

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: Remove and alter section of roadside wall to create vehicle access to west boundary (Protected Building).

LOCATION: No. 3 Cameron Place, Upper St. Jacques, St. Peter Port.

APPLICANT: Mr & Mrs J Holt

I refer to the application referred to below received as valid on 16/02/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 03/05/2023

Drawing Nos: A7 Design Ltd - 20-1123 PD/01A

Application Ref: FULL/2023/0286

Property Ref: A206040000

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 wall forms part of the roadside enclosure of the property and forms part of the character of this part of the St Peter Port Conservation Area. Its removal would have a negative effect on the character of the Conservation Area. Policy GP4 requires development to conserve (i.e. do no harm) or enhance the special character of the Conservation Area. However, it is not considered that the development would either enhance or conserve the current character and as such would be contrary to the requirements of Policy GP4: Conservation Areas.
2. The proposed loss of a section of front boundary wall would be harmful to the setting of the Protected Building. The degree of harm that would be caused in this case is not outweighed by the reasonable aspirations of the property owner and the proposal conflicts with IDP Policy GP5: Protected Buildings.
3. 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. Consequently, the access point and parking space created would result in

substandard functional design and would raise some highway safety and traffic management 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/2023/0286
Property Ref: A206040000
Valid date: 16/02/2023
Location: No. 3 Cameron Place Upper St. Jacques St. Peter Port Guernsey GY1 1SU
Proposal: Remove and alter section of roadside wall to create vehicle access to west boundary (Protected Building).
Applicant: Mr & Mrs J Holt

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The wall forms part of the roadside enclosure of the property and forms part of the character of this part of the St Peter Port Conservation Area. Its removal would have a negative effect on the character of the Conservation Area. Policy GP4 requires development to conserve (i.e. do no harm) or enhance the special character of the Conservation Area. However, it is not considered that the development would either enhance or conserve the current character and as such would be contrary to the requirements of Policy GP4: Conservation Areas.
 2. The proposed loss of a section of front boundary wall would be harmful to the setting of the Protected Building. The degree of harm that would be caused in this case is not outweighed by the reasonable aspirations of the property owner and the proposal conflicts with IDP Policy GP5: Protected Buildings.
 3. 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. Consequently, the access point and parking space created would result in substandard functional design and would raise some highway safety and traffic management concerns.
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OFFICER'S REPORT

Site Description:

The property known as 'No. 3 Cameron Place' is a three and a half storey Victorian town house built in the mid-1800's. The building is set slightly back from and faces west onto Upper St Jacques. There are attached dwellings to the north and south and other residential properties across the road to the west and to the east beyond are rear gardens. The property is located in the St Peter Port Main Centre Outer Area and

Conservation Area (CA) as defined in the Island Development Plan. The property is one of four in a row which are Protected Buildings (PBs).

Relevant History:

PREA/2020/0653 – Creation of parking – Closed March 2020.

FULL/2012/3073 - Erect roadside wall and gates and replace paving. (Protected Building)
– Approved November 2012

PAPP/2003/3695 - Remove roadside wall and create a car parking area – Refused
November 2003.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to remove and alter a section of the west boundary roadside wall to create a vehicle access and parking for the Protected dwelling-house.

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

GP4: Conservation Areas
GP5: Protected Buildings
GP8: Design
GP13: Householder Development
IP9: Highway Safety, Accessibility and Capacity.

Representations:

There has been one letter of representation in support of the application;
The author looked at other applications in the area where off street parking by removing roadside boundary walls formed the purpose of the application.

They note that only 1-3 Cameron Place do not have off street parking, therefore it can no longer be reasonably argued that it is necessary to preserve the character of the area by retaining the roadside wall.

The letter also states that they support the aspects of the covering letter lodged in support of the application by the applicant namely that the wall in question is clearly not part of the original building. It goes on to say the Authority appears to have simply decided to make all of these properties protected without any proper assessment of whether all of the property in fact warrant protected status, and this approach has thus captured later changes to the buildings which have no historic status.

Whilst it is appreciated, from previous refusals of planning permission for similar applications, that there is a desire to retain the character of the area, this has to be counterbalanced by the fact that planning decisions should not unreasonably restrict a property owners right to develop their premises, to improve the utility of the space. Given the reduction the parking in the area, and the already diminished extent of enclosed walled front areas of properties on the road, it is submitted the balance is in favour of granting permission.

