

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 and parking to south west (front) of property.

LOCATION: Laarbruch, La Rochelle Road, Vale.

APPLICANT: Mr & Mrs Bretel

I refer to the application referred to below received as valid on 04/03/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 22/04/2025

Drawing Nos: Arch+: 223-3-301, 302A & 303

Application Ref: FULL/2025/0324

Property Ref: C001710000

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 property is a traditional cottage which is noted in the assessment of the Conservation Area and to remove a section of the roadside boundary wall would have detrimental impacts on Les Mielles Conservation Area, contrary to Policy GP4 of the Island Development Plan.
2. The development would have significant highway safety concerns due to reduced sightlines in both directions, further hindered by a vehicle being unable to park 90 degrees to the road and the inability to turn on site. This would raise significant road safety and traffic management issues, contrary to Island Development Plan 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/2025/0324
Property Ref: C001710000
Valid date: 04/03/2025
Location: Laarbruch La Rochelle Road Vale Guernsey GY3 5DY
Proposal: Demolish section of wall to create vehicle access and parking to south west (front) of property.
Applicant: Mr & Mrs Bretel

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The property is a traditional cottage which is noted in the assessment of the Conservation Area and to remove a section of the roadside boundary wall would have detrimental impacts on Les Mielles Conservation Area, contrary to Policy GP4 of the Island Development Plan.
 2. The development would have significant highway safety concerns due to reduced sightlines in both directions, further hindered by a vehicle being unable to park 90 degrees to the road and the inability to turn on site. This would raise significant road safety and traffic management issues, contrary to Island Development Plan Policy IP9.
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OFFICER'S REPORT

Site Description:

The property known as 'Laarbruch' is a one and a half storey pre-1900 dwelling which is set back from and faces southwest onto La Rochelle Road. The dwelling is one half of a pair of semi-detached properties and there are two sets of semis in a row to the northwest, and another single dwelling to the southeast. All five dwellings still have their front boundary walls intact. The property is located Outside of the Centres and is within a Conservation Area as defined in the Island Development Plan.

Relevant History:

PREA/2018/2554 - Demolish section of roadside wall to create vehicular access and infill pedestrian gateway – Closed November 2018.

PREA/2014/2351 - Demolish section of roadside wall to create vehicular access and parking – Closed August 2014.

FULL/2009/3421 - Demolish section of boundary wall to create vehicular access and parking – Refused December 2009.

PAPP/2005/4487 - Remove wall to create parking area – Refused February 2005.

PAPP/2002/0779 - Remove section of roadside wall (retrospective) and create a parking area – Refused May 2002. *The wall was rebuilt after this application.*

PAPP/1996/3890 - Remove section of roadside wall and create a parking area – Refused November 1996.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to demolish a section of front boundary wall to create a vehicle access and parking area to the southwest front of the property.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

IP9: Highway Safety, Accessibility and Capacity.

Representations:

None

Consultations:

Traffic and Highways Services (THS)

“The site is located on La Rochelle Road and the proposed access is currently bordered to the front by a 900mm granite wall with a gateway between two pillars. The visibility splay of a driver is bounded to the northwest (towards L’Ancresse) by a granite pillar measuring 1200mm and 900mm fence bordering the neighbouring property and to southeast (towards Bordeaux) by a 900m boundary wall.

The proposal is to remove a section of the existing front wall to create a 3.5m wide access and would create a parking area of approximately 5.2m deep by 6.7m wide. This area is also planned to include new front steps that will lead to the existing access path which will reduce the driveway to a depth of 4.6m in this section. The area in front of house is approximately 30-35cm raised above the road level but the roadside elevation plan suggests that would be sloped down/levelled to the footway to provide access.

Using a datum of 2m from the carriageway edge, the achievable sightline for oncoming vehicles (southeast bound) was measured at 35m. The sightline for approaching vehicles (northwest bound) was seen to be well in excess of 33m. As previously noted, the height of the existing gravel area within the property, from which the sightline was measured is more than 30cm above the road level. The existing pillar that will be retained was measured at 1220mm and the two properties to the west of the site are bounded to the footway by granite walls that measure at 1100mm and 1200mm. It was also noted that increase in height of the neighbouring walls was in fact due to the way that this section of road slopes down from east to west, whereas the properties retain a constant height. The current elevation within the site means that despite these obstructions being above 900mm in height, the minimum standard sightlines can be achieved. However, THS would have significant concerns that the minimum standard oncoming sightline could not be met once the elevated area is lowered, as detailed in the proposed roadside elevation plan.

It is also noted by THS that there is no provision for a turning point within the site and therefore vehicles would either reverse into the parking area, which would cause some traffic management concerns, or reverse out onto the highway which is against the advice found in the Highway Code and would cause road safety and traffic management concerns. Additionally, due to the parking area not being deep enough in the area within the proposed new access, a representative vehicle would not be square to the carriageway when egressing.

