

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Remove section of roadside wall to create vehicle access and parking area.

LOCATION: Moreton House, Les Rocquettes, St. Peter Port.

APPLICANT: Mr L De Jersey

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 15/12/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 09/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Brian R Martel - 4169.02.01

Application Ref: FULL/2021/1815

Property Ref: A206860000

Conditions and reasons:-

1.All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2.The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3.The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4.Within four weeks of the boundary wall being partially demolished, the remaining section of the wall where disturbed shall be made good in materials to match as closely as possible the existing wall in accordance with the approved plans. The overall width of the access point hereby approved shall not exceed 4.2 metres.

Reason - For the avoidance of doubt and to secure the satisfactory appearance of the completed development.

5.Notwithstanding the information submitted and due to the size of the access point, should the area to the front of the dwelling-house hereby approved, be used other than the parking of motorbikes, such a motor car, it shall only be used by a 'small car' not exceeding 3.7m (length) x 2.1m (width) as set out in the Traffic and Highway Services - 'Small Car Parking' advice note, unless otherwise agreed in writing.

Reason - the space to the front of the dwelling is limited in terms of its size and is unlikely to be able to contain a standard size car (4.8m length x 2.4m width) in light of the drawings submitted. It is reasonable and necessary to attach a condition to the decision to ensure that only a 'small car' parks in this area to the front of the house by the current homeowner, or any future occupier, to prevent any standard size vehicle from overhanging the public footpath, or the road, which could cause a highway safety issue.

Expiry Date: This permission will cease to have effect on 14/12/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Details in respect of Traffic and Highway Services 'Small Car Parking' note can be found here:

<https://gov.gg/CHttpHandler.ashx?id=101708&p=0>

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.
- (5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

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, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. 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. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the 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 under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2021/1815
Property Ref: A206860000
Valid date: 09/09/2021
Location: Moreton House Les Rocquettes St. Peter Port Guernsey GY1 1XR
Proposal: Remove section of roadside wall to create vehicle access and parking area.
Applicant: Mr L De Jersey

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. Within four weeks of the boundary wall being partially demolished, the remaining section of the wall where disturbed shall be made good in materials to match as closely as possible the existing wall in accordance with the approved plans. The overall width of the access point hereby approved shall not exceed 4.2 metres.

Reason - For the avoidance of doubt and to secure the satisfactory appearance of the completed development.

5. Notwithstanding the information submitted and due to the size of the access point, should the area to the front of the dwelling-house hereby approved, be used other than the parking of motorbikes, such a motor car, it shall only be used by a 'small car' not exceeding 3.7m (length) x 2.1m (width) as set out in the Traffic and Highway Services - 'Small Car Parking' advice note, unless otherwise agreed in writing.

Reason - the space to the front of the dwelling is limited in terms of its size and is unlikely to be able to contain a standard size car (4.8m length x 2.4m width) in light of the drawings submitted. It is reasonable and necessary to attach a condition to the decision to ensure that only a 'small car' parks in this area to the front of the house by the current homeowner, or any future occupier, to prevent any standard size vehicle from overhanging the public footpath, or the road, which could cause a highway safety issue.

INFORMATIVES

Details in respect of Traffic and Highway Services 'Small Car Parking' note can be found here:

<https://gov.gg/CHttpHandler.ashx?id=101708&p=0>

OFFICER'S REPORT

Site Description:

The application site, known as Moreton House, comprises an end of terrace property which is located to the north of Les Rocquettes, St. Peter Port. The property is served by a garage to the east which immediately fronts onto the road. The front of the house is enclosed by a wall with a pedestrian access.

The property is not located within a Conservation Area, although it immediately borders a Conservation Area to the west and south of the property.

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

There has been extensive planning history on the site which has resulted in a number of refusals to create car parking provision to the front of the property.

Relevant History:

FULL/2012/2728	Remove section of roadside wall, pillar and gate and create vehicular access and parking area.	Refused
PAPP/2003/0969	Remove roadside wall and create a car parking area	Refused
PAPP/2001/0503	Remove roadside wall and create a car parking area	Refused
PRCN/1998/3500	Remove roadside wall and create car parking area (reconsideration).	Refused
PRCN/1997/3176	Remove roadside wall and create car parking area (reconsideration).	Refused
PRCN/1997/0479	Remove roadside wall and create car parking area (reconsideration).	Refused
PAPP/1996/3859	Remove roadside wall and create car parking area	Refused

Existing Use(s):

01 Dwelling houses

Brief Description of Development:

Since the most recent refusal in 2012, planning permission is now sought to remove a section of the roadside wall to create a vehicle access and parking area. It is noted in the agent's letter dated 9th August 2021, that the proposed area to the front of the house is for parking motorbikes.