It is noted the intention of the applicants is to purchase an electric car. Without on-site parking it would not be possible to charge the car when required as it would either mean parking on a yellow line or hoping that the space currently outside No.3. is free (which it rarely is).

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the special interest of the Protected Building
- Impact on the character and appearance of the Conservation Area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

Section 34 of the Law explains the general functions of authorities in respect of protected buildings. This states that:

It is the duty of any department of the States when exercising its functions under this Law –

- (a) to secure so far as possible that the special historic, architectural, traditional or other special characteristics of buildings listed on the protected buildings list (“protected buildings”) are preserved, and
- (b) in particular, in exercising its functions with respect to a protected building or any other building or land in the vicinity of a protected building, to pay special attention to the desirability of preserving the protected building’s special characteristics **and setting** [emphasis added].

Section 38 of the Law explains the general functions of authorities in respect of conservation areas. This states that:

In the exercise, with respect to any building or other land in a conservation area, of any powers under this Law or any other enactment, special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that area.

In respect of these statutory duties, the word 'preserve' is taken in its ordinary meaning as set out in Chamber's dictionary, which is 'to keep safe from harm or loss'.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely. Relevant policies will be addressed below in assessing the key issues.

Section 13 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, sets out a number of general material considerations, the following of which are considered to be relevant in this instance:

- (b) the character and quality of the natural and built environment, which is likely to be created by the development,
- (c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,
- (d) the likely effect of the development on the character and amenity of the locality in question,
- (e) the likely effect of the development on roads and other infrastructure, traffic and essential services.

Section 15 clarifies that the considerations referred to in paragraphs (b) and (c) of section 14 also apply to protected buildings.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

In 2003 an application was refused to remove the wall to create parking. Some time before 2012 the wall was removed without permission and subsequently an application was submitted to rebuild the wall as it was part of the listing of the protected building in 1989.

The application is supported by a Statement of Significance contained within the supporting letter dated 01.02.23. This also includes an explanation of why the applicant deems the works are necessary and the possible benefits of the development.

The agent's letter assigns a low value to the protected boundary wall on the basis that it is of modern construction. As noted above, the wall was demolished without planning permission and subsequently rebuilt. This explains why its present state is a rendered blockwork wall. Whilst to some degree it is agreed that the historic appearance of the front gardens has been eroded, this does not diminish that fact that (apart from No.4) the front gardens of the buildings in the terrace remain and they are separated from the pavement by a boundary wall.

As part of the benefits of the development highlighted by the agent several points are raised, including;

- The demand for parking in the area,
- The ability to move a public car parking space, deemed as unfit for purpose by the agent
- The design of the development would be similar to what would have been the original appearance

The four properties which make up Cameron Place are Protected Buildings and therefore are subject to additional policy constraints which seek to secure, as far as possible, that the special characteristics of a protected building and its setting are preserved. The proposed development has been assessed to see if the harm to the special interest of the building outweighs the reasonable aspirations of the homeowner.

The roadside boundary walls of the three adjoining protected buildings positively contribute to the character and appearance of the Conservation Area. The loss of such features would have an adverse effect on the Conservation Area and would conflict with Policy GP4 and the Law. Although there may have been iron railings on the original wall, the configuration seen today is how the wall was protected. Leaving a 4m gap in the front boundary wall is not considered to be an improvement to the existing façade or preserving the Conservation Area.

The wall is considered to represent a boundary feature worthy of retention and the removal of a section of this wall would erode the character of the site which would be harmful to the character and appearance of the Conservation Area. The proposed loss of a section of front boundary wall would also be harmful to the setting of the Protected Building. The degree of harm that would be caused in this case is not outweighed by the reasonable aspirations of the property owner and the proposal therefore conflicts with IDP Policy GP5: Protected Buildings.

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. Consequently, the access point and parking space created would result in substandard functional design and would raise some highway safety and traffic management concerns.

In view of the above it is recommended that planning permission is refused for the removal of a section of roadside wall in connection with the formation of off-road parking to serve No.3 Cameron Place.

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.

Regarding the letter of support and reference to different application sites, each application is assessed on its own merits and distinctions can be made between this and other referenced sites. In relation to the inclusion of buildings as protected, this is subject to a robust and recognised process, and not simply 'made up' as inferred in the representor's letter.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Trees or Monuments or on SSS's.

Date: 26/04/2023