

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: Demolish section of roadside wall to create vehicle access.

LOCATION: Winning Post, First Tower Lane, St. Peter Port.

APPLICANT: Mr T Maunder & Ms G Simon

I refer to the application referred to below received as valid on 02/08/2021 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 07/01/2022

Drawing Nos: Jason Hobbs drawing no: 6183/A/1

Application Ref: FULL/2021/1720

Property Ref: A104540000

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 proposal would result in significant road safety concerns and some traffic management issues, contrary to policy IP9 of the adopted Island Development Plan. The parking area created would not be at a right angle to the highway and the property includes a bay window to the front of the property, which cumulatively would make manoeuvring into and out of the access difficult, particularly given the absence of any space for turning within the site. Consequently, the access point and parking space created would result in substandard design and the proposal therefore is contrary to Policy GP8 of the adopted Island Development Plan.

2. The proposed removal of a section of wall would also detract from the character and appearance of the area, contrary to Policy GP8 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/2021/1720
Property Ref: A104540000
Valid date: 02/08/2021
Location: Winning Post First Tower Lane St. Peter Port Guernsey GY1 2RZ
Proposal: Demolish section of roadside wall to create vehicle access.
Applicant: Mr T Maunder & Ms G Simon

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposal would result in significant road safety concerns and some traffic management issues, contrary to policy IP9 of the adopted Island Development Plan. The parking area created would not be at a right angle to the highway and the property includes a bay window to the front of the property, which cumulatively would make manoeuvring into and out of the access difficult, particularly given the absence of any space for turning within the site. Consequently, the access point and parking space created would result in substandard design and the proposal therefore is contrary to Policy GP8 of the adopted Island Development Plan.
 2. The proposed removal of a section of wall would also detract from the character and appearance of the area, contrary to Policy GP8 of the adopted Island Development Plan.
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OFFICER'S REPORT

Site Description:

The application site, known as "Winning Post" comprises a semi-detached property located to the north of First Tower Lane. The application site, together with neighbouring properties to the west, are generally characterised by roadside walls and have shallow front gardens which lead directly onto First Tower Lane. Much of this feature has remained unchanged, with the roadside walls forming an important part of the character of the area.

Off-street parking provision is more associated to houses east of Winning Post given that the area to the front of these properties tends to be larger. Much of the off-street parking to the west of Winning Post is generally located to the side or rear of neighbouring properties.

The site is located within a Main Centre Outer Area as defined in the Island Development Plan.

Relevant History:

FULL/2019/1317 A104530000	Demolish single storey extension and erect two storey and single storey extension to north (rear) elevation. Create vehicular access.	Granted
FULL/2012/3340 A104580000	Demolish section of roadside wall and create vehicular access and parking area.	Refused
FULL/2002/1348 A104670000	Create vehicular access and car parking area	Granted
PAPP/1993/0474 A104570000	Remove roadside wall and provide car parking area	Refused

Existing Use(s):

Residential

Brief Description of Development:

This application seeks permission to remove a 3m section of the roadside wall to create a parking area to the front of the dwelling.

The drawings show a parking area approx. 5.1m long and 2.1m wide, to be formed parallel to the front of the house.

Pre-application advice was sought prior to the submission of the application which highlighted concerns with the proposed development. It was also advised at the time to contact Traffic & Highway Services (THS) for their advice prior to submitting a formal application.

Following the Planning Service's advice supplied to the agent as part of PREA/2021/0879, THS submitted a copy of their comments in response to the pre-application submitted.

As part of this application, the agent has attempted to justify the loss of the roadside wall and railings and the creation of the access.

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

GP8 Design
GP13 Householder Development
IP8 Public Car Parking
IP9 Highway Safety, Accessibility and Capacity

Representations:

The Authority has received a letter of representation from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Overdevelopment of the area and the need for parking provision.
- Planning permission has been recently granted for parking provision to be created at the front of the property. Once complete, two existing on street parking spaces will be lost.
- First Tower Lane is not a controlled disc parking area therefore the Police and Traffic cannot enforce against vehicles.
- Granting permission for Winning Post will result in further loss of car parking spaces.

Consultations:

Given the similarity to the pre-application proposal submitted, comments from THS as part of this pre-application have been considered in relation to this application. THS's pre-application comments were as follows:

"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 First Tower Lane, St Peter Port. 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. The site is located between Les Banques and Le Grand Bouet, St Peter Port.

Within the pre app plans the front of the property is shown as a straight line where as THS notes that the window protrudes out from the exterior of the property by some 0.5m, there is no mention in the submission of the removal/modification of the window. The distance between the inside of the boundary wall and the front wall of the house on the eastern side of the property is 3.04m and yet 2.57m on the western side of the property. THS notes the window protrusion reduces the available front space to 2.03m and that the front door to the property is inward opening and on the eastern side of the front aspect.

