would be stepped, and the façade would have horizontal proportions. These changes would then be emphasised by the proposed glazed balconies. The development as proposed therefore, would not represent a good standard of architectural design that would respect the local built environment or conserve or enhance the character of the Conservation Area and is therefore contrary to Policies GP4, GP8 a. and GP13 c. of the Island Development Plan.

As the proposed development would have a negative effect on the Conservation Area the development would also have a negative effect on the setting of the protected building and its group value contrary to Policy GP5.

Other matters

Being multi-storey the scheme would represent efficient and effective use of land, offers balcony/terrace space for future occupiers to use thereby contributing to access to external space in this case. The development would also provide adequate daylight/sunlight for occupiers of the development.

In relation to neighbour amenity the scheme would not generate unacceptable overshadowing given that the development would be to the north of the adjoining site at Ana Capri and the position of Villa Fallaise on its plot in relation to the neighbouring site at Havelet Court. Privacy screens are proposed to manage potential overlooking which, when taken in combination with the layout of the approved Ana Capri development and its own, approved boundary screening etc. would ensure that the Villa Fallaise proposals will not have an unacceptable impact on the privacy of future occupiers of the Ana Capri site. The privacy screens proposed for Villa Fallaise could be controlled by condition if the scheme were acceptable in all other respects.

When considering the layout of the site to the north, the proposed extensions would not result in unacceptable overshadowing nor have an unacceptable adverse effect on aspect/outlook.

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. The effect of the development on protected buildings is considered elsewhere in this report.

Date: 08/04/2026

