

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 wall to widen vehicle access.

LOCATION: Le Coin, Clos Du Calais, St. Martin.

APPLICANT: Mr & Mrs M A Nickolls

I refer to the application referred to below received as valid on 19/10/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 30/11/2022

Drawing Nos: Plan entitled proposed removal of wall at Le Coin

Application Ref: FULL/2022/2059

Property Ref: J016650008

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 widening of the vehicular access as proposed would result in an open roadside boundary which does not respect the character and appearance of the Clos contrary to Policy GP8 and GP13 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/2022/2059
Property Ref: J016650008
Valid date: 19/10/2022
Location: Le Coin Clos Du Calais St. Martin Guernsey GY4 6AY
Proposal: Demolish section of wall to widen vehicle access.
Applicant: Mr & Mrs M A Nickolls

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The widening of the vehicular access as proposed would result in an open roadside boundary which does not respect the character and appearance of the Clos contrary to Policy GP8 and GP13 of the Island Development Plan.

OFFICER'S REPORT

Site Description:

Le Coin is a detached pitched roof one and a half storey dwelling situated to the east of Clos Fallaize (Clos Calais). A hedge marks the roadside boundary and the vehicular access and parking is situated to the south of the dwelling.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2019/0538 - Remove hedge, erect 1m high wall and widen vehicular access to north-west (front) boundary – granted following a deferral to reduce the width of the access.

Originally the access was shown to be widened to 9.2m wide (existing approximately 3.4m wide). However the application was deferred following concerns regarding the impact of the development and the open frontage on the character and appearance of the locality. The access width proposed has been reduced to 6.8m wide, an increase of 3.4m from the existing access arrangement.

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application relates to the demolition of a 1.8 m section of the west boundary wall in order to widen the vehicular access to 8.6m.

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

Island Development Plan policies:

GP8: Design

GP13: Householder Development

IP9: Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issue in this case is the impact of the widening of the access on the character and appearance of the locality.

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.

With regard to the proposed access, as a general guide an access of 3.5 to 4.0m is usually considered to be adequate for residential properties. Although the width of the access point exceeds that range it is noted that other properties in the immediate area benefit from wide accesses that significantly exceed 4m. The site is not situated in a Conservation Area but the existing roadside boundary wall offers a boundary feature that provides an element of enclosure and screening to the hardsurfaced area associated with Le Coin.

The preceding text to Policy IP9, notes that, *"the Authority will balance any impact on the character of the locality concerned with affording a significant degree of flexibility so that reasonable development aspirations can be met."* The 2019 scheme saw a significant widening of the existing vehicular access serving the property (from 3.4m to

6.8m) and there has been no change in the policies against which applications are considered. The widening of the access at Le Coin to 9.2m under the 2019 scheme was considered to have a detrimental impact on the character of the area because it would result in an open frontage. An access just 0.6m narrower than this would not satisfactorily address the concerns raised in 2019 about the impact on the area.

The widening of the vehicular access as proposed would result in an open roadside boundary which does not respect the character and appearance of the Clos and which is contrary to Policy GP8 and GP13 of the IDP.

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: 28 November 2022