

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 wall to create additional vehicle access to west boundary, erect fence and gate and create parking area to south of site.

LOCATION: La Petite Marette, Le Friquet, Vale.

APPLICANT: Mr & Mrs SJ Scales

I refer to the application referred to below received as valid on 02/10/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 05/12/2024

Drawing Nos: Block layout plan, block plan (1:200), elevation drawing, section of proposed entrance (all date stamped received 24th September 2024)

Application Ref: FULL/2024/1625

Property Ref: C012320000

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 demolition of a section of the roadside wall to create a vehicular access and parking area to the south of the property results in significant road safety concerns by virtue of a combination of factors including; restricted sightlines, limited parking depth and lack of a turning point. The proposal would therefore conflict with Policies GP8 (Design) and IP9 (Highway Safety, Accessibility and Capacity) of the adopted Island Development Plan.
2. The proposal would also have a detrimental effect on the landscape character and visual amenity of the area by virtue of removing part of the roadside wall. The application would therefore conflict with Policy GP1 (Landscape Character and Open Land) of the adopted Island Development Plan.

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/2024/1625
Property Ref: C012320000
Valid date: 02/10/2024
Location: La Petite Marette Le Friquet Vale Guernsey GY3 5RZ
Proposal: Remove and alter section of wall to create additional vehicle access to west boundary, erect fence and gate and create parking area to south of site.
Applicant: Mr & Mrs SJ Scales

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The demolition of a section of the roadside wall to create a vehicular access and parking area to the south of the property results in significant road safety concerns by virtue of a combination of factors including; restricted sightlines, limited parking depth and lack of a turning point. The proposal would therefore conflict with Policies GP8 (Design) and IP9 (Highway Safety, Accessibility and Capacity) of the adopted Island Development Plan.
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OFFICER'S REPORT

Site Description:

The application site comprises a detached dwelling which lies to the east of Le Friquet Lane. The property is served by car parking to the south of the dwelling, with garden extending to the north, east and south of the dwelling. A traditional granite wall forms the roadside boundary to the west of the application site. The site is irregular in shape which tapers to the south.

Relevant History:

FULL/2011/1438	Extend and alter dwelling to side (east elevation).	Granted
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Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to remove and alter a section of the roadside wall (west boundary) to create an additional vehicle access. It is also proposed to erect a fence and gate and create a parking area to the south of the site.

The proposed vehicular access will be 4.4m wide, and will be set approximately 29m from the existing vehicular access. A 2m section of the roadside wall will also be removed on either side of the proposed access, above 900mm high to aid sightlines.

Due to its irregular shape, the proposed parking area will be approximately 2m deep (to the east of the proposed southern access point), increasing in width to 3m (to the east of the proposed northern access point). Beyond the proposed access point, the proposed driveway increases in width to 4.6m, and extends approximately 6m from the proposed northern access point.

No pre-application advice has been sought for the proposed development.

It is understood that the application requests an additional vehicular access due to responding to emergency call-outs.

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

GP1 Landscape Character and Open Land
GP8 Design
GP13 Householder Development
IP9 Highway Safety, Accessibility and Capacity

Traffic Engineering Guidelines – Sightline Requirements.

Representations:

None.

Consultations:

Traffic and Highway Services' (THS) comments:

"I refer to your email of 21st October 2024, regarding the application by Mr & Mrs S J Scales in respect of the above proposed development.

I advise that an access should: -

- a) Enable a driver 2.0m from the edge of the carriageway to see a minimum of 20m in the direction of oncoming traffic;*
- b) Not have any obstructions or planting greater than 900mm high above the road surface within the visibility splays;*

- c) *Have sufficient width to enable cars and light vehicles to exit and enter the drive without crossing into the path of vehicles on the opposite side of the carriageway;*
- d) *Be square to the carriageway;*
- e) *Be sited at a distance not less than 20m from a junction.*

The proposed additional vehicular access and parking area would adjoin a Neighbourhood Road where traffic volumes and speed are expected to be low. The relevant policy within The Traffic Engineering Guidelines for Guernsey advises that due to the low traffic flows experienced along Neighbourhood and Country Roads, the control of frontage activities is not important, and a greatly relaxed regime of traffic management is permissible. The relevant section of the policy also takes account of the needs of vulnerable road users and discouragement of through traffic. However, even with the relaxed traffic management regimes, the design parameters for an access are considered to remain important, particularly with regard to the visibility splay that would be achieved.

