

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 (revised scheme).

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 08/11/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 09/02/2023

Drawing Nos: Arctech drawing no: JL-22-1080-01A

Application Ref: FULL/2022/2191

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/2022/2191
Property Ref: A106330000
Valid date: 08/11/2022
Location: Le Petit Coin Le Bouet St. Peter Port Guernsey GY1 2AX
Proposal: Demolish section of roadside wall to create vehicle access (revised scheme).
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/2022/1278 – Demolish section of roadside wall to create vehicle access – Refused September 2022.

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 section of the roadside boundary wall to create vehicular access for parking, this is a revised scheme.

Although the plans have not changed from those recently refused (September 2022), the agent has submitted a letter which attempts to provide further justification, including;

'The scheme is in essence forming an opening within an existing low roadside garden wall, which in of itself is devoid of any concept of 'design''. Given the hugely inconsistent features of the front amenity boundaries along the road in question, as well as the large number of properties along the road that already have parking within their front amenity spaces, combined with any lack of contextual comments from the planning department the refusal on these grounds seems rather abstract, more so as the site is located outside of the conservation zone negating any BS7913:2012 matrix assessment.

As we have shown with the prior photos the character of this stretch of road is hugely inconsistent in its design, with many differing boundary features, including multiple aspects of similar front amenity parking, low rendered walls with cast iron railings, painted granite walls, pillars, several differing types of brick copings etc. to the point that this 4 metre stretch of wall can be reasonably argued to be contrary to the local built environment. As previously we feel in this case purely stating GP8 b) is not a sufficient response or reason for refusal.'

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:

None.

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

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.

An application to remove a section of roadside wall from this property has been submitted twice before, and has been refused on both occasions. The reasons for the refusals were similar in both cases and those reasons have not changed. The scheme has not changed. The agent provided a letter which, rather than providing further justification for the reason why the parking space should be allowed, merely discussed why the Planning Authority was wrong to refuse the application.

The sense of enclosure along Le Bouet begins when one turns onto Le Bouet from the front. As the corner approaches, the granite walls either side are indicative of the character of the area and this feeling of enclosure and features of granite wall characteristic to the area is retained in the low front boundary walls of the properties located on the corner as you approach Capstan Walk direction towards the traffic lights at Elizabeth Avenue, which continues the character into the next section of the road.

None of the dwellings between Capstan Walk and Arculon Lane have front garden parking, on either side of Le Bouet, so to allow this one would set a precedent which would further erode the character of the area. Notwithstanding the fact that this section of road is not within a Conservation Area, this does not mean that the character of that area stops being worth preserving. Policies GP8 and GP13 are mindful of protecting an area's character regardless of the location.

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.

It is considered that the additional information provided with this application is not sufficient to overcome the original reasons for the refusal to warrant the Authority to change the previous decision of a refusal.

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 impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 08/02/2023