

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: Create new vehicle access (Protected Building).

LOCATION: Monamy, St. Jacques, St. Peter Port.

APPLICANT: Mr & Mrs R Andrews

I refer to the application referred to below received as valid on 12/04/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 30/12/2022

Drawing Nos: PF+A 7606-01B1.

Application Ref: FULL/2022/0912

Property Ref: A206450000

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 development will not provide the required sightlines, and the visibility splay would be obstructed by the front wall of the neighbouring property, further reducing the sightlines. The application is therefore contrary to Island Development Plan Policy IP9.
2. The proposed development will harm the setting of the protected building, which is not outweighed by the reasonable aspirations of the property owner or the contribution the development might make to the social or economic objectives of the States of Guernsey. The application is therefore contrary to Island Development Plan Policy GP5.
3. The proposed development will not conserve or enhance the character or appearance of the Conservation Area and will demolish a feature in the Conservation Area which does not result in an equal or enhanced contribution to the Conservation Area. The application is therefore contrary to Island Development Plan Policy GP4.

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/2022/0912
Property Ref: A206450000
Valid date: 12/04/2022
Location: Monamy St. Jacques St. Peter Port Guernsey GY1 1SW
Proposal: Create new vehicle access (Protected Building).
Applicant: Mr & Mrs R Andrews

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed development will not provide the required sightlines, and the visibility splay would be obstructed by the front wall of the neighbouring property, further reducing the sightlines. The application is therefore contrary to Island Development Plan Policy IP9.
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OFFICER'S REPORT

Site Description:

The property known as 'Monamy' is an 18th century semi-detached granite faced two storey property which is set back from and faces south onto St. Jacques. The other semi is attached to the west and to the east is a terraced row of housing which sits directly onto the road, and Important Open Land (part of which is an Area of Biodiversity Importance) to the north. The property is in the St Peter Port Main Centre Outer Area as defined in the Island Development Plan. Monamy is a Protected Building.

Relevant History:

PREA/2022/0005 - Demolish section of boundary wall and create vehicular access and parking. (Protected Building) – January 2022.

PREA/2020/1618 - Demolish section of roadside wall to create vehicle parking area – January 2021.

PAPP/1996/0842 - Remove section of roadside boundary wall and create car parking area – Refused April 1996.

PAPP/1995/2397 – Remove section of roadside boundary wall (retrospective) and create car parking area (revised) – Refused August 1995.

PRCN/1995/1476 - Remove section of roadside boundary wall and create car parking area (reconsideration) – Refused May 1995.

PAPP/1995/0718 – Remove section of roadside boundary wall and create car parking area – Refused March 1995.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to create a new vehicle access by removing a section of roadside boundary wall.

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

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP13: Householder Development

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

There have been ten letters of representation received, eight objecting to and two supporting the proposal. The grounds for objection are summarised as follows:-

- Monamy itself is a protected building, although the wall, the subject of this proposal, is not that old, having apparently been removed by a previous owner prior to the result of a planning application which was refused, that refusal required him to rebuild it. There was a good reason for that refusal and, if anything, the reasons for rejection are stronger now because of the general loss of Guernsey history through current development. It is also pertinent that there has been a wall in that position for at least 250 years, which was the time when front gardens were first enclosed by roadside walls.
- Owners have tried previously to apply to remove the wall but all have been rejected. Keep the road as safe as it can be.

- St Jacques is a conservation area and householder development policy stipulates that this must not have an adverse effect and the proposals would certainly affect the appearance of the property.
- In Conservation Areas the street boundary is considered an important part of the streetscape.
- Access to the parking will need the removal of a parking space opposite and disrupt traffic coming down the street.
- Mature vegetation will be removed by the plans altering the street as it is seen today to its detriment.
- The development would result in the loss of much needed on road car parking spaces.
- Any hard surfacing is liable to cause flooding unless it is designated as permeable

Consultations:

Traffic and Highways Services (THS).

"I refer to the request to provide road safety and traffic management advice regarding the application by Mr & Mrs Andrews in respect of the above proposed development.

I advise that an access should: -

- a) Enable a driver 2.0m from the edge of the carriageway to see a minimum of 33m in the direction of oncoming traffic;
- b) Not have any obstructions or planting greater than 900mm high above the road surface within the visibility splays;
- c) Have sufficient width to enable cars and light vehicles to exit and enter the drive without crossing into the path of vehicles on the opposite side of the carriageway;
- d) Be square to the carriageway;
- e) Be sited at a distance not less than 20m from a junction.

