

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 wall, erect pillar and install gate to create vehicle access and parking area, (part-retrospective). (Protected Building).

LOCATION: Victoriana, Amherst Road, St. Peter Port.

APPLICANT: Mr & Mrs M G T McKenzie

I refer to the application referred to below received as valid on 01/10/2021 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 12/04/2022

Drawing Nos: The Drawing Room: 299/B1B.

Application Ref: FULL/2021/2011

Property Ref: A102520000

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 demolition of a section of the roadside wall to create a vehicular access and parking area to the front (east) of the property results in significant road safety and traffic management concerns by virtue of a combination of factors including; restricted sightlines, limited parking depth, lack of a turning point, and being in proximity to a sharp bend on a heavily trafficked route south of the site along Amherst Road. The proposal would therefore conflict with Policies GP8 (Design) and IP9 (Highway Safety, Accessibility and Capacity) 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/2021/2011
Property Ref: A102520000
Valid date: 01/10/2021
Location: Victoriana Amherst Road St. Peter Port Guernsey GY1 2DW
Proposal: Demolish section of wall, erect pillar and install gate to create vehicle access and parking area, (part-retrospective). (Protected Building).
Applicant: Mr & Mrs M G T McKenzie

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The demolition of a section of the roadside wall to create a vehicular access and parking area to the front (east) of the property results in significant road safety and traffic management concerns by virtue of a combination of factors including; restricted sightlines, limited parking depth, lack of a turning point, and being in proximity to a sharp bend on a heavily trafficked route south of the site along Amherst Road. The proposal would therefore conflict with Policies GP8 (Design) and IP9 (Highway Safety, Accessibility and Capacity) of the adopted Island Development Plan.

OFFICER'S REPORT

Site Description:

The application site, known as Victoriana, comprises a traditional dwelling-house located to the west of Amherst Road, St. Peter Port. The site lies within a Conservation Area and Main Centre Outer Area as defined in the Island Development Plan. The property is a protected building with the roadside wall and railings included in the listing. The front garden of the property is enclosed by a mix of granite walls, metal railings and brick pillars. Amherst Road is a Traffic Priority Route.

Relevant History:

FULL/2015/2212	Repair and replacement of front boundary walls, pillar and railings. (Protected Building).	Granted
HAPP/2003/2899	Widen gateway	Withdrawn
PAPP/2003/2013	Widen gateway	Withdrawn

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to demolish a section of wall, erect a pillar and install a gate to create vehicle access and parking provision to the front of the property.

The application is partly retrospective as the roadside wall has been demolished and it is understood that the area in front of the property is being used as a parking area as shown in photographs dated 10/03/21. The proposed gate has not been installed, nor has the roadside pillar been erected.

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

GP4	Conservation Areas
GP5	Protected Buildings
GP8	Design
GP13	Householder Development
IP9	Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

None.

Summary of Issues:

Impact on highway safety and traffic management.
Impact on the character of the area and visual amenity.

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).**

All relevant 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 considered in the assessment of this application.

With regards to the partial loss of the roadside wall and proposed gates, no significant concerns are raised in relation to this aspect of the proposal provided that a return wall is built between the parking area and the grass lawn. If approved, this would be required as the significance of the protected building is partly in its formal façade which is complimented by the symmetrical garden in front, therefore ensuring that its symmetrical frontage remains intact is important.

Overall, the loss of this section of wall is limited and would not unduly affect the special interest of the protected building. In addition, the proposed gate is of high quality due to its design and materials which would be appropriate for the style and age of the building and therefore would satisfy Policies GP4 and GP5.

However, the combination of substandard sightlines from the proposed vehicular access (due to existing boundary treatments including landscaping and metal railings), limited parking depth, no turning point, and the proximity to a 'blind' bend that is heavily trafficked to the south of the application site would cumulatively give rise to significant highway safety and traffic management concerns (Policy IP9). Although visibility splays are noted on drawing no.299/B1B these are not accurate and would not overcome the concerns noted above.

When considering the factors set out above, the application is not considered to achieve a 'good' standard of design for the purposes of Policy GP8 and therefore the creation of a new vehicular access is not supported.

Overall, the application is recommended for refusal by virtue of the substandard vehicular access proposed, which is likely to result in highway safety and traffic management issues. The impact on the special interest of the protected building through the loss of a section of the roadside wall is not so substantial to warrant additional grounds for refusal.

Date: 29/03/2022