

**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 of wall to create vehicle access and parking to north (front) of property (retrospective) (revised scheme).

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

**APPLICANT:** Miss M Forino

I refer to the application referred to below received as valid on 18/03/2024 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:** PF+A Ltd - 7711-02 B1A & B2A.

**Application Ref:** FULL/2024/0530

**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 of wall 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; lack of a turning point, its siting within 20m of a junction and vehicles reversing into or out of the car parking space. These factors would have a detrimental effect on traffic flows in the area which is contrary to Policy IP9.

**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/2024/0530  
**Property Ref:** A103960000  
**Valid date:** 18/03/2024  
**Location:** Kernevez Le Grand Bouet St. Peter Port Guernsey GY1 2SE  
**Proposal:** Demolish wall and rebuild section of wall to create vehicle access and parking to north (front) of property (retrospective) (revised scheme).  
**Applicant:** Miss M Forino

**RECOMMENDATION - Refusal with Reasons:**

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**REASONS FOR REFUSAL**

1. The proposal to demolish the roadside wall and rebuild a section of wall 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; lack of a turning point, its siting within 20m of a junction and vehicles reversing into or out of the car parking space. These factors would have a detrimental effect on traffic flows in the area which is contrary to Policy IP9.

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**OFFICER'S REPORT**

**Site Description:**

The property known as 'Kernevez' is a mid-19<sup>th</sup> 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. The property is located in the St Peter Port Main Centre Outer Area as defined in the Island Development Plan.

**Relevant History:**

FULL/2024/0065 - Demolish wall and rebuild section to create vehicle access and parking and install replacement windows to north (front) of property (retrospective) – Refused February 2024.

**Existing Use(s):**

Residential use class 1: dwelling house.

**Brief Description of Development:**

This is a revised scheme to demolish the front boundary wall (retrospective) and rebuild a section of wall to create vehicle access and parking to the north (front) 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.**

Although described as a revised scheme, the actual proposed development has not altered, however the drawings now show the addition of visibility sightlines and the supporting letter has tried to justify and alleviate some of the previous reasons for refusal.

Notwithstanding the addition of the proposed sightlines, which demonstrate that these can be achieved, the proposed parking area still does not provide a turning point which would continue to have an impact on traffic flows in the area due to reversing into the parking space and remains within 20m of a junction. In addition, due to the orientation of the parking space to the road, having reversed into the parking space any driver

would still need to observe oncoming traffic over their shoulder, which is not considered to be good practice.

Furthermore, as noted within the previous planning report, roadside walls form part of the distinctiveness and positive characteristics of the immediate street scene. 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 in other circumstances, in this particular instance, the wall is being removed to create an off-road parking space which is not considered satisfactory, because of road safety concerns, so the removal of the wall is not acceptable.

Although reference has been made to off road parking in front of other properties in the surrounding area, these cannot be used as precedents to justify and allow this current application. The creation of the off road parking cited in this instance was either in existence before the introduction of planning control or permission was never sought and they are now immune from enforcement action.

There are still a number of factors which prevent this application being supported;

- the proposal is within 20m of a junction,
- there is lack of a turning point, and
- the requirement for vehicles to reverse into the car parking space.

The impact of these factors results in a detrimental effect on traffic flows in the area. Therefore the recommendation for this application remains one of a refusal. In light of a refusal the wall must be rebuilt to the same parameters that previously existed.

### **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:** 24/05/2024