The site adjoins a one-way Local Circulation Route within the town 25mph speed limit cordon. The approach to the access is an approximately 150m downhill stretch of carriageway with no opposing traffic and the speed reducing features (the parking layout) commencing just uphill of the site. Forward visibility is such that a road user would be able to easily see a vehicle being manoeuvred into the parking area.

The proposed parking layout would appear to accommodate up to 4 cars, albeit the front 'spaces' would block the rear ones and there would be no turning point as is common to many of the parking areas along this section of the road.

The sightline in the direction of oncoming traffic (measured off aerial photos on Digimap) would be approximately 12m. The limitation of the sightline is due to the height of the roadside walls, pillars and hedging of the adjacent property located uphill. In this case, the sightline has been measured to a point 1m out from the edge of the public parking spaces which are considered to be in regular use.

The proposals raise no significant traffic management concerns but due to the very sub-standard sightline that would be observed, there are road safety concerns regarding the application in its current form.

Summary of Issues:

- Impact of the development on highway safety.
- 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.

As can be seen from the above history there has been repeat attempts to secure off road parking on this site with the majority of schemes being unsupported.

A Statement of Significance has been submitted, it describes the building and the proposed development. It concludes the proposals will not physically affect the protected building, but will affect its setting. The document does not demonstrate the applicant/agent has understood the setting of the protected building and it doesn't explain why the proposed development might be a reasonable aspiration of the property owner.

Monamy is a Protected Building, the front garden forms a part of the immediate setting of the protected building, providing a green landscape, which is separated from the public pavement with a brick capped, low stone wall. A pair of pillars and gate provide pedestrian access to the property. Due to the above, the front garden and boundary wall are considered to be of high value to the setting of the protected building. The application proposes a partial demolition of the boundary wall to allow vehicles to park in the front garden, the resultant effect on the setting of the protected building would be considered moderate/large.

Policy GP5 requires any negative effect on the overall special interest of the protected building to be balanced against the reasonable aspirations of the property owner, however, the reasonable aspirations are not apparent and so it is considered the harm to the setting of the protected building is not outweighed by the reasonable aspirations of the property owner and neither is it considered that the development would make a contribution to the social and economic objectives of the States of Guernsey as also advocated within GP5, thus the application is contrary to this policy.

The application site is within the St Peter Port Conservation Area. An Overview of this Conservation Area has been published, which identifies the application site as being within the St Jacques Character Area;

‘St Jacques runs east-east and cuts across a moderately sloping valley in the north escarpment. It is a single lane, one way street with on street parallel car parking. At its eastern edge the buildings and mature trees act as a gateway to the Character Area. Buildings step down to follow the underlying topography of the land and are set back and orientated parallel with the road (the exceptions being Monamy/Dracena/In the Dip, which are not parallel with the road and 1-3 St James Places which do not step down with the topography). The set-back creates front gardens often with mature domestic scale landscape and occasionally used for car parking. Almost all the buildings (with the exception of a public houses and the German Naval Signals HQ) are in residential use and generally of a domestic scale, 2 storey, some with development in the roof space (e.g. rooflights and dormer windows) and some with basement. Occasionally grand/large houses (e.g. St Jacques House and De Quetteville) are set within substantial grounds. The street is positively enclosed by a combination of low and tall boundary walls (predominately stone) with landscape in the front gardens and buildings facing onto the road.’

The front boundary wall, which is proposed to be partially demolished, therefore forms part of the character of the Conservation Area and is a ‘feature’. Policy GP4 allows for the demolition/partial demolition of features in the Conservation Area, where the proposed development or vacant site make an equal or enhanced contribution to the Conservation Area. In this case the demolition of the boundary wall will erode the enclosure of the street and erode the green front garden space. Therefore, the resultant development will harm (i.e. will not conserve or enhance) the character of this part of the Conservation Area. The application is therefore contrary to Policy GP4.

As noted above, THS advised that new vehicular openings ought to comply with five criteria to be supported. This application only complies with three out of the five, sufficient width, square on to the road and is over 20m away from a junction.

For a Local Circulation Route, the sightlines should be 33m in the direction of the oncoming traffic, but the available sightline is only 12m, which is less than half. Within the visibility splays there should be no obstructions over 0.9m high, however in this case the neighbouring property’s front garden wall and hedge are over this height, which further reduces the ability to see oncoming traffic. The application is therefore contrary to Policy IP9.

For the reasons set out above, the recommendation for this application is for refusal.

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 Trees or Monuments or on SSS's.

Date: 30/12/2022