ONLINE VERSION

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: Remove section of roadside wall and relocate pillars to create vehicular access.

LOCATION: St Clair, Rue Des Pointues Rocques, St. Sampson.

APPLICANT: Mr J Oliveira

I refer to the application referred to below received as valid on 18/11/2020 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 19/01/2021

Drawing Nos: 1:100 Proposed layout plan

Application Ref: FULL/2020/1521

Property Ref: B007510000

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. Due to the very limited amount of space between the front elevation of the applicant's house and the roadside boundary the creation of a vehicular access as proposed would be likely to result in a vehicle parked within the application site overhanging the highway. This would be to the detriment of both highway safety and the free flow of traffic, contrary to the aims and objectives of Policy IP9 and s.13(e) of The Land Planning and Development (General Provisions) Ordinance, 2007.

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

States of Guernsey
Planning Service

PLANNING APPLICATION REPORT

Application No:	FULL/2020/1521
Property Ref:	B007510000
Valid date:	18/11/2020
Location:	St Clair Rue Des Pointues Rocques St. Sampson Guernsey GY2 4HL
Proposal:	Remove section of roadside wall and relocate pillars to create vehicular access.
Applicant:	Mr J Oliveira

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. Due to the very limited amount of space between the front elevation of the applicant's house and the roadside boundary the creation of a vehicular access as proposed would be likely to result in a vehicle parked within the application site overhanging the highway. This would be to the detriment of both highway safety and the free flow of traffic, contrary to the aims and objectives of Policy IP9 and s.13(e) of The Land Planning and Development (General Provisions) Ordinance, 2007.

OFFICER'S REPORT

Site Description:

The application property comprises an end-terrace, 2 ½ storey house located on the north side of Rue Des Pointues Rocques, immediately adjacent to the Pointues Rocques Housing Allocation site, and within the Bridge Main Centre Outer Area.

Relevant History:

None.

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

This application proposes the demolition of a section of roadside boundary wall in order to create an off-street car parking space.

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

GP1 – Landscape Character and Open Land
GP8 – Design
GP13 – Householder Development
IP9 – Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

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

The site is situated on the northern side of Rue des Pointues Rocques, St Sampson. The road is classified as a Neighbourhood Road as defined in the Traffic Hierarchy. This road has a 25mph speed limit past the site. Therefore, a recommended sightline of 20m would apply.

Using a datum of 2.m from the carriageway, the 3.4 m access enables sightlines of 2.7m in the direction of oncoming traffic (Route St Clair) and 5.2m in the direction of approaching traffic (Rue des Monts). It should be noted that the access would not allow a vehicle to egress at right-angles onto the carriageway. As a result, the significantly substandard sightlines, may be reduced further, based on the driver's position relative to the road when egressing.

The application proposes to remove a section of road and create a 3.4m opening. From the drawings provided it would appear that pillars will be positioned at each side of the proposed opening. The proposed opening will create greater access to the front of the property. It would allow an intensification of use of the property with regard to vehicles. There is insufficient room in the designated parking area for a vehicle to turn around. Thus a vehicle will have to either reverse into the proposed drive or reverse out of the proposed drive. Depending on the direction of approach, a driver reversing from the access into the carriageway, would present the most significant road safety concern.

Having attended at the site THS question the measurements provided. The distance between the outermost point of the front window and the inside of the boundary wall that will be remaining is 1.08m The distance between the front of the house at the point where the front door is and the inside of the boundary wall/pillars is 1.95m. The frontage of the building at this width is only 3.48m in length. Should a car be parked in this area and is parked at right angles to the road the space available would mean that the car would be protruding into Rue des Pointues Rocques. If the car is parked parallel with the road access to the front door would be impracticable or again the vehicle would be parked partially on the road. This creates significant concerns with regard to road safety. Further to these concerns, it is evident that the provision of such a small

parking area would likely lead to situations where the vehicle parked within it, was over-hanging the carriageway, and therefore causing both a road safety and traffic management issue.

It is about 65 metres to the nearest bus route and 600 metres to the nearest cycle path.

The site is located within the Bridge Main Centre Outer Boundary but just outside the conservation area.

THS based on the application submitted have significant concerns with regard to road safety and traffic management.

Summary of Issues:

- Highway safety and traffic management

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).

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.

In terms of general principle, the provision of off-street parking to serve a residential property is considered to represent a reasonable aspiration on the applicant's part, and would accord with the aims and objectives of Policy GP13. Furthermore, it is not considered that the demolition of a section of the existing roadside wall as proposed would cause such harm to the character of the locality that permission should be withheld on grounds that the development would be contrary to the provisions of Policies GP1 and GP8.

In light of concerns raised by THS however, and the fact that due to the very limited amount of space between the front elevation of the applicant's house and the roadside boundary there is no scope for any revision to the application as submitted in order to address those concerns, it can only be concluded that the creation of a vehicular access as proposed would be likely to result in vehicles parked within the application site overhanging the highway. This would be to the detriment of both highway safety and

the free flow of traffic, contrary to the aims and objectives of Policy IP9 and s.13(e) of The Land Planning and Development (General Provisions) Ordinance, 2007. It is not considered that use of the proposed access and parking space, in terms of the size of vehicle allowed to park within the site or the direction that such a vehicle could enter and exit the site, could be controlled by condition.

The fact that future development of the adjacent Housing Allocation site would be likely to result in increased traffic along Rue Des Pointues Rocques, increasing the risk of conflict with a vehicle parked within the application site, adds further weight to this conclusion, but is not determinative in and of itself.

In light of the assessment set out above, it is recommended that planning permission be refused.

Date: 19-01-2021