

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: Replace hedge and erect single storey outbuilding and gate to south-west boundary.

LOCATION: Blue Heaven, Route De Jerbourg, St. Martin.

APPLICANT: Ms A Silva

I refer to the application referred to below received as valid on 23/10/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 29/11/2024

Drawing Nos: Torode Architects - 6350 -01A

Application Ref: FULL/2024/1728

Property Ref: J016580000

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. Erecting a garage in the position proposed, immediately adjacent to Route De Jerbourg, does not achieve good design (Policy GP8) as it does not respect the forward building line of residential properties to the north of the road. Consequently, the proposed garage would be at odds with the general character to the front of properties and would not positively contribute to the character and amenity of the surrounding area.

The proposal is considered to have a significant detrimental effect on the character and appearance of the area which is sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met (Policy GP13). The proposal would be contrary to Island Development Plan Policies GP8 and GP13.

2. Due to the height and position of the garage, the proposed garage will undermine sightlines of Blue Heaven, and neighbouring properties to the east (in particular 'The Mount'), towards oncoming traffic from the north, and therefore will result in a significant highway safety issue, contrary to Island Development Plan Policy IP9. The close proximity between the proposed gates and the road would also raise some

traffic management issues as it would not enable a vehicle to safely park on the site, without impeding the flow of traffic, thus causing a highway safety and traffic management issue.

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/2024/1728
Property Ref: J016580000
Valid date: 23/10/2024
Location: Blue Heaven Route De Jerbourg St. Martin Guernsey GY4 6AZ
Proposal: Replace hedge and erect single storey outbuilding and gate to south-west boundary.
Applicant: Ms A Silva

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. Erecting a garage in the position proposed, immediately adjacent to Route De Jerbourg, does not achieve good design (Policy GP8) as it does not respect the forward building line of residential properties to the north of the road. Consequently, the proposed garage would be at odds with the general character to the front of properties and would not positively contribute to the character and amenity of the surrounding area.

The proposal is considered to have a significant detrimental effect on the character and appearance of the area which is sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met (Policy GP13). The proposal would be contrary to Island Development Plan Policies GP8 and GP13.

2. Due to the height and position of the garage, the proposed garage will undermine sightlines of Blue Heaven, and neighbouring properties to the east (in particular 'The Mount'), towards oncoming traffic from the north, and therefore will result in a significant highway safety issue, contrary to Island Development Plan Policy IP9. The close proximity between the proposed gates and the road would also raise some traffic management issues as it would not enable a vehicle to safely park on the site, without impeding the flow of traffic, thus causing a highway safety and traffic management issue.

OFFICER'S REPORT

Site Description:

The application site comprises a dwelling-house which is set back from the road (Route De Jerbourg) to the south and is located Outside of the Centres as defined in the Island Development Plan. The property is flanked to the north, east and west by residential properties, and forms part of ribbon development that straddles both sides of Route De Jerbourg.

Relevant History:

FULL/2021/0012	Demolish extensions and erect single storey extensions to south-west (front) and north-east (rear) elevations.	Granted
FULL/2021/0006	Erect garage and remove section of hedge to front (south-west) of property (revised scheme)	Granted

Existing Use(s):

Residential

Brief Description of Development:

Planning permission was granted in 2021 to erect a garage and remove a section of hedge to the front of the property (FULL/2021/0006). The application was originally deferred as *“concerns were raised with regards to the position of the garage and its impact on the surrounding built form and visual amenity as the garage was positioned forward of the surrounding properties, especially to the north of Route de Jerbourg. It was also advised to set the gates back from the road by 1 car’s length in the interests of road safety and traffic management.”*

The application was later granted permission (FULL/2021/0006) as the agent amended the drawings and sited the garage in line with the neighbouring property (known as Chefoo) and omitted the gates to address the concerns raised.

Planning permission is sought to replace a hedge and erect a single storey pitched roof outbuilding/garage and gate adjacent to the south-west boundary.

The garage is 6m in length x 3.5m in width x 3.2m high (measured to the roof apex).

The gate is approximately 2.8m wide x 1.2m high and is positioned approximately 1.4m from the road verge.

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

GP8: Design

GP13: Householder development

IP9: Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

None.

Summary of Issues:

- Whether the size, position and materials of the garage and gates are acceptable.
- Whether the development would impact on the character and appearance of the area.
- Whether the proposal would result in any highway safety or traffic management issues.

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).**

Legal and Policy context:

All 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.

Policy GP13 (Householder Development) states that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Areas, Areas of Biodiversity Importance, protected buildings or protected monuments.

In this instance Policy GP8 (Design) is also relevant. The preceding text to Policy GP8 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.

Design, character of the area and amenity:

Erecting a garage of this size, immediately adjacent to the road, is not considered to achieve good design as it does not respect the forward building line of residential properties to the north of Route De Jerbourg, which is fairly uniform in its rhythm and character. Consequently, the proposed garage would be at odds with the general character to the front of properties and would introduce a discordant element into the street scene, and therefore if approved, the proposal would have a detrimental effect on the surrounding built environment.

Moreover, erecting a structure of this size and in this position could also set an undesirable precedent for similar structures to the front of neighbouring properties, thereby further eroding the character and amenity of the surrounding area.

Landscaping, in this case a replacement boundary hedge, should not be used as a substitute for poor design or siting. It would be unreasonable to attach a planning condition to monitor the state of the hedge in perpetuity to help assimilate the development into its surroundings.

Highway safety:

The height and position of the garage is such that should a vehicle egress from Blue Heaven it would undermine sightlines towards oncoming traffic travelling in a north-south direction. Some concerns are also raised for the same reason in respect of neighbouring properties to the east, in particular 'The Mount'.

Consequently, the visibility splays of the application site and neighbouring properties would be compromised. This therefore represents a significant highway safety issue, contrary to Island Development Plan Policy IP9.

Whilst it is acknowledged that the existing hedge already undermines sightlines to some extent, the Authority is unable to act against existing landscaping, and therefore can only consider any new built development that requires planning permission.

The proximity between the proposed gates and the road would also raise some traffic management issues as it would not enable a vehicle to safely park on the site, without impeding the flow of traffic, thus causing a highway safety and traffic management issue.

Conclusion:

Whilst it is recognised why the applicant may wish to position the garage in the proposed location, the harm it would cause to the character and appearance of the surrounding area, and highway safety and the effect on traffic flows, would outweigh the reasonable aspirations of the property owner (Policy GP13).

Overall, the proposal is not supported and it is recommended that the application be refused.

Date: 29/11/2024