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

Island Development Plan:

GP8: Design

GP13: Householder development

IP7: Private and communal parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

Comments from Traffic and Highway Services have been sought, although none have been received.

It is however considered unreasonable to unnecessarily delay the application from determination given that there has been a material change in circumstance since the most recent refusal.

Summary of Issues:

- Impact on the character and amenity of the area.
- Whether the proposed vehicle access would negatively impact on highway safety or 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 Island Development Plan was enacted in 2016 and therefore a material change in circumstances exist due to the introduction of a new planning policy framework. The current application is assessed based under the relevant IDP policies.

Policy GP13 (Householder Development) states that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Areas, Areas of Biodiversity Importance, protected buildings or protected monuments.

Policy GP8 (Design) and IP9 (Highway Safety, Accessibility and Capacity) are also relevant.

Policy GP8 requires, amongst other things, that development respects the character of the local built environment. Policy IP9 states that the Authority will seek the retention of landscape character or distinctive natural or built features that contribute positively to the character of an area (of which include roadside walls, hedges and landscaping), but will require the value of the landscape character or features on an individual site to be assessed in a wider context of the contribution made to the particular locality. In assessing development proposals, the Authority will balance any impact on the character of the locality concerned with affording a significant degree of flexibility so that reasonable development aspirations can be met.

In addition, the preceding text to Policy GP8 refers to the need to consider the material planning considerations as specified in Part IV, Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007. These include the

appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used, as well as its likely effect on the character and amenity of the locality in question and its likely effect on the reasonable enjoyment of neighbouring properties.

Traffic speeds and movements in this area are relatively low which is also reflected in the status of the road as it is regarded as a 'neighbouring road'.

Whilst there is a mix of properties in the wider vicinity with enclosed roadside boundary treatments, the majority of properties along Rocquettes Road, Rocquettes Lane and Upper St. Jacques provide a degree of off-street parking.

In addition, the application site, including the roadside boundary, is not sited within a Conservation Area and does not contain any significant historical or architectural merit. The extent of removal of the roadside wall is considered reasonable as a section of the roadside frontage will remain, this has been carefully weighed up against the significant flexibility afforded to the reasonable development aspirations of householders (Policy IP9).

Overall, whilst it is recognised that the removal of a section of the front boundary wall will have some detrimental effect on the character of the area and visual amenity, the degree of this effect is not considered to be significant in this particular case to justify refusal of permission, when taking into account that the site is not located in a sensitive location, the limited contribution the wall makes to the wider area and the degree of punctuation of roadside boundaries in the locality.

It is however recommended that a condition be attached to ensure that the wall where disturbed is made good following the creation of the vehicular access.

In light of the information submitted, the proposed parking area is intended for motorbikes which is acceptable under policy given that there would be sufficient space for turning within the site, and sightlines from a motorbike towards oncoming traffic, thereby not resulting in any highway safety and traffic management issues. The hardstanding and parking will not appear unduly prominent or out of character in the street scene.

The proposals will not result in unacceptable harm to the amenities of adjoining residential occupiers with regard to noise and nuisance given the low level of vehicle movements to the site and existing dividing boundary wall.

Policy IP7 of the Plan relates to the provision of off-road parking for developments with regard to the adopted Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment (December 2016). The guidance relates primarily to new developments but does identify that although the standards will be expected to be met they are intended as guidance and are not, therefore inflexible. The provision of a space for motorbikes is considered satisfactory with regard to the requirements of Policy IP7 of the Island Development Plan.

However, it is also recognised that the extent of the wall to be removed could lead to a car utilising this space, which is also indicated in the application form (section 'N'). Although, due to the constraints of the site and limited manoeuvrability within the space created, it is likely that only a 'small car' (3.7m (length) x 2.1m (width)) could reasonably utilise this space without causing a significant traffic safety or management issue. This conclusion has been reached given that a 'standard size' car (4.8m length x 2.4m width) is likely to 'hold up' traffic whilst reversing into the space after multiple manoeuvres, or overhang the pavement when parked when taking the limitations of the site, including boundary walls and existing steps. In particular, the width between the front elevation of the dwelling and the return section of the boundary wall is 2.2/3m and thereby is below the standard size car width (2.4m). Similarly, the total width of the access (east boundary to the dividing wall between the house and the garage) is 4.9m, thereby allowing 0.1m of manoeuvrability for a standard size car (4.8m) to reverse into the site.

It is therefore reasonable and necessary to attach a condition to the decision to ensure that this space is controlled appropriately should the current, or future occupier of the property, decide to utilise this space for car parking provision. Any issues with regards to highway safety and traffic management by the use of a small car is unlikely to raise any significant issues.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 02/11/21