

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: Erect garage with raised terrace at first floor level to north boundary (Revised Scheme)

LOCATION: Parkway, Guelles Lane, St. Peter Port.

APPLICANT: Pulse Mechanical Electrical

I refer to the application referred to below received as valid on 24/11/2021 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 23/02/2022

Drawing Nos: Naftel Associates: A210401 PD (--)600

Application Ref: FULL/2021/2396

Property Ref: A102780000

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 works to create a garage within the property frontage, by virtue of the impact on sightlines from the access and visibility of manoeuvring vehicles from the adjacent highway, would have a detrimental impact on road safety and would be contrary to the intentions of Policy IP9 (Highway Safety, Accessibility and Capacity) in 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/2021/2396
Property Ref: A102780000
Valid date: 24/11/2021
Location: Parkway Guelles Lane St. Peter Port Guernsey GY1 2DD
Proposal: Erect garage with raised terrace at first floor level to north boundary (Revised Scheme)
Applicant: Pulse Mechanical Electrical

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed works to create a garage within the property frontage, by virtue of the impact on sightlines from the access and visibility of manoeuvring vehicles from the adjacent highway, would have a detrimental impact on road safety and would be contrary to the intentions of Policy IP9 (Highway Safety, Accessibility and Capacity) in the Island Development Plan.

OFFICER'S REPORT

Site Description:

Parkway is a detached two-storey dwelling, currently undergoing extension and alteration, situated to the south of Guelles Lane. The property is elevated above road level and bounded by residential properties to the east, south and west and commercial premises to the north.

The site is located within the St Peter Port Main Centre Outer Area in the Island Development Plan.

Relevant History:

FULL/2018/0288 - Remove existing steps and replace roadside boundary wall to create new vehicular access and excavate behind to form parking area – granted

FULL/2019/2101 - Erect garage with terrace above to north (roadside) elevation and extend roof terrace at first floor level to south (rear) elevation – refused - The proposed works to create a garage within the property frontage, by virtue of the impact on sightlines from the access and visibility of manoeuvring vehicles from the adjacent highway, would have a detrimental impact on road safety and would be contrary to the intentions of Policy IP9 (Highway Safety, Accessibility and Capacity) in the Island Development Plan and would fail to meet material consideration (e) of the Land

Planning and Development (General Provisions) Ordinance, 2007, in terms of the likely effect on roads and traffic.

There are two further applications on the site currently pending decision.

Existing Use(s):

Residential Use Class 5

Brief Description of Development:

Permission is sought to construct a single-storey flat roof extension to the front of Park Way to provide a garage with three roller shutter doors and offering 2/3 parking spaces. The flat roof above will offer a roof terrace enclosed by a glazed balustrade.

The accompanying letter sets out that the proposal has been designed to improve access, manoeuvrability and line of sight from the previously refused application. This is achieved by allowing cars to both enter and exit the parking area forwards.

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development
IP7 Private and Communal Car Parking
IP9 Highway Safety, Accessibility and Capacity

Representations:

One letter has been submitted objecting to the application and raising the following points:

- Problems would be caused by vehicles squeezing into the garage in a very busy lane
- The plans are not in keeping with the area, and the area's natural beauty is being compromised
- This would represent another large and intrusive build in what was an unspoilt part of St Peter Port
- The development will result in a loss of beautiful views and devaluation of neighbouring properties
- The proposal represents an overdevelopment of the site
- The building work have been ongoing for a long time, with associated disruption, noise, lights on late at night – the site is a mess and the scaffolding has been up too long
- The Authority should undertake a thorough review of the proposals to ensure consideration has been given to the impact on neighbouring properties before any other development is permitted on the site

Consultations:

Traffic and Highway Services commented on both the 2018 and 2019 proposals for access and off-road parking to serve Parkway.

The site is situated in Guelles Lane, St Peter Port and the access is located 40m from the junction with Guelles Road. Guelles Lane is classified as a Neighbourhood Road within the Traffic Management hierarchy. A 25mph speed limit applies past the site. Therefore, a recommended sightline of 20m would apply. The site is located in the Main Centre Outer area, as defined within the IDP.

The carriageway outside the proposed access is 4.1m wide, although the remainder of Guelles Lane is circa. 2.5m wide up to the access. Guelles Lane is characterised as a narrow, twisting one-way lane, without pedestrian footpath. Although lightly used, it is a main walking route for children attending the nearby Amherst School. THS acknowledge that given the geometry of the lane, the lane itself has substantial speed reducing characteristics.

No objections were raised regarding the 2018 proposal and THS offered the following comments:

With traffic approaching the proposed access from the right, only this sightline would apply. Using a datum of 2.0m from the carriageway edge, a sightline of 22m in the direction of oncoming traffic will be available. The extent of the sightline is the vegetation on the boundary of the site to the East. The recommended standard is met.

THS note that given that the access does not allow vehicles to turn on site, vehicles would not be egressing square to the carriageway. It is felt that in this instance, with the road being one-way, and the sightline of oncoming traffic meeting the required standard, this will not present either a traffic management or road safety issue for users of the proposed access, or other road users.

From an active travel perspective, the site is ideally located for either pedestrian or cycle based commuting to and from the Town area, and is served with two scheduled bus services to and from St Peter Port, stopping within 100m of the site.

In January 2020 THS objected to the application to construct a garage to serve Parkway on road safety grounds:

The previous application's parking area was bounded by a low wall to the carriageway, which enabled drivers egressing to obtain a visibility splay and sightline 'over' the wall. This resulted in a sightline calculated from the plans supplied to be in the region of 22m, thus meeting the standard specified in the Engineering Guidelines.

