

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 create vehicle access.

LOCATION: Chapter Two, Brock Road, St. Peter Port.

APPLICANT: Mr A Nadolski & Ms J Potter

I refer to the application referred to below received as valid on 14/02/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 28/05/2024

Drawing Nos: Block Plan (date stamped received 14th February 2024) & annotated photographs (date stamped received 5th February 2024).

Application Ref: FULL/2024/0227

Property Ref: A203780001

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 site is located within the St. Peter Port Conservation Area. The demolition of a section of the roadside wall to create a vehicular access and parking area to the front (east) of the property would have a significant detrimental effect on the character and appearance of the Conservation Area. The proposal neither conserves nor enhances the Conservation Area and is contrary to Policy GP4 (Conservation Areas) of the adopted Island Development Plan.
2. The parking area created would lead to road safety concerns by virtue of a combination of factors including restricted sightlines, and a lack of a turning point. Should a vehicle be driven into the proposed car parking space and reverse out onto Brock Road towards oncoming traffic, the driver would have to look over their shoulder. Consequently, the access point and parking space created would result in substandard functional design and raise road safety 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/2024/0227
Property Ref: A203780001
Valid date: 14/02/2024
Location: Chapter Two Brock Road St. Peter Port Guernsey GY1 1RS
Proposal: Demolish section of wall to create vehicle access.
Applicant: Mr A Nadolski & Ms J Potter

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The site is located within the St. Peter Port Conservation Area. The demolition of a section of the roadside wall to create a vehicular access and parking area to the front (east) of the property would have a significant detrimental effect on the character and appearance of the Conservation Area. The proposal neither conserves nor enhances the Conservation Area and is contrary to Policy GP4 (Conservation Areas) of the adopted Island Development Plan.
 2. The parking area created would lead to road safety concerns by virtue of a combination of factors including restricted sightlines, and a lack of a turning point. Should a vehicle be driven into the proposed car parking space and reverse out onto Brock Road towards oncoming traffic, the driver would have to look over their shoulder. Consequently, the access point and parking space created would result in substandard functional design and raise road safety concerns.
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OFFICER'S REPORT

Site Description:

The application site known as Chapter Two consists of a semi-detached, two storey building which fronts onto Brock Road to the east. The rear of the property faces onto a parking area with vehicular access onto Rosaire Avenue.

The property is located in a Main Centre Outer Area and Conservation Area as designated in the Island Development Plan.

The residential properties to the west of Chapter Two (within the immediate vicinity of the dwelling), are well defined to the front, all with their original front gardens and boundary walls intact, none of which benefit from off-street car parking.

To the east of Brock Road, and in the wider area, a number of properties have been refused planning permission to create a vehicular access and parking area to the front of

their respective dwelling, although most of which were determined under former Development Plans.

Relevant History:

PREA/2022/2033 Chapter Two Cadastre ref: A203780001	Remove section of roadside wall to widen vehicular access.	Pre-application enquiry
Cadastre ref: A202850000	Demolish roadside wall, reconstruct roadside wall to create vehicular access and car parking area.	Refused.
Cadastre ref: A202840000	Remove boundary wall and pillar and create a car parking area	Refused.
Cadastre ref: A20276000	Create vehicular access and car parking area (Option 2) reconsideration	Refused.

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to demolish a 2m section of wall and railings to create vehicular access and car parking to the front of the property. The drawing submitted shows an existing 1m wide pedestrian walkway which is to be extended to 3m to serve a vehicular access. It is proposed to relocate the pillar so that it forms the entrance of the proposed access point. The proposed parking space is 5400mm length x 5850mm width. It is proposed to replace the existing gravel with hardstanding, together with an electric charging point.

It is noted in the applicant's letter of 2nd February 2024 that the hard surfacing and electric charging point would comprise exempt development.

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

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

Representations:

None.

