

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: Remove hedge and demolish section of wall to create additional vehicle access.

LOCATION: 1 Heritage Close, Route De Carteret, Castel.

APPLICANT: Mr K Loveridge

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: 07/12/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plan and annotated photograph (date stamped received 21st September 2021), proposed front garden layout (no-date).

Application Ref: FULL/2021/1953

Property Ref: D01528F001

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.Within 2 months of the new vehicular access being formed, the ends of the roadside wall shall be made good in materials to match as closely as possible to the existing wall.

Reason - To secure the satisfactory appearance of the completed development.

5.Notwithstanding the information submitted, the new vehicular access shall not exceed 3050mm in width.

Reason - To clearly define the permission and to avoid any ambiguity.

6.Prior to the demolition of the roadside wall, full details of the retractable gate, including its height, material and appearance, shall be submitted to and agreed in writing by the Authority. The gate shall then be completed in accordance with the approved details.

Reason - To secure the satisfactory appearance of the completed development.

Expiry Date: This permission will cease to have effect on 06/12/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

'Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the 2020 Strategy for Nature, and the need to comply with their provisions. The hedge may be used by nesting birds or other wildlife. You are therefore requested to

remove the hedge outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

With regards to condition 6, it is recommended that the gate should be no higher than 1.2m in order to respect the character and appearance of the surrounding area.

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 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) 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/2021/1953
Property Ref: D01528F001
Valid date: 21/09/2021
Location: 1 Heritage Close Route De Carteret Castel Guernsey GY5 7YW
Proposal: Remove hedge and demolish section of wall to create additional vehicle access.

Applicant: Mr K Loveridge

RECOMMENDATION - Grant: Planning Permission with Conditions:

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. Within 2 months of the new vehicular access being formed, the ends of the roadside wall shall be made good in materials to match as closely as possible to the existing wall.

Reason - To secure the satisfactory appearance of the completed development.

5. Notwithstanding the information submitted, the new vehicular access shall not exceed 3050mm in width.

Reason - To clearly define the permission and to avoid any ambiguity.

6. Prior to the demolition of the roadside wall, full details of the retractable gate, including its height, material and appearance, shall be submitted to and agreed in writing by the Authority. The gate shall then be completed in accordance with the approved details.

Reason - To secure the satisfactory appearance of the completed development.

INFORMATIVES

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the 2020 Strategy for Nature, and the need to comply with their provisions. The hedge may be used by nesting birds or other wildlife. You are therefore requested to remove the hedge outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

With regards to condition 6, it is recommended that the gate should be no higher than 1.2m in order to respect the character and appearance of the surrounding area.

OFFICER'S REPORT

Brief Description of the site:

The application site is located Outside of the Centres as defined in the Island Development Plan.

The property comprises a semi-detached dwelling fronting onto Les Genats Estate. The property features a porch to the front, located centrally on the plot, and is bounded by a roadside granite wall with a hedge planted on the inside of the

property. The property benefits from 1 car parking space to the front (south) of the porch.

Planning permission is sought to remove a shed and demolish a section of wall to create an additional vehicular access. It is also proposed to incorporate a retractable gate.

Relevant History:

PAPP/2002/2140	Erect a porch	Granted
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Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

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

Comments:

La Societe Guernesiaise

"In respect of this application, we would like to highlight that all types of hedges support nesting birds and other wildlife.

If the application is approved, we would request that the removal of the hedge be undertaken outside of the main bird breeding season (March-July inclusive). If removal during the bird breeding season is considered essential, then we would recommend that the hedge is inspected for current or recent use by birds (and other wildlife) by a suitably qualified person prior to removal. This would reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012.

We would request that an informative note be added to the Information Sheet as follows -

'Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the 2020 Strategy for Nature, and the need to comply with their provisions. The hedge may be used by nesting birds or other wildlife. You are therefore requested to remove the hedge outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email jamie.hooper@cwqsy.net'.

Conclusion/Brief comment:

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 Area, Area of Biodiversity Importance, protected building or protected monument.

In this instance Policy GP8 (Design) is also relevant. In addition, the preceding text to this policy 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.

The property in question is not a protected building nor situated within a Conservation Area. In less sensitive areas such as this, Policy GP13 indicates that less prescriptive control will be applied thereby allowing property owners greater freedom of choice with regard to private property development. This flexible and proportionate approach underpins the objectives of the Island Development Plan and is further substantiated by Policy GP8 which adopts a supportive position with regarding to building design in areas that are less sensitive to change.

Whilst the property is already served by 1 car parking space, it is considered a reasonable aspiration of the property owner to improve the current parking arrangement and/or provide additional car parking provision on site, provided that the works proposed do not have an unacceptable impact on the landscape character and appearance of the locality or raise road safety concerns.

It is acknowledged that the granite boundary wall and hedging to the front of the property does contribute to the character and appearance of the locality (Policy GP1) and therefore removing a section of wall and hedging will to some extent have a negative impact on the surrounding area.

It is also acknowledged that in most cases, it is possible to increase car parking provision of sites such as this by removing a section of the boundary treatment adjoining the existing vehicular access. However, in this particular case, it is not considered practical or pragmatic to defer the application to seek a betterment by widening the existing access given that any additional car parking space is unlikely to be overly beneficial to the applicant due to the central position of the porch.

Consequently, the only reasonable way to achieve a second car parking space on this particular site is to remove a small section of the wall and hedge to create more parking provision to the north of the porch.

In support of the application, the applicant has limited the extent of the demolition works to 3050mm. Consequently, the cumulative vehicular access of the existing and proposed access would not be substantially detrimental given that the access points would be viewed against a central section of the roadside wall.

In addition, the impact on the locality is unlikely to have a significant detrimental effect on the landscape character or visual amenity given that some properties in the surrounding area have removed sections of their roadside boundary treatments in part, and in some cases has even resulted in their wholesale removal. Although, it is not clear whether planning permission has been granted for these sites.

Whilst the parking depth and width is sufficient for the provision for an additional car when scaled off the block layout plan submitted, some issues arise in terms of its resultant effect on highway safety due to the lack of a turning point. However, the resultant effect on highway safety or traffic management is considered to be limited due to the low traffic volumes and speeds along this section of road. The proposal does not give grounds to rebut the significant degree of flexibility afforded to reasonable aspirations of property owners (Policy IP9).

Due to the lack of information submitted in respect of the retractable gate, it is recommended that full details of the gate shall be submitted to and agreed in writing by the Authority.

Overall, given the particular circumstances of this site including the central position of the porch, limited width of the new access and being located in a non-sensitive location, the impact on the character and appearance of the area and road safety is balanced against and outweighed by the reasonable aspirations of the property owner to create additional parking provision on site.

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

Based on the above, the application is considered compliant with the provisions of Policy GP1, GP8, GP13 and IP9 of the Island Development Plan; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 06/12/21