It has been noted that the proposal includes an additional access and Traffic & Highway Services (THS) would normally resist this situation if it were considered that a serviceable access already exists. At this site it has been noted that the sightline in the direction of oncoming traffic and in a southerly direction observed from the existing access are very constrained (circa 4m and 7m respectively). This is due to the gable of the house and the roadside wall/ivy that is circa 2.1m high. It has also noted that the existing parking area has no turning point.

The proposed access would be broadly parallel to the road and not sited square to the carriageway as per the relevant engineering guidelines. This would make obtaining a view of oncoming traffic slightly more difficult as a driver would be observing approaching traffic over their shoulder (assuming they had reversed into the space). The sightline in the direction of oncoming traffic observed would be circa 7.5m and circa 11.5m to the south, measured using the standard criteria. The remaining roadside walls and ivy that are between broadly 1.75m and 1.95m above road level would limit the sightlines and would fall well below the 20m minimum recommended standard. The proposed parking area would not include a turning point.

Traffic & Highway Services (THS) has noted that it has been suggested that part of the purpose of the new access and parking area surrounds the risk of a resident being blocked in with a potential impact due to them being on call for a rescue service. They also identify that they do not believe that they would be able to widen the existing access and meet the minimum sightline standards. THS concurs that even with some widening of the existing access, the 20m minimum recommended sightline standard could not be achieved due to the gable of the residential property.

In conclusion, THS is conscious that the existing access falls well short of the recommended minimum visibility standards and in that context is not opposed to an additional access being created. However, it does believe from a road safety perspective that as a minimum, the new access should meet the recommended sightline standards which the current proposal would not achieve. It is also worth noting that mirrors are not

considered a recommended substitute for a direct line of sight. In addition, it would be a preference for the parking area to be positioned square to the carriageway.

Alternatively, THS considers there would be merit from a transport perspective of a scheme coming forward that addresses both the shortfalls associated with the existing access and the ease of attendance for the resident to an urgent call-out. The current scheme does not achieve this, but THS would have no particularly significant concerns with the proposed broadly parallel parking space, providing the minimum sightline standards are achieved."

Summary of Issues:

- Whether the design of the proposed development is acceptable and would adversely affect highway safety or traffic management.
- The impact of the development on the landscape character and appearance of the area.
- The impact of the development on neighbour amenity.

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).**

All relevant material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been considered in the assessment of this application.

Highway Safety:

As set out in Traffic and Highway Services' comments, some flexibility is given to the creation of new access points on 'Neighbourhood Roads' as they are typically characterised by having low traffic speeds and volumes, therefore some discretion may be given towards the lack of a turning point, and/or not being truly square (perpendicular) to the highway. However, the proposed sightlines from the proposed access point (circa 7.5m to the north and circa 11.5m to the south) fall well below the recommended sightline that THS would expect as part of a new access point (20m).

In addition to the height of the roadside wall, the height and position of the proposed fence and gate is likely to restrict sightlines towards oncoming traffic to the north.

On this basis, the functional design of the vehicular access point and parking area would be unacceptable and therefore conflicts with Policies GP8 (Design) and IP9 (Highway Safety, Accessibility and Capacity) of the adopted Island Development Plan.

Landscape Character and Amenity:

It is noted in Policy GP1 that traditional stone walls, such as the roadside wall in question, positively contribute to the landscape character and amenity of an area.

It is considered that the removal of part of the wall as proposed (approximately 8.4m wide, above 900mm high) would have a detrimental effect on the landscape character and appearance of the area.

Whilst it is recognised that the applicant could potentially achieve 20m sightlines in both directions from a proposed access, the resultant effect on the roadside wall would have an unacceptable consequence on the landscape character and appearance of the area, by virtue of the extent of the wall that would need to be reduced in height to achieve 20m sightlines.

Conclusion:

For these reasons, it is recommended that the application be refused.

Date: 05/12/2024