Consultations:

Traffic and Highway Services – Senior Traffic Officer's comments:

"Brock Road is a one-way Local Circulation Route. At the site, the road width is 5.2m wide, with traffic oncoming (from the southern end of Brock Road). The sightline in the direction of oncoming traffic using a 2m datum is currently in the order of 8.5m. The sightline and visibility splay is obstructed by the existing hedging within the property boundary and the pillars / railings of neighbouring properties.

In terms of vehicle speeds, from observations undertaken at the site and previous studies in the road section the 85th percentile speed of oncoming vehicles is in the order of 20-25mph at the site.

Although THS accept that the foliage which is currently in place could be removed, which could improve the sightline, the cumulative effect of both the railings which sit above the 650mm roadside walls of the adjoining properties, and the >900mm pillars of the adjacent properties in the direction of oncoming vehicles dictate that there is no unobstructed sightline in the direction of oncoming traffic.

It should also be noted that because of the limited area in front of the property, there is not sufficient room to turn a vehicle within the property, as such (and as this cannot be conditioned within any approval for the application made), THS has significant concerns that should a vehicle be driven into an access at this location which would then be reversed into the carriageway, the substandard sightline referred to above, would contribute to a clear road safety danger to oncoming road users. Although the approval of this application could lead to minor traffic management issues in relation to the necessary manoeuvring by a driver to reverse into the access (if approved), in the context of vehicle flows through the road section, and the frequency of use associated with a single vehicle access, it is not material to this response.

In conclusion, THS would object to the application on the basis of the road safety concerns relating to the sightline standard being substantially below the recommended standard, and the road safety concerns detailed relating to the use of the proposed access without sufficient space to turn a vehicle to drive out in a forward direction."

Summary of Issues:

- Whether the proposal would affect the character and appearance of the Conservation Area.
- Whether the functional design of the proposed vehicle access is acceptable.
- Whether the proposed vehicle access would negatively impact on highway safety and traffic management.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**

3 - General material considerations set out in the General Provisions Ordinance.
4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

Under Section 38 of The Land Planning and Development (Guernsey) Law, 2005 the Authority has a duty to pay *“special attention to the desirability of preserving and enhancing the character and appearance”* of Conservation Areas. This duty is encapsulated in Policy GP4 (Conservation Areas) which states that *“proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.”*

Policy GP8 (Design) and IP9 (Highway Safety, Accessibility and Capacity) are also relevant to this assessment and take into account the functional design of the parking space, as well as the potential impact on highway safety and traffic management.

The preceding text of Policy GP8 (Design) refers to the need to consider the material planning considerations as specified in Part IV, Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007. These include the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used, as well as its likely effect on the character and amenity of the locality in question and its likely effect on the reasonable enjoyment of neighbouring properties.

The character to the front of this semi-detached property, and in the wider area along this section of Brock Road is of well-defined traditional roadside rendered walls, pillars and metal railings, which forms a consistent and cohesive theme within the street scene. The roadside boundary treatments positively contribute to the character and appearance of the Conservation Area, and therefore the partial loss of such feature would have an adverse effect on the Conservation Area thereby conflicting with Policy GP4.

The proposal would also result in some road safety concerns by virtue of its functional design. Traffic and Highway Services (THS) point out that the sightline towards oncoming traffic is approximately 8.5m and is currently obscured by existing hedging within the property boundary and the pillars/railings of neighbouring properties to the south. Although it is acknowledged that should circumstances change i.e. the hedge be removed, there would still be obstructed sightlines towards oncoming traffic as a result of the height of pillars and railings of neighbouring properties.

In addition, the parking area created does not include a turning point to allow a vehicle to egress from the property in forward gear. Therefore THS have raised significant concerns that *“should a vehicle be driven into an access at this location which would then be reversed into the carriageway, the substandard sightline referred to above, would contribute to a clear road safety danger to oncoming road users”*.

The concerns raised by THS add to a second reason to refuse the application as the proposal would result in substandard functional design and raise road safety concerns.

Overall, the application is recommended for refusal based on the impact on the Conservation Area and highway safety issues.

Date: 24/05/2024

