

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: Erect fence to top of wall to front of properties (retrospective).

LOCATION: Kirklee, Stanley Road, St. Peter Port.

APPLICANT: Cobo Property Limited

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: 10/01/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/10/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Direct Architectural Solutions: 1257-SK-01J & 02H.

Application Ref: FULL/2021/2136

Property Ref: A31028F000

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 two months of the date of this permission the fence shall be repositioned in accordance with the approved plans.

Reason - The fence in its current location has a detrimental impact on the character and appearance of the Conservation Area and the revised siting will allow for hedge planting to be carried out in order to screen the fence from the street and wider area thereby limiting the impact of the fence on the character and appearance of the locality.

5.Prior to the commencement of any work in connection therewith a landscaping scheme for proposed boundary hedge to include full details of hedge planting with planting schedules, noting the species, sizes, numbers and densities of plants shall submitted to and agreed in writing by the Authority.

The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the details above, in the first planting season following the relocation of the fence to the position shown on the approved plans or in accordance with a programme previously agreed in writing by the Authority. Any hedge plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by hedge plants of a size and species similar to those originally required to be planted.

Reason - To make sure that an appropriate hedge landscaping scheme is agreed, in order to help assimilate the development into its surroundings and to reduce the impact of the fence on the character and appearance of the Conservation Area.

Expiry Date: This permission will cease to have effect on 09/01/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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/2021/2136
Property Ref: A31028F000
Valid date: 25/10/2021
Location: Kirklee Stanley Road St. Peter Port Guernsey GY1 1QW
Proposal: Erect fence to top of wall to front of properties (retrospective).

Applicant: Cobo Property Limited

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 two months of the date of this permission the fence shall be repositioned in accordance with the approved plans.

Reason - The fence in its current location has a detrimental impact on the character and appearance of the Conservation Area and the revised siting will allow for hedge planting to be carried out in order to screen the fence from the street and wider area thereby limiting the impact of the fence on the character and appearance of the locality.

5. Prior to the commencement of any work in connection therewith a landscaping scheme for proposed boundary hedge to include full details of hedge planting with planting schedules, noting the species, sizes, numbers and densities of plants shall submitted to and agreed in writing by the Authority.

The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the details above, in the first planting season following the relocation of the fence to the position shown on the approved plans or in accordance with a programme previously agreed in writing by the Authority. Any hedge plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by hedge plants of a size and species similar to those originally required to be planted.

Reason - To make sure that an appropriate hedge landscaping scheme is agreed, in order to help assimilate the development into its surroundings and to reduce the impact of the fence on the character and appearance of the Conservation Area.

OFFICER'S REPORT

Site Description:

Kirklee is a single-storey building situated to the north of Stanley Road. The site is elevated above road level with steps to the front of the building which has been extended and subdivided to create two units of residential accommodation.

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

Relevant History:

FULL/2020/0755 - Sub-divide, extend and alter dwelling to create two dwellings. Excavate to widen vehicular access (revised scheme) (Part retrospective) - granted

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application relates to the installation of a 1.1m high picket timber fence on top of the roadside wall.

As originally submitted, edge planting was shown inside the fence and the application retrospective because the fence had been erected. The application was deferred however, for the siting of the fence to be revised in order to allow hedge planting outside the fence and revised plans were submitted on 17 December 2021.

The application sets out that the fence has been erected because the approved and existing hedge does comply with Park K2 (protection from falling) of The Guernsey Technical Standards and therefore as approved represented a health and safety risk. It is argued that over time the hedge, to be planted in October/November 2021 will grow through the fence and will be almost lost from a visual perspective and will not, in time, have any adverse effect on the property, neighbouring properties or the character and amenity of the area.

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

Island Development Plan policies:

GP4: Conservation Areas

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the design and appearance of the fence and its likely effect on the character and amenity of the locality within a Conservation Area.

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.

The timber fence has been installed in an elevated position above road level at Kirklee in order to provide a safety feature to the front garden areas of the two properties on this site. Nonetheless, the site is located in a Conservation Area and the timber fencing, set outside the proposed boundary hedge would appear obtrusive in the streetscene and be detrimental to the character and appearance of the locality. Although the application submission makes reference to the approved hedge planting which will obscure the fence from view this would take several years to occur and is dependent on how the hedge is managed and cut, not matters that can be controlled by the Planning Service.

The application was deferred and amended however, in order to address the concerns raised relating to the exposed fence on the character and appearance of the streetscene, within a Conservation Area. The relocation of the fence, inside hedge planting, would provide safety and the hedge planting would reduce the impact of the fence on the character and appearance of the Conservation Area. Subject to a condition about the timing of the relocation of the fence and the planting of the new hedge the revised scheme is considered to meet the aims of Policies GP4, GP8, GP9 and GP13 of the Island Development Plan.

The application is therefore recommended for approval.

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: 10 January 2022