Under this application, the low boundary wall would effectively be a solid wall, with the only visibility splay of a driver egressing the garage being that from the

access itself. In this instance, the resultant sightline is in the region of 6m, which is significantly below the recommended standard. It is also relevant that unlike the previous application whereby an oncoming driver would have visibility of a vehicle manoeuvring within the access before it emerged onto the carriageway, this is not the case under this application. Similarly, if approved, THS would have concerns for both oncoming vehicles and pedestrians in the area, should a vehicle be reversed from the access onto the road. Again, unlike the previous design, a pedestrian walking adjacent to the site would not have visibility of a vehicle manoeuvring within the site, prior to emerging onto the carriageway.

Summary of Issues:

Impact on the character of the area;
Impact on traffic and road safety.

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.

Erect garage with terrace above

Design and impact on the character of the area

The roadside boundary at the application site previously comprised a blockwork wall finished with pebbledash render, with hedging above. This has subsequently been demolished in connection with other works to the property. The top of the wall ran through at the same height as the remaining roadside wall on the adjacent property to the west, and as the earthbank on the adjacent property to the east, at approximately 1.7m. The previous approval in 2018 included demolition of the wall, removal of the hedging and excavation of the property frontage to form a parking area. The roadside boundary was to be reformed with a low, granite fronted wall.

Concerns have been raised through the public consultation process regarding the scale and appearance of the proposed development. It is noted however, that the previous scheme to erect a garage at Parkway was considered to accord with planning policy. There has been no material change in the policies in place against which this revised scheme would be considered.

The current application would increase the height of the roadside wall to 2.6m (refused scheme 2.3m), with a stone clad finish to reflect a proposed change to the main house and east/west boundary walls. The proposed balustrade would be largely glazed and lightweight in appearance.

Guelles Lane is characterised by a mix of commercial and residential properties, with a mix of boundary treatments. The roadside boundary of the property to the west is formed by a rendered wall with fencing above and that to the east by a bank, whilst the boundaries on the opposite side of the road are formed by granite and rendered walls of mixed height.

The alteration proposed under this application would not be out of character in this area and, taking into account the detailed design of the structure, would not have an adverse impact on the character of the area, in accordance with Policies GP8 (Design) and GP13 (Householder Development).

Impact on neighbour amenity

The proposal would create a roof terrace to the front of the building, facing over the lower level commercial and residential properties to the north. The property to the north-west, on the opposite side of Guelles Lane, has recently been developed into 6 residential properties and the eastern part of that site comprises a shared parking area. The proposed roof terrace is likely to result in some overlooking of the private amenity spaces associated with those properties, however the intervening distance and offset would limit any such impact.

The roof terrace would be at a level with the amenity spaces of the dwellings to either side, and the intervening boundary treatment would limit any impact on the amenity of those properties.

The scheme therefore accords with Policies GP8, GP9 and GP13 of the Island Development Plan.

Impact on traffic and road safety

The proposed parking provision falls within the Parking Standards set out in the Supplementary Planning Guidance, in accordance with Policy IP7 (Private and communal car parking).

Section 13 1(e) of the Land Planning and Development (General Provisions) Ordinance, 2007 requires consideration to be given to the likely impact of a development on roads and other infrastructure, traffic and essential services. This is reflected in Island Development Plan Policy IP9 (Highway Safety, Accessibility and Capacity).

Concerns have been raised through the public consultation process regarding vehicles manoeuvring into and out of the proposed garage and the impact this would have on the free flow of traffic. The proposed parking has been enlarged from that previously approved (and proposed in the refused scheme) because the area of the garage has been enlarged to be 3.5m wide internally (refused scheme 3.4) and 17m long (refused scheme 13.6m) and because one garage door is to be replaced by three, all of which are wider, 5.1m, than the refused scheme (4.5m). This change to the scheme would still allow for manoeuvring on site, as shown on the submitted swept path analysis. There would be no

need for a vehicle to exit the site in reverse gear and manoeuvring vehicles in this lane are not considered to result in an unacceptable interruption to the free flow of traffic.

The proposal would however increase the height of the roadside wall from 0.9m to 2.6m, higher than either the approved (0.9m) or refused (2.3m) schemes. The submission does offer a swept path analysis to show how vehicles would access the garage via the central door. The scheme does not, however, provide clear information to demonstrate that there would be a significant improvement in the visibility splay, previously 6m where the recommended sightline would be 22m, from the site when using any of the proposed garage doors.

As set out within the Traffic & Highway Services' previous consultation response, an increase in the height of the wall would significantly reduce the sightlines available from the access and would impede visibility of manoeuvring vehicles from the adjacent highway. This issue would remain despite the widened garage doors now proposed. This is because the front wall of the garage marks the edge of the carriageway and site boundary. A sightline from any vehicle exiting via the central door would remain significantly below the recommended standard of 22m.

Also, as part of the approved scheme an oncoming driver would have visibility of a vehicle manoeuvring within the access before it emerged onto the carriageway but within the garage vehicles manoeuvring would be entirely hidden to both oncoming vehicles and pedestrians in the area.

The revised proposal would therefore have a detrimental impact on traffic and road safety contrary to Policy IP9.

Sustainable Development

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

Other Matters

Matters relating to a loss of view, devaluation of property and the time taken to complete the development are not matters that can be considered as part of the assessment of this planning application.

Conclusion

The proposed works to create a garage within the property frontage, by virtue of the impact on sightlines from the access and visibility of manoeuvring vehicles from the adjacent highway, would have a detrimental impact on road safety and would be contrary to the intentions of Policy IP9 (Highway Safety, Accessibility and Capacity) in the Island Development Plan. Consequently it is recommended that the application be refused.

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, buildings or sites.

Date: 23 February 2022