

**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 22/04/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

**Date of refusal of permission:** 23/06/2022

**Drawing Nos:** Naftel Associates: A210401/PD/600A & /610.

**Application Ref:** FULL/2022/0972

**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 open garage, by virtue of the size of the overall opening proposed to accommodate vehicles accessing the garage and afford visibility of oncoming vehicles and pedestrians to drivers exiting the garage, is not well designed, does not offer screening of the hardstanding and vehicles to be accommodated across the site frontage and would therefore appear incongruous and detract from the character and appearance of Guelles Lane, being unacceptably detrimental to the visual amenities of the area and contrary to Policies GP8 a., c. and e. of 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/2022/0972  
**Property Ref:** A102780000  
**Valid date:** 22/04/2022  
**Location:** Parkway Guelles Lane St. Peter Port Guernsey  
**Proposal:** Erect garage with raised terrace at first floor level to north boundary (revised scheme).  
**Applicant:** Pulse Mechanical Electrical

**RECOMMENDATION - Refusal with Reasons:**

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**REASONS FOR REFUSAL**

1. The proposed open garage, by virtue of the size of the overall opening proposed to accommodate vehicles accessing the garage and afford visibility of oncoming vehicles and pedestrians to drivers exiting the garage, is not well designed, does not offer screening of the hardstanding and vehicles to be accommodated across the site frontage and would therefore appear incongruous and detract from the character and appearance of Guelles Lane, being unacceptably detrimental to the visual amenities of the area and contrary to Policies GP8 a., c. and e. of the Island Development Plan.

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**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.

FULL/2021/2396 - Erect garage with raised terrace at first floor level to north boundary (Revised Scheme) – 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.

FULL/2021/2471 - Erect two storey pool room, extend raised terrace area and erect Braai outdoor kitchen and flue to south (rear) elevation – refused

**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 carport 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 garage has limited width and does not allow vehicles to turn on site or egress square to the carriageway but notes that the scheme demonstrates the realistic views accessible to a driver leaving the garage thereby improving and line of sight having regard to the previous refusals. This scheme allows cars to both exit the parking area forward and the curvature of Guelles Lane increases visibility distances from the garage because oncoming vehicles are forced to stay within the view of a driver. A further enhancement has been to introduce traffic mirrors to the west columns, reflecting the eastward view. The open nature of the garage will offer vehicles and pedestrians sight of manoeuvring vehicles.

**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:**

None.

### **Consultations:**

Traffic and Highway Services - this application is effectively the most recent iteration to previous plans submitted and commented on by THS relating to this site. Previous comments by THS have centred around the road safety aspects of creating a garage and access. Previously, THS objections have been based on the poor sightline of an egressing driver due to the design of the access.

Under this application, the garage area is shown as being 'open' to the road side, and forms an approximately 15m wide access with two pillars supporting the structure at the boundary of the road. Whilst THS would accept that the vehicle paths shown on the architectural drawing submitted provide the only logical driving paths in and out of the access, THS qualify that this acceptance is based on the garage only being used by two vehicles, parked at either end of the structure as shown on the plans.

THS concern relating to this design, is that fundamentally if such a design was allowed, planning permission could not be conditioned in such a manner to restrict use to only two vehicles. Given the size of the structure, and available space within it, it is absolutely feasible that more than two vehicles could use the structure, (up to a maximum of five vehicles parked on the angle). In this scenario, and given the one-way direction of approaching vehicles, the reality of likely use, is that drivers would drive forward into the access to park on the angle and then reverse out into the carriageway. On this basis, I would object to the application on road safety grounds.

### **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.**

##### **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 re-formed with a low, granite fronted wall.

Although the previous schemes to erect a garage at Parkway were considered to accord with planning policy these related to an enclosed garage structure whereas the scheme currently under consideration is more akin to a carport, with the entire frontage open to Guelles Lane. This represents a material change to the scheme although the policies against which the application is considered have not changed.

The current application would create a 17m wide opening across the entire site frontage broken up only by two vertical rendered columns to support the terrace above. The carport structure would be 2.6m high (2019 refused scheme 2.3m), with a slate clad finish to reflect an approved 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 formation of a very wide and open garage across the entire frontage as proposed in this application would offer no screening of the hardstanding and parked vehicles within the garage area. This does not reflect the character of the locality where roadside boundaries are marked by banks and walls. The proposal would not represent a good standard of design, would be out of character in this area and have a detrimental impact on the character of the area, contrary to with Policies GP8 a. (design), c. (respect local built environment) and d. (hard landscaping that reinforces local character and distinctiveness) and Policy 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 in this respect 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).

The scheme would allow for manoeuvring on site, as shown on the submitted swept path analysis and, when used in line with the layout shown on the application drawings, 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 still proposes to 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 and proposes the introduction of traffic mirrors to show how vehicles would access the garage via the central opening. The amended scheme under consideration now shows that there would be a significant improvement in the visibility splay. Previously this splay was just 6m where the recommended sightline would be 22m and the supporting information shows visibility of vehicles travelling along the one-way road to be in excess of 20m because of the open nature of the site frontage which represents a significant improvement from a highway safety perspective.

It also remains that, 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 carport vehicles manoeuvring would be almost entirely hidden to both oncoming vehicles and pedestrians in the area.

THS have commented on the use of planning conditions, acknowledging the difficulty of limiting the number of vehicles using the garage. For example, two small cars could occupy one of the parking spaces proposed without interfering with the central access point meaning that four small cars could potentially be accommodated in the space of two standard size vehicles. Even limiting the number of vehicles stored in the garage could not prevent inconsiderate parking as described, where angled parking in the garage would result in the tail end of vehicles projecting into the highway. If the scheme were considered acceptable in all other respects, it would be appropriate to impose a condition relating to the provision and layout of the parking area, including traffic mirrors, prior to the garage being brought into use and requiring mirrors to be retained in the interests of highway safety as, in this case, they do offer some benefit to the scheme.

Nonetheless, as amended, the scheme does address the previous reason for refusal with regard to road safety and 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.

### Conclusion

The proposed works to create an open carport across the entire property frontage, by virtue of its impact on the character and appearance of the locality, would have a detrimental impact on the local built environment contrary to Policies GP8 and GP13 of 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 June 2022

