

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 roadside wall, excavate and erect retaining wall to create vehicular access and parking area (revised scheme).

LOCATION: Flat 1, Hillcroft, Amherst Road, St. Peter Port.

APPLICANT: Miss I Bach

I refer to the application referred to below received as valid on 01/12/2021 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 02/03/2022

Drawing Nos: Jason Hobbs Architectural Services Ltd; 6125/A/2

Application Ref: FULL/2021/2597

Property Ref: A103270000

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 car parking area would have restricted sightlines and lack of turning and manoeuvring space which would lead to conditions detrimental to road safety and traffic management concerns, contrary to Policy IP9 (Highway Safety, Accessibility and Capacity) of the adopted Island Development Plan.
2. The roadside boundary treatment makes a positive contribution to the character and appearance of the Conservation Area. The demolition of the wall to create a vehicular access and parking area to the front of the property would create an obtrusive gap in a boundary feature that positively contributes to the character and distinctiveness of the locality. This would result in an unacceptable detrimental effect on the character of the surrounding Conservation Area. The proposal would therefore conflict with Policy GP4 (Conservation Areas) 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/2021/2597
Property Ref: A103270000
Valid date: 01/12/2021
Location: Flat 1 Hillcroft Amherst Road St. Peter Port Guernsey GY1 2DN
Proposal: Demolish roadside wall, excavate and erect retaining wall to create vehicular access and parking area (revised scheme).
Applicant: Miss I Bach

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed car parking area would have restricted sightlines and lack of turning and manoeuvring space which would lead to conditions detrimental to road safety and traffic management concerns, contrary to Policy IP9 (Highway Safety, Accessibility and Capacity) of the adopted Island Development Plan.

2. The roadside boundary treatment makes a positive contribution to the character and appearance of the Conservation Area. The demolition of the wall to create a vehicular access and parking area to the front of the property would create an obtrusive gap in a boundary feature that positively contributes to the character and distinctiveness of the locality. This would result in an unacceptable detrimental effect on the character of the surrounding Conservation Area. The proposal would therefore conflict with Policy GP4 (Conservation Areas) of the adopted Island Development Plan.

OFFICER'S REPORT

Site Description:

The property known as 'Hillcroft' is a 1930's two storey detached dwelling, which was converted into flats in the early 2000's. The dwelling is set back from and faces east onto Amherst Road. To the north, west and south are neighbouring properties and across the road is a block of flats. The property is located within a Main Centre Outer Area and a Conservation Area as defined in the Island Development Plan.

Relevant History:

FULL/2021/0795 - Demolish roadside wall, excavate and erect retaining wall to create vehicular access and parking area – Refused 24/06/2021.

Existing Use(s):

Residential use class 2: Flats

Brief Description of Development:

This application is a revised scheme to demolish roadside wall, excavate and erect retaining wall to create vehicular access and single parking area.

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

GP4: Conservation Areas

GP8: Design

GP9: Sustainable Development

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity.

Representations:

None

Consultations:

Traffic and Highway Services (THS).

In regard to the revised scheme, it is our opinion, even considering the reduction from two parking spaces to one, that our previous traffic management and road safety concerns are still relevant and that our objection would still stand.

Previous comments submitted for FULL/2021/0795

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 western side of Amherst Road, St Peter Port. The road is classified as a Traffic Priority Route as defined in the Traffic Hierarchy. This road has a 25mph speed limit past the site. Therefore, a recommended sightline of 33m would apply. The road has a one-way direction of traffic flow within the relevant section.

The application proposes changes to demolish roadside wall, excavate and erect a retaining wall to create vehicular access and parking area.

Using a datum of 2.4m from the carriage way, the 6m proposed access enables sightlines of 10.3m in the direction of oncoming traffic (Mont Arrive). In view of the substandard sightline that would be achieved, road safety concerns are raised.

The proposed driveway is not of sufficient size to allow a vehicle to turn within the drive. Thus, a vehicle would have to either reverse into the drive in order to exit on to

the main road in a forwards direction or drive into the drive and reverse onto the main road to exit. Both methods causing significant concern with regard to traffic management. Further to this there is insufficient room for two modern midsized cars to park at ninety degrees to the road. It should be noted that the access would not allow a vehicle to egress at right-angles onto the carriageway. As a result, the oncoming sightline of 10.3m would be extended for the southerly parked car but reduced for the northerly parked car, based on the driver's position relative to the road when egressing.

The proposed driveway would create parking for two vehicles which would create an intensification of purpose. The southerly parking space of the two would allow for a vehicle of about 4.1m maximum length prior to overhanging the pavement which would reduce the pavement width and increases road safety concerns. The outlines shown on the drawings provided indicate a car with a length of about 3.75m.

On the basis of the above, THS would object to this application on both road safety and traffic management grounds.

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Policy IP9 concerns highway safety, and it supports development which does not affect road safety and traffic management. The recommended sightline along Amherst Road is 33m and the proposed parking area will give a sightline of 10.3m or less, if the car has been reversed into the parking space. Sightlines would be reduced even further if cars are to reverse out of the space. The inability to manoeuvre a car within the parking space also creates traffic management issues. On the above basis, it is considered that the proposal would result in an inadequate parking area that creates highway safety concerns.

THS's response to this application, stresses that the safety implications would not be adequate for the busy street. Reducing the number of car parking spaces does not change the fact that inadequate sight lines remain.

All the parking on the east side of the road has the ability to turn on site, but the other sites to the south of the application property do not, and have to reverse in or reverse out. Adding another inadequate off street parking area would only exacerbate the

existing problems and THS object to this application on both road safety and traffic management grounds.

Policy GP4: Conservation Areas will support proposals for development, where the development conserves and, where possible, enhances the special character of the Conservation Area. Should a proposal result in removing a structure or feature of interest from the Conservation Area, then GP4 will only support it if the feature is to be replaced.

In this revised application the front retaining roadside wall is proposed to be removed. In the Town Conservation Area roadside walls are an important feature within the streetscape and their removal erodes the special quality of the conservation area. The removal of the boundary wall in this instance would not conserve the character of the Conservation Area and the proposal conflicts with Policy GP4.

The revised scheme does not mitigate the previous reasons for refusal and the same concerns are still present, therefore, the recommendation is for refusal of planning permission.

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 28/02/2022