

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 wall and rebuild section to create vehicle access and parking and install replacement windows to north (front) of property (retrospective).

LOCATION: Kernevez, Le Grand Bouet, St. Peter Port.

APPLICANT: Miss M Forino

I refer to the application referred to below received as valid on 10/01/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 15/02/2024

Drawing Nos: PF+A Ltd 7711-02 B1,B2

Application Ref: FULL/2024/0065

Property Ref: A103960000

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 proposal to demolish the roadside wall and rebuild a section to create a vehicular access and parking area to the front (north) of the property would result in significant road safety and traffic management concerns by virtue of a combination of factors including; restricted sightlines, lack of a turning point, and the effect on traffic flows in the area due to vehicles reversing into or out of the car parking space.

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/2024/0065
Property Ref: A103960000
Valid date: 10/01/2024
Location: Kernevez Le Grand Bouet St. Peter Port Guernsey GY1 2SE
Proposal: Demolish wall and rebuild section to create vehicle access and parking and install replacement windows to north (front) of property (retrospective).
Applicant: Miss M Forino

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposal to demolish the roadside wall and rebuild a section to create a vehicular access and parking area to the front (north) of the property would result in significant road safety and traffic management concerns by virtue of a combination of factors including; restricted sightlines, lack of a turning point, and the effect on traffic flows in the area due to vehicles reversing into or out of the car parking space.

OFFICER'S REPORT

Site Description:

The property known as 'Kernevez' is a mid-19th century semi-detached two storey town house which is set slightly back from and faces north onto Le Grand Bouet. The attached semi is to the west and there are commercial buildings to the west, east and south of the two semi's. The property is located in the St Peter Port Main Centre Outer Area as defined in the Island Development Plan.

Relevant History:

FULL/2023/0432 - Erect extension at first floor level to south (rear) elevation – Approved May 2023.

Similar proposed development within the immediate surrounding area

FULL/2021/2642 – Hope Cottage – Infill pedestrian access, demolish section of wall to create vehicle access and parking – Refused March 2022.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This is a retrospective application to remove the roadside boundary wall and return, rebuild part of the wall to allow a 4m opening to create vehicle access and replace the three windows on the front elevation of the property.

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

GP1: Landscape Character and Open Land
GP8: Design
GP9: Sustainable Development
GP13: Householder Development
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 highway safety.

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.

Roadside walls form part of the distinctiveness and characteristics of the immediate street scene and of the general character of the Island. The removal of the wall in its entirety has already undermined the character and appearance of the area. However, whilst demolishing a section of boundary wall could be supported under policy, due to the more limited effect on the character of the area and visual amenity, the addition of a vehicular access on to Le Grand Bouet would generate road safety concerns.

The nearby parking in front of properties cannot be used as precedents as they were either in existence before the introduction of formal planning policy and the current

Island Development Plan or permission was never sought and they are now immune from enforcement action.

The new exemptions regarding vehicular access pertains to widening existing accesses rather than creating new ones. Any new openings have to conform to current policy. They are each assessed on their own merits.

Le Grand Bouet is classed as a Traffic Priority Route due to high traffic flows in the area. The speed limit is 25mph, which means there needs to be sightlines of 33m in each direction. The plans are not sufficiently detailed to be able to advise of the exact sightlines, but it is assumed that there would be ample sightlines in the direction of oncoming traffic (looking east), but this would necessitate the driver observing oncoming traffic over their shoulder. The sightlines to the west however are hindered due to the high railings of the church located two doors away from the site. The proposed parking area is also 20m away from the junction with Clos du Bois.

In order to allow for safer egress, it would be necessary for drivers to reverse into the access, affecting the flow of traffic, in order to be able to exit forward facing. This would be problematic because of traffic volumes along this priority route.

Therefore due to a number of factors, a lack of turning point, restricted sightlines, and the effect on traffic flows in the area due to vehicles reversing into the car parking space, the recommendation for this application is one of a refusal. In light of a refusal the wall must be rebuilt to the same parameters that previously existed.

The change in windows would be considered acceptable. However, in light of the parking element the application is refused in its entirety. Therefore, the windows (as they form a retrospective element) remain unlawful. The applicant is therefore advised to submit a further planning application for this area of work only to rectify this position. Due to this application being refused, there is the opportunity to submit another application within six months which would not incur another fee.

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: 13/02/2024

