

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 to create vehicle access.

LOCATION: Asgard House, La Gibauderie, St. Peter Port.

APPLICANT: Mr & Mrs G Slane

I refer to the application referred to below received as valid on 20/10/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 22/03/2023

Drawing Nos: 2022/01/A, 02/A, 03/A & 04/A

Application Ref: FULL/2022/1612

Property Ref: A204780000

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 removal of a section of wall would have a significant detrimental effect on the character and appearance of the Conservation Area, contrary to Policy GP4 (Conservation Areas) of the adopted Island Development Plan.
2. The parking area created does not include a turning point, and the depth of the parking space would prevent a car from parking perpendicular to the highway, which cumulatively would make manoeuvring into and out of the access difficult. The driver would be forced to parallel park which in turn would affect sightlines towards oncoming traffic to the west given that the driver would have to look over their shoulder. The access point and parking space created would result in substandard functional design which in turn would result in road safety concerns.

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/2022/1612
Property Ref: A204780000
Valid date: 20/10/2022
Location: Asgard House La Gibauderie St. Peter Port Guernsey GY1 1XG
Proposal: Demolish roadside wall to create vehicle access.
Applicant: Mr & Mrs G Slane

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed removal of a section of wall would have a significant detrimental effect on the character and appearance of the Conservation Area, contrary to Policy GP4 (Conservation Areas) of the adopted Island Development Plan.
 2. The parking area created does not include a turning point, and the depth of the parking space would prevent a car from parking perpendicular to the highway, which cumulatively would make manoeuvring into and out of the access difficult. The driver would be forced to parallel park which in turn would affect sightlines towards oncoming traffic to the west given that the driver would have to look over their shoulder. The access point and parking space created would result in substandard functional design which in turn would result in road safety concerns.
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OFFICER'S REPORT

Site Description:

The application site known as Asgard House comprises a two storey, mid terrace property located to the south of La Gibauderie, St. Peter Port. The property is located in a Main Centre Outer Area and Conservation Area as designated in the Island Development Plan.

The residential properties along this extensive terrace are well defined to the front, all with their original front gardens and boundary walls intact. For the avoidance of doubt, the terrace in question includes properties between 'Rosewood' and 'No.3 Allendale Villas'.

To the east of this terrace, a small number of properties have parking provision to the front of their respective properties, although the majority have created such provision without planning permission. Recent approval (FULL/2020/0774) has been granted to widen an access that had been created some time ago. To the west of this terrace, the character of the front gardens remains relatively consistent, predominantly defined by

enclosed front gardens by roadside walls and pillars. A few properties within this terrace feature car parking to the rear.

Relevant History:

PAPP/2005/3320 Asgard A204780000	Remove roadside wall and gate pillar and create car parking area.	Refused
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There is a history of refusals for parking to the front of the properties along La Gibauderie.

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to demolish a roadside wall and pillar to create vehicle access. As stated on the drawing submitted, the proposed parking area would be 5.5m x 2.7m.

It is recognised that the proposed drawings are shown at 1:50 scale, although are not accurate when 'read' off the plan. The applicant has however specified measurements on the drawing on both the survey plan and proposed plan.

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

GP4 Conservation Areas
GP8 Design
GP9 Sustainable Development
GP13 Householder Development
IP9 Highway Safety, Accessibility and Capacity

Representations:

The Authority has received a letter of representation from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- The loss of the roadside wall.
- Undesirable precedent that this could set if approved.
- On street parking would be affected.
- Numerous planning refusals for similar proposals in the surrounding area.

Consultations:

None

Summary of Issues:

- The effect on the Conservation Area.
- Whether the design of the proposed vehicle access is acceptable.
- Whether the proposed vehicle access would negatively impact on highway safety and traffic management.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

Under Section 38 of The Land Planning and Development (Guernsey) Law, 2005 the Authority has a duty to pay *“special attention to the desirability of preserving and enhancing the character and appearance”* of Conservation Areas. This duty is encapsulated in Policy GP4 (Conservation Areas) which states that *“proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.”*

The character to the front of this terrace is well defined by traditional roadside stone walls and pillars and is consistent and cohesive within the street scene. Consequently, the roadside walls and pillar positively contribute to the character and appearance of the Conservation Area, and the loss of such features would have an adverse effect on the Conservation Area and would conflict with Policy GP4 and the Law. In addition, the loss of such wall and pillar could set an undesirable precedent for similar types of development elsewhere within the terrace or in the wider area.

The proposal would also result in some road safety concerns by virtue of its functional design. The parking area created does not include a turning point, and the depth of the parking space would prevent a car from parking perpendicular to the highway, which cumulatively would make manoeuvring into and out of the access difficult. The driver would be forced to parallel park which in turn would affect sightlines towards oncoming traffic to the west given that the driver would have to look over their shoulder. Consequently, the access point and parking space created would result in substandard functional design and would raise highway safety and traffic management concerns.

It is considered that the effect on the Conservation Area and traffic concerns raised would be so substantial that they would outweigh the reasonable aspirations of the property owner. It is recommended that this application be refused for the above reasons.

Date: 20/03/2023

