

**THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005**  
**AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)**  
**ORDINANCE, 2007**

## **NOTIFICATION OF GRANT OF PLANNING PERMISSION**

**PROPOSALS:** Demolish, alter wall and remove pedestrian access to create a vehicle access and parking area to north-west boundary.

**LOCATION:** Honeysuckle Cottage, Roland Road, St. Sampson.

**APPLICANT:** Mr S Boughey

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

**Date of Grant of Permission:** 08/08/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/05/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** SOUP Architects: 453.100.(2).

**Application Ref:** FULL/2024/0793

**Property Ref:** B004250000

**Conditions and reasons:-**

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. The replacement boundary wall hereby approved shall be constructed within eight weeks of the demolition of the existing wall. The stone to be used in the construction of the new works hereby permitted shall match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone.

Reason - In the interests of visual amenity and to preserve the character and appearance of the Conservation Area.

**Expiry Date: This permission will cease to have effect on 08/08/2027 unless development is commenced by that date.**

#### **ADVICE AND OTHER REMARKS:-**

##### **Effect of planning permission:**

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

(1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).

(2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.

(3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.

(4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

**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, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. 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. The official Appeal Notice Forms are available on the States of Guernsey website at [www.gov.gg/planningpanel](http://www.gov.gg/planningpanel) and must be completed with all enclosures in multiples as requested and received within the six months deadline.

**Copy of representations made:**

In reaching this decision the 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 under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

**Other Remarks:**

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services ([highways@gov.gg](mailto:highways@gov.gg)) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

**This document is not a Building Licence and confers no approval under the Building Regulations.**

**A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.**

**A J ROWLES**

Director of Planning  
Planning Service







**PLANNING APPLICATION REPORT**

**Application No:** FULL/2024/0793  
**Property Ref:** B004250000  
**Valid date:** 01/05/2024  
**Location:** Honeysuckle Cottage Roland Road St. Sampson Guernsey  
GY2 4PF  
**Proposal:** Demolish, alter wall and remove pedestrian access to create a  
vehicle access and parking area to north-west boundary.  
**Applicant:** Mr S Boughey

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. The replacement boundary wall hereby approved shall be constructed within eight weeks of the demolition of the existing wall. The stone to be used in the construction of the new works hereby permitted shall match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone.

Reason - In the interests of visual amenity and to preserve the character and appearance of the Conservation Area.

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## **OFFICER'S REPORT**

### **Site Description:**

The site subject of this application comprises a one and a half storey end of terrace forming part of a group of three dwellings. The property is situated on a corner plot and has two road frontages; to Rue De La Mare and Roland Road.

Parking for each dwelling is located at the Roland Road side of the building group.

### **Relevant History:**

|                |                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PAPP/2006/4219 | Erect a double garage and brick pave driveway | Granted 12/02/2007<br>The approved plans for the detached garage showed the red line site boundary extending to Roland Road meaning that the applicant had ownership/control of the land at that time. The approved plans also indicated an existing right of way access. A 4m wide access was shown serving the garage building with an area of hardstanding providing a suitable surface between the road and garage. The use of the access and garage as indicated on the previously approved plans would provide the occupiers of the property with a convenient parking place only a short distance from the property to enable easy access to the house. The distance from the parking to the east or west of the property is not substantially different when considering the walking distances required. |
| PAPP/2006/2089 | Erect a double garage                         | Planning permission in principle granted 26/07/2006                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| PAPP/2004/2994 | Create 6.7m wide vehicular access and         | Refused 19/10/2004<br>No fencing or wall returns were proposed and it was concluded that the works would have                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

|                |                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                | parking area (remove wall and steps).                                                                                                                                   | an adverse impact on the general character of the streetscene                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| FULL/2014/2664 | Demolish section of roadside wall to widen existing opening to create a vehicular access and parking area with associated wall and fencing                              | Refused 13/11/14<br>refused on the grounds that the proposal would generate a large intrusive gap detrimental to the character and appearance of the locality where no compelling justification had been provided as to why the existing parking situation was “impractical” which might outweigh the detrimental effect of the loss of the roadside wall. A further reason for refusal related to road safety and traffic management concerns (inadequate sightlines).                                                                                                                                      |
| FULL/2018/2923 | Demolish and rebuild section of roadside wall to widen existing opening (splayed to 9m) to create vehicular access (4.955m) and install a gate to north-west elevation. | Application was accompanied by information setting out that the existing arrangement is “impractical”, with no right of access to park on the eastern side of the property (although permission has been granted/implemented for a garage to the east of the property), the right of way is substandard in width (c. 1.95m), the internal layout of the dwelling would not function well if parking were accessed from the east and citing health grounds.<br>Refused 12/03/2019<br>large and intrusive gap in the roadside wall in a Conservation Area and inadequate sightlines detrimental to road safety |

**Existing Use(s):**

01 dwelling house

**Brief Description of Development:**

Planning permission is sought to demolish the existing granite roadside wall (retaining one gate pillar) and to form a 4.1m wide vehicular access with replacement low granite walls (0.9m high) to form a planter either side. The parking area would have a tarmac finish. An area of planting and steps are shown to separate the garden area from the parking accessed from Rue De la Mare.