The dimensions and layout of the proposed parking area would not provide a turning point therefore vehicles would have to either reverse out having driven in or reverse in, in order to drive out. There is insufficient room for a vehicle to park at 90 degrees to the road edge and thus would not be exiting square to the carriageway.

The 3m private access enables sightlines of 10m in the direction of oncoming traffic (Le Grand Bouet) and 11m in the direction of approaching traffic (Les Banques). The engineering guidelines requiring 20 m. This would be at the cost of one public parking space.

In view of the substandard sightlines that would be achieved (assuming above mentioned parking in front of the Winning Post is removed), Road safety concerns are raised.

There are some concerns with regard to traffic management. The limited width of the opening, the limited depth of the proposed parking area combined with both

substandard sightlines and business use within the road may create some delays within the road that is used by commercial traffic including a business towing vehicles.

THS has concerns as to the limited visibility splay for the proposed driveway. THS would object on the grounds of safety. The sightline of less than 20 metres in the direction of both Le Grand Bouet and Les Banques combined with the inability to turn a vehicle around within the driveway leading to manoeuvring in or reversing out on to the road with significantly reduced visibility. The stated sightlines would be made worse by a vehicle not being square to the road.

The Pre App make reference to permission being granted by for a driveway at the neighbouring property. The neighbouring dwelling is set back further from the road at the point where the driveway joins the road edge allowing a vehicle to exit square to the road.

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

Summary of Issues:

- Whether the design of the development is acceptable.
- 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 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).**

Traffic matters:

As set out in the traffic assessment above, THS raise significant concerns with regards to road safety, and some concerns regarding traffic management. The safety concerns are based upon; insufficient depth of the car parking space (measured between the south edge of the bay window and the roadside wall), insufficient sightlines, lack of a turning point, and that the vehicle access is parallel to the road as opposed to being perpendicular to the road.

There are also concerns raised in respect of traffic management. The proposal may cause delays for residential and commercial traffic when taking into account the limited width of the opening, limited depth of the car parking space, substandard sightlines, and the use of the road for nearby businesses.

In addition, the proposal is likely to lead to the loss of one on-street parking space used by the public and/or neighbouring residents.

It is also noted that the car shown on the drawing submitted is not to scale and the parking space does not represent a small sized car parking space generally regarded by THS as being 2.1m (width) x 3.7m (length), or a standard sized car parking space at 2.4m (width) x 4.8m (length). In addition, there would also be difficulty in the passenger door opening in the location shown due to the close proximity to the bay window. This also demonstrates that the proposed parking space created would lead to a substandard level of design in terms of its functionality, following a vehicle being able to manoeuvre into the space in the first instance.

Character of the area:

The site is considered to be in a less sensitive area given that the property is not protected, nor is it situated within a Conservation Area, and therefore the policies allow a greater degree of flexibility and personal choice.

It is expected under Policy GP8 and GP13 that the proposed development will take into account the surrounding character formed by the wider area of land around groups of buildings, and not necessarily the spaces between them. In this case, this would be applicable to the spaces to the front of neighbouring properties including, and to the west of the application site, where the majority of the roadside frontages remain unchanged.

Whilst there is scope and flexibility to allow the creation of vehicular access points in less sensitive areas under Policy IP9, the roadside wall and railings in this case should be assessed in respect of their contribution to the surrounding character. In addition, consideration should also be afforded to the potential precedent that this proposal could set for other small frontage properties along First Tower Lane.

The roadside wall and railings are decorative and contribute to the demarcation and appearance of the property, the adjoining semi when 'read' together, and the sense of enclosure particularly to the west of the application site, where roadside walls are more dominant and make an important contribution to the character of the locality. Consequently, the detailing of these spaces to the front of neighbouring properties together with the roadside walls result in a fine urban grain which has a positive public amenity benefit.

Conclusion:

It is considered that the traffic concerns raised would be so substantial that they would outweigh the reasonable aspirations of the property owner in this particular case (Policy IP9 and GP13). In addition, the impact on the surrounding character of the area by the partial loss of the roadside wall and railings, together with the substandard parking space created and the loss of public parking provision, would compound and exacerbate these concerns.

In response to the agent's point that the neighbouring property to the east has recently been granted planning permission to create parking provision to the front of their

property, the neighbouring property is set back further from the road and therefore enables greater manoeuvrability on site to allow a vehicle to exit without having a significant impact on highway safety. The parking space created is also perpendicular to the road which would allow a vehicle to exit square to the road and thereby reduce highway safety concerns as indicated in THS's comments.

Consequently, it is concluded that the proposal would not achieve a 'good' standard of design for the purposes of Policy GP8. It could also set an undesirable precedent for similar forms of development to other shallow property frontages along this enclosed section of the lane. It is recommended that this application be refused for the above reasons.

Date: 05/01/2022