Therefore, should the driver approach the property from the southeast, pull up adjacent to the access (against the flow of traffic) they would need to swing out across both lanes of traffic in order to reverse into the access. They would subsequently need to enter the carriageway turning right towards the northwest). In this event, the visibility splay and resultant sightline of approaching vehicles (from the southwest) is only achievable by the driver turning and looking over their left shoulder to obtain a view of approaching traffic. Added to the earlier comments around the achievable oncoming sightline, this would raise significant concerns for road safety.

THS would also note that as in previous applications of this type, it is not possible to 'condition' any planning permission relating to an access, e.g. that it can only be used by a vehicle being reversed into the access.

The La Rochelle Road's 85th percentile speed as seen on previous observations is dependent on the overall traffic volumes at different times of the day. The site visit for this response was undertaken in the afternoon during light conditions and the 85th percentile speeds of oncoming vehicles was seen to be in the region of 25-30mph.

THS would conclude there are significant concerns with this proposal, specifically a) the minimum standard sightline for oncoming traffic would not be achievable once the proposed changes to elevations were made and b) the lack of a turning point within the site, requiring vehicles to reverse in or out which would stop the flow of traffic and a representative vehicle would not be square to the carriageway when egressing. On that basis, THS would oppose this application on road safety and traffic management grounds."

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the Conservation 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.

As this is a Conservation Area IDP Policy GP4 is engaged, as well as S38 of the law, which sets a statutory duty to “[pay] special attention... to the desirability of preserving [i.e. not harming] and enhancing the character and appearance of that area.”

IDP Annex VII includes the Summary of Special Interest for Les Mielles Conservation Area and a more detailed draft Conservation Area Appraisal is provided in Designating Conservation Areas (March 2015). The following paragraphs summarise the character of this area of Les Mielles Conservation Area.

This is a generally low-lying landscape with occasional rises in level across rock outcrops. The row of cottages that includes Laarbruch is positioned at the southern side of one such hougue, the houses and most front gardens being elevated above the level of the road. The feature holding this character area together is the road which runs through La Rochelle and La Moye. This alternates between areas of strong enclosure (e.g. tall walls, roadside buildings) and areas which are more open with lower roadside boundaries and more modern buildings.

The current development pattern in this part of the Conservation Area, the character of which is predominantly residential, was generally in place by 1898 and was largely developed in association with the 19th century quarrying industry. Workers’ cottages typically front on to the road and are bounded by formal low roadside walls often of bare grey/blue stone with stone or brick copings. These are identified as positive contributors and Laarbruch (and its neighbours) as a building of merit as a semi-detached cottage and formal roadside wall dating from the 19th century. Erosion of boundaries through creation of car parking is noted.

Laarbruch is one of a matching pair (with the exception of minor details) of semi-detached cottages which form a row with a second pair of matching semi-detached cottages to the west. Each is bounded on the roadside by matching low coursed mortared walls of blue/grey stone capped with pointed arch-shaped bricks which are characteristic of the wider area. Laarbruch has a pedestrian gateway, again matching

that of the adjoining cottage, flanked by pyramidal capped stone pillars at the west end of the frontage. These similarities present a unified appearance.

It is noted that in support of the proposal the agent provides images of vehicular openings in the vicinity and an explanation of the difficulties of having no on-site parking. Investigation has identified that the majority of the openings exemplified by the agent can be seen on the 1962 aerial photograph and therefore before the Conservation Area and its associated policies were created. The applicant has also identified the need for a 3-bedroom house to have a parking space and the potential, in the future, to have an on-plot electric vehicle charging point. Whilst these matters are acknowledged, they do not provide public benefits that outweigh the harm to the Conservation Area.

Highway safety concerns regarding the proposals also are raised, which include significant concerns that the minimum standard oncoming sightline could not be met once the elevated area is lowered, as detailed in the proposed roadside elevation plan. There is no ability for a vehicle to turn around on site causing reversing issues either on or off the highway and the depth of the space is not long enough for a vehicle to park 90 degrees to the road which will further hinder good sightlines.

THS therefore conclude there are significant concerns with this proposal, specifically a) the minimum standard sightline for oncoming traffic would not be achievable once the proposed changes to elevations were made and b) the lack of a turning point within the site, requiring vehicles to reverse in or out which would stop the flow of traffic and a representative vehicle would not be square to the carriageway when egressing. On that basis, the scheme would result in significant impacts on both road safety and traffic management.

In light of the assessment above the recommendation for this application is one of a refusal.

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 Planning and Development (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: 22/04/2025

