

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: Erect fence and carport to north boundary (retrospective).

LOCATION: Joyspring, Guelles Lane, St. Peter Port.

APPLICANT: Mr K I Marshall

I refer to the application referred to below received as valid on 20/09/2021 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 22/11/2021

Drawing Nos: Application Block Layout Plan, drawing entitled Proposed Plan by the Planning Service (05/10/2021) and image, Type of fence panelling.

Application Ref: FULL/2021/1767

Property Ref: A102770000

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 car port is not well-designed or in sympathy with its setting and does not achieve a sufficiently good standard of design to complement the character of the area. The car port scheme therefore fails to comply with Policy GP8 (a) and Policy GP13 of the Island Development Plan.

OTHER REMARKS:-

It would be open to the applicant to submit a pre-application enquiry and/or revised application for the erection of a carport at Joyspring with a revised design/external

materials. A revised application submitted within 6 months of the refusal of this application would not attract a further planning application fee.

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/2021/1767
Property Ref: A102770000
Valid date: 20/09/2021
Location: Joyspring Guelles Lane St. Peter Port Guernsey GY1 2DD
Proposal: Erect fence and carport to north boundary (retrospective).
Applicant: Mr K I Marshall

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The car port is not well-designed or in sympathy with its setting and does not achieve a sufficiently good standard of design to complement the character of the area. The car port scheme therefore fails to comply with Policy GP8 (a) and Policy GP13 of the Island Development Plan.

INFORMATIVES

It would be open to the applicant to submit a pre-application enquiry and/or revised application for the erection of a carport at Joyspring with a revised design/external materials. A revised application submitted within 6 months of the refusal of this application would not attract a further planning application fee.

OFFICER'S REPORT**Site Description:**

Joyspring is a detached dwelling situated to the south of Guelles Lane. The site is elevated above road level. A detached flat roof garage is situated to the east of the existing dwelling and projects forward of the front elevation of the dwelling towards Guelles Lane. Two carport structures have been erected attached to the garage and projecting to the elevated roadside boundary and a timber fence has been constructed inside the roadside bank.

The site is located in the Main Centre Outer Area as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

01 Dwelling houses

Brief Description of Development:

Planning permission is sought for the retention of a flat roof carport attached to the existing garage and constructed using timber posts with a green mesh side/north elevation and a felt roof. The application also relates to the retention of a roadside timber fence proposed to be reduced in height to 4ft/1.2m high with planting proposed on the roadside bank.

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

Island Development Plan policies:

GP8: Design

GP13: Householder Development

IP7: Private and Communal Car Parking

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the design and appearance of the car port extension and the timber fence and their likely effect on the character and amenity of the locality.

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.

Policy GP13: Householder Development stipulates 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.

Policy GP8: Design seeks to ensure that development respects the quality of the physical environment, recognising that good design can contribute to the creation of a cohesive built environment that enhances the experience of the Island whether that is for living, working or visiting.

The application proposes the retention of one of the two carports constructed at Joyspring without the benefit of planning permission. The carport to be retained has been constructed to the north of the existing block built, flat roof garage and has been designed with a flat, felt roof, timber uprights and green mesh panels to the north. The east elevation of the car port is formed using existing timber fence panels that mark the site boundary. At present the unauthorised fence does offer some screening of the carport structure however this is proposed to be reduced in height. Furthermore, the carport remains clearly visible from the road when travelling east along Guelles Lane.

The application site is elevated above Guelles Lane and although the existing garage is situated forward of the front elevation of the main house the temporary appearance and external materials of the car port, particularly the green mesh covering, would not represent a good standard of design that respects the character of the local built environment. The scheme is therefore contrary to Policy GP8 (a) of the Island Development Plan and the aims of Policy GP13 which sets out in paragraph 19.14.6 that development should take account of the surrounding character.

The principle of erecting a carport at Joyspring, in the location shown in the application is acceptable. It would be open to the applicant to submit a revised informal pre-application enquiry and application for a carport with revised external appearance/materials for consideration by the Planning Service.

The scheme also proposes to retain, at a reduced height of 4ft/1.2m, the timber close boarded fence to the inside of the roadside bank. Given that the fence is situated inside the roadside bank the reduced height would not project significantly above the height of the bank. As a result, the proposal to retain a lower fence, inside the roadside bank which offers screening and softening of the fence will meet the aims of Policies GP8 and GP13 of the Island Development Plan in terms of achieving a development that represents a good standard of design that respects the character of the locality. If the scheme were acceptable in all other respects, this aspect of the proposal would be recommended for a grant of planning permission.

In view of the above, it is recommended that planning permission is refused for the development due to the poor quality design and materials of the carport to be retained at Joyspring.

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: 17 November 2021