The application drawings did not accurately show the construction/appearance of the existing wall to be altered in connection with the proposal and the formal

design/appearance of the replacement wall was deemed unsatisfactory. Revised plans/additional information was requested and have been provided.

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

Island Development Plan:

GP4: Conservation Area  
GP13: Householder Development  
GP8: Design  
GP9: Sustainable Development  
IP7: Private and Communal Parking  
IP9: Highway Safety, Accessibility and Capacity

**Representations:**

None.

**Consultations:**

Traffic and Highway Services - have reviewed the updated plans in relation to the proposed vehicle access at Honeysuckle Cottage, Roland Road. I can advise that THS have no reason to object to the plans, although it is understood that the proposal does not meet the criteria in terms of the proximity to the junction and in terms of the sightlines.

In reference to the letter dated 24th April 2024 written by James Le Gallez of Strategic Planning & Property Ltd, it is mentioned that in 2019, THS advised that the lack of sightlines were detrimental to road safety. With the new design as proposed, the sightlines are somewhat improved. Although the criteria in relation to the sightlines and proximity to the junction are not strictly met, as Rue de la Mare is not a through route and vehicle speeds are likely to be low near the corner to the south-west of the proposed vehicle access, this is not of significant concern.

**Summary of Issues:**

- Impact on the character and appearance of the Conservation Area; and
- Impact on Highway Safety.

**Assessment against:**

**1 - Purposes of the law.**

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

Reference is made in the application to other vehicular accesses in the local area and the lack of design consistency however no two sites are identical therefore it is not possible to draw direct comparisons with other sites. In addition, it remains the case that planning permission may not have been sought for all the accesses found on the surrounding road network. Furthermore, with some accesses being historic any applications would have been assessed against different policies in different Development Plans that have now been superseded by the Island Development Plan.

The property subject of this application is situated in a prominent position on Rue De La Mare close to the junction with Roland Road. At present, the roadside wall proposed to be demolished as part of this application provides a small pedestrian entrance to the property that is secured by a gate. The existing pedestrian entrance point measures 1.0m in width.

The current submission highlights that there is no prospect of a right of way being provided to serve the garage constructed on the site, this is despite the approved drawings for the garage application and accompanied by a sworn declaration, stating that there was an existing right of way in place. As noted as part of the assessment of previous planning applications, an agreement relating to a right of access cannot outweigh the policy considerations that must be assessed when a planning application is determined.

The site is situated within The Bridge Conservation Area and this part of the Conservation Area is characterised by the use of local stone in buildings and walls and an overriding impression of enclosure between buildings and in the back streets which is contributed to by these walls. The west boundary wall to be demolished represents a distinctive feature which contributes to the character, architectural and historic interest and appearance of this part of the Conservation Area.

It is noted that the opposite side of the road, Rue de la Mare falls outside the Conservation Area and there are various vehicular accesses and open frontage parking areas present along with some variety in terms of wall design/construction. Although the IDP gives no weight to the setting of Conservation Areas in terms of Policy GP4 it is not possible to treat the southern side of the street in isolation (the application site); this is not the way in which streets are experienced. It is also noted that parking (on and off-street) is a dominant visual characteristic of the locality in this edge of Conservation Area location with a lack of visual coherence on opposite sides of the road.

The width of the access has been reduced from each of the previous refusals and the splayed wall arrangement previously proposed has now been omitted. The proposed development would result in the demolition of this boundary wall, albeit with a replacement lower (0.9m high) wall to either side of the proposed 4.1m wide access. The scheme would result in a gap in an otherwise solid run of stone walls which make up the roadside boundary of this terrace (from Roland Road, continuing

westward to the junction with Rue de la Mare and then southward to the gable of the neighbouring building currently known as Rosevale).

The replacement of a greater proportion of the roadside boundary, whilst managing the need to offer visibility splays from the proposed access, would represent an improvement. The design and appearance of the replacement wall as now shown would overcome earlier reasons for refusal as the replacement, more informal style wall to reflect the existing, would make an equal contribution to the character and appearance of the Conservation Area to comply with the aims of Policies GP4, GP8, GP9 and GP13 of the Island Development Plan.

Paragraph 20.10.4 of the Island Development Plan sets out that *“much of Guernsey’s local distinctiveness is formed by roadside walls, hedges and landscaping, as well as the width of the public highways. ... the Authority will seek to ensure that they do not result, wherever possible, in adverse effects upon the special interest or character or appearance of a Conservation Area.”* The design of the access is substandard in terms of the proximity to the junction with Roland Road and visibility splays however, THS note that there is an improvement over the previous schemes and that there are no significant concerns relating to road safety in this particular case. In this regard the scheme accords with Policy IP9 of the IDP.

The level of off-road parking is considered satisfactory to serve the existing dwelling having regard to the requirements of Policy IP7 of the Island Development Plan.

It is recommended that planning permission is granted for the proposals.

### **3 - General material considerations set out in the General Provisions Ordinance.**

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no adverse impact on protected trees, buildings or sites.

**Date:** 07/08/2024

