

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 roadside wall to create vehicle access.

LOCATION: Le Petit Coin, Le Bouet, St. Peter Port.

APPLICANT: Mr J Lindley

I refer to the application referred to below received as valid on 14/06/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 02/09/2022

Drawing Nos: ArcTech JL-22-1080-01

Application Ref: FULL/2022/1278

Property Ref: A106330000

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, if permitted, would result in the removal of a 4m section of roadside wall at Le Petit Coin which would represent an unsightly gap and have a detrimental effect on the enclosure to Le Bouet and on the character and visual amenity of the area. The development is therefore contrary to Policy GP8 a) and c) 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/2022/1278
Property Ref: A106330000
Valid date: 14/06/2022
Location: Le Petit Coin Le Bouet St. Peter Port Guernsey GY1 2AX
Proposal: Demolish section of roadside wall to create vehicle access.
Applicant: Mr J Lindley

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed development, if permitted, would result in the removal of a 4m section of roadside wall at Le Petit Coin which would represent an unsightly gap and have a detrimental effect on the enclosure to Le Bouet and on the character and visual amenity of the area. The development is therefore contrary to Policy GP8 a) and c) of the Island Development Plan.

OFFICER'S REPORT

Site Description:

The property known as 'Le Petit Coin' is an end of terrace pre-1900 two storey dwelling, which is set back from and faces east onto Le Bouet. To the north is the rest of the terrace, to the west and across the road to the east are neighbouring properties and to the south is Capstan Walk, an access road to a clos behind and there is parking for approximately 12 cars between the south boundary and the access road. The property is located within the St Peter Port Main Centre Outer Area as defined in the Island Development Plan.

Relevant History:

FULL/2019/2156 – Demolish roadside wall to create vehicle access – Refused November 2019.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to demolish a 4m section of roadside boundary wall to create a vehicular access.

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

GP8: Design

GP13: Householder Development

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

The Traffic and Highways Services consult from 2019 has been referred to as there have not been any significant changes since the previous consult:

'There are some road safety and traffic management concerns but do not consider there are sufficient grounds on which to oppose the application.'

Access considerations:

- a) The maximum height of roadside obstructions is 900mm or 750mm if in close proximity to a school;*
- b) Have sufficient width to enable cars and light vans to exit and enter the drive without crossing into the path of approaching traffic;*
- c) Be sited at a distance not less than 20m from a junction;*
- d) Be square to the carriageway.*

The visibility splay from the proposed access for oncoming traffic is in excess of the minimum standard. The sightline for approaching traffic is 8.5m which is significantly below the minimum standard. However, this is somewhat mitigated by the good forward visibility for drivers approaching from that direction.

There is no provision for a turning point on the site and therefore vehicles will either have to reverse into the parking area, which would cause some traffic management concerns, or reverse out onto the highway which is against the advice found in the Highway Code and would cause some road safety and traffic management concerns. However, again this is somewhat mitigated by the good forward visibility a driver would have from either direction of a vehicle manoeuvring into or out of the parking area.

Although the road is labelled as a Traffic Priority Route it must be noted that since Elizabeth Avenue was created the volume of traffic using Le Bouet has reduced not insignificantly with many drivers now opting to use the route through Admiral Park/Les Banques signalised junction rather than the Longstore junction.'

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on highway safety.

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 noted above there has been a recent application to create vehicular parking which was refused. Since 2019 there have been no changes in policy and no material change in the surrounding area of Le Bouet. Therefore the previous application assessment still stands.

Policy GP13: Householder Development stipulates that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Areas, Areas of Biodiversity Importance, protected buildings or protected monuments.

GP8: Design indicates that new development will be supported where it is demonstrated that it has been designed to a good standard of architectural design, taking into account energy uses and will not have an unacceptable impact on neighbouring amenity or designated areas.

Impact on the character and appearance of the area and residential amenity

The proposal will not have an unacceptable impact on the amenities enjoyed by the occupiers of any surrounding dwellings with regard to Policy GP8 of the Island Development Plan.

In this case the scheme would see the removal of a 4m section of roadside wall fronting Le Bouet and would result in a gap which would affect the enclosure to Le Bouet. The other properties in the terrace of properties to the north of Le Petit Coin retain their front boundary walls and railings and do not benefit from off-road parking from Le Bouet. The retention of a small section of wall and the existing gate pillars would do little to mitigate the impact of the hardstanding at the front of the property on the character and appearance of the locality.

The sense of enclosure contributes to the character and appearance of the area and the scheme, to remove a 4m section of the roadside wall, therefore fails to accord with GP8 a) design and c) respecting the character of the local built environment of the Island Development Plan.

Sandringham Villa, which is located two properties away from the application site to the north, is a Protected Building. The listing relates to the whole of the building, together with the roadside wall, railings and gate. Removal of the front roadside wall at the application site as proposed would of itself have a limited impact on the setting of the Protected Building, however approval of the current proposal would set a precedent which could result in substantial further negative impact on the character of the area and on the setting of the nearby Protected Building.

Parking Provision in the Main Centre and Impact on Road Safety

Policies IP7 and IP9 relate to private car parking and highway safety, accessibility and capacity respectively. Policy IP7 of the Plan relates to the provision of off-road parking for developments with regard to the adopted Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment (December 2016). The guidance relates primarily to new developments but does identify that although the standards will be expected to be met they are intended as guidance and are not, therefore inflexible. Within the Main Centre general parking standards indicate that housing with less than three habitable rooms will be assessed on their own merits and three to four habitable rooms has a maximum provision for car parking spaces of 2 spaces per dwelling.

The site is well located with regard to services and amenities and within close proximity to a bus route. Having regard to the maximum parking standards in this location, 2 spaces per dwelling would accord with the Supplementary Planning Guidance assuming the property has three to four habitable rooms. It is not essential however, for two spaces per dwelling to be provided here.

Vehicular gates exist to the south boundary of the property which may allow a single vehicle to be parked within the rear garden area of the property. The site is located in an area where maximum parking standards apply for new development; for a dwelling such as this the maximum standard is for two off-road parking spaces. The scheme in combination with the existing access from the south would enable three vehicles to be accommodated off-street which would exceed the parking standards in this location.

Policy IP9 relates to highway safety matters and Le Bouet is a Traffic Priority Route, THS have identified that the proposed development would represent some traffic management and road safety concerns but that these would not be sufficient to warrant the refusal of planning permission in this case. On balance therefore, the scheme therefore accords with Policy IP9 of the Island Development Plan.

Conclusion

Although the concerns relating to parking and traffic matters would not of themselves justify the refusal of planning permission in this case, in view of the significant negative impact of the proposal on the character and appearance of the area and the consequent conflict with IDP Policy GP8 it is recommended that planning permission is refused for the development proposed.

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 adverse impact on protected trees, buildings or sites. Effect on the setting of the nearby Protected Building, Sandringham Villa, is addressed above.

Date: 31/08/2022