

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT 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

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 03/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Naftel Associates - A210401 600B & 610A.

Application Ref: FULL/2022/1670

Property Ref: A102780000

Conditions and reasons:-

1.All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2.The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3.The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4.The garage hereby approved shall not be brought into use until the timber sliding garage doors have been installed and made operational.

Reason - In the interests of the visual amenity of the area.

5.Unless otherwise approved in writing by the Authority, the multi coloured Z Clad slate cladding referenced on the approved plan shall match the details approved under application reference FULL/2021/2186.

Reason - For the avoidance of doubt and in the interests of visual amenity.

6.Prior to the commencement of any work in connection therewith details of the timber garage door hereby approved shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature and this condition is imposed to ensure the garage door does not have an adverse impact on the character of the area.

Expiry Date: This permission will cease to have effect on 02/10/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.
- (5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

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, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. 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. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the 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 under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2022/1670
Property Ref: A102780000
Valid date: 15/08/2022
Location: Parkway Guelles Lane St. Peter Port Guernsey GY1 2DD
Proposal: Erect garage with raised terrace at first floor level to north boundary (revised scheme).

Applicant: Pulse Mechanical Electrical

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. The garage hereby approved shall not be brought into use until the timber sliding garage doors have been installed and made operational.

Reason - In the interests of the visual amenity of the area.

5. Unless otherwise approved in writing by the Authority, the multi coloured Z Clad slate cladding referenced on the approved plan shall match the details approved under application reference FULL/2021/2186.

Reason - For the avoidance of doubt and in the interests of visual amenity.

6. Prior to the commencement of any work in connection therewith details of the timber garage door hereby approved shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature and this condition is imposed to ensure the garage door does not have an adverse impact on the character of the area.

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

FULL/2022/0972 - Erect garage with raised terrace at first floor level to north boundary (revised scheme) – refused due to adverse impacts on the character and appearance of Guelle Lane, detrimental to the visual amenities of the area and contrary to Policies GP8 a., c. and e. of the Island Development Plan.

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 garage offering 2 parking spaces. The flat roof above will offer a roof terrace enclosed by a glazed balustrade.

The accompanying letter sets out that permission has previously been granted for a vehicular access and parking area (FULL/2018/0288) which has been implemented but not completed due to ongoing works at the site. The submission outlines that the creation of a central vehicular access with parking spaces either side has been accepted by this permission and that the introduction of a terrace is acceptable. As submitted it is explained that the proposal is similar in design to a scheme refused permission under reference FULL/2019/2101 but that the refusal related only to road safety grounds. The proposed garage door would be 7.5m wide, similar to others in the locality, with the door and roadside wall set at an angle to achieve the necessary visibility splays and see a physical enclosure reinstated representing a good standard of design without harm to residential amenity.

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

Representations:

None.

Consultations:

Traffic and Highway Services commented on the 2018 scheme as follows and access to the site and visibility onto the one way road, Guelles Road would not significantly alter from the previously approved scheme:

The site is situated in Guelles Lane, St Peter Port and the access is located 40m from the junction with Guelles Road. Guelles Lane is classified as a Neighbourhood Road within the Traffic Management hierarchy. A 25mph speed limit applies past the site. Therefore, a recommended sightline of 20m would apply. The site is located in the Main Centre Outer area, as defined within the IDP.

The carriageway outside the proposed access is 4.1m wide, although the remainder of Guelles Lane is circa. 2.5m wide up to the access. Guelles Lane is characterised as a narrow, twisting one-way lane, without pedestrian footpath. Although lightly used, it is a main walking route for children attending the nearby Amherst School. THS acknowledge that given the geometry of the lane, that the lane itself has substantial speed reducing characteristics.

The plans supplied with this application show a 4.5m wide access opening out onto the carriageway. As Guelles Lane is a one-way, with traffic approaching the proposed access from the right, only this sightline would apply.

Using a datum of 2.0m from the carriageway edge, a sightline of 22m in the direction of oncoming traffic will be available. The extent of the sightline is the vegetation on the boundary of the site to the East. The recommended standard is met.

THS note that given that the access does not allow vehicles to turn on site, that vehicles would not be egressing square to the carriageway. It is felt that in this instance, with the road being one-way, and the sightline of oncoming traffic meeting the required standard, that this will not present either a traffic management or road safety issue for users of the proposed access, or other road users.

From an active travel perspective, the site is ideally located for either pedestrian or cycle based commuting to and from the Town area, and is served with two scheduled bus services to and from St Peter Port, stopping within 100m of the site.

In conclusion, there are no road safety or traffic management grounds to oppose the application.

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.

The current application would create a 7.5m wide opening in the centre of the roadside boundary with timber sliding doors set at an angle to the road. The garage structure would be 2.3m high, 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 and hedging, whilst the boundaries on the opposite side of the road are formed by granite and rendered walls of mixed height.

The development now proposed, to offer an enclosure to the roadside boundary and screening of vehicles parked on site, would not be out of character in this area and, taking into account the detailed design of the structure, would not have an adverse impact on the character of the area, in accordance with Policies GP8 (Design) and GP13 (Householder Development). Following the earlier refusal of permission for an open car port on the site however, it is considered reasonable to require the garage doors to be installed prior to the garage being brought into use in order to offer a means of enclosing the entire site frontage when these doors are shut in the interests of the character of the locality in line with Policy GP8 of the IDP.

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 proposed access arrangement has previously been granted planning permission, albeit with a low roadside wall rather than a fully enclosed garage. Nonetheless, the arrangements would allow for manoeuvring on site, and there would be no need for a vehicle to exit the site in a reverse gear and THS have previously identified that, in this particular case, the proposal would not give rise to any road safety or traffic management concerns and the scheme therefore complies with 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 enclosed garage at the property frontage would not have an unacceptable detrimental impact on the character and appearance of the locality and local built environment. The scheme accords with Policies GP8 and GP13 of the Island Development Plan. Furthermore, the scheme offers satisfactory off-road parking provision and does not generate road safety or traffic management

concerns in line with the requirements of Policies IP7 and IP9. Consequently it is recommended that the application be granted permission.

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: 03 October 2022