

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 erect fence and replacement hedge to north (front) of dwelling (Revised scheme) (Retrospective).

LOCATION: Welwyn, Route De Cobo, Castel.

APPLICANT: Mr A Guille

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: 05/01/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/12/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Block Layout Plan and photographs entitled REF: FULL/2021/2365 showing that the trellis will be removed

Application Ref: FULL/2021/2365

Property Ref: D014030000

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 and associated posts shall be reduced in height to 1.2m in accordance with the approved plans.

Reason - To overcome the earlier reason for refusal relating to the height, siting and appearance of the fence panels in order to reduce the visual impact of the development on the character and appearance of the locality.

5.Notwithstanding the information provided, within two months of the date of this permission a hedge landscaping scheme, to include full details of hedge planting noting the species, sizes, numbers and densities of plants shall be submitted to and approved in writing by the Authority.

The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms above, in the first planting season following the completion of development, 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 - The information provided is insufficient to show that a satisfactory hedge screen will be provided to reduce the impact of the fence on the character and appearance of the locality. The condition is imposed to make sure that a satisfactory landscaping scheme for the approved fence is agreed, in order to help assimilate the development into its surroundings.

Expiry Date: This permission will cease to have effect on **04/01/2025** 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/2021/2365
Property Ref: D014030000
Valid date: 01/12/2021
Location: Welwyn Route De Cobo Castel Guernsey GY5 7RX
Proposal: Remove hedge and erect fence and replacement hedge to north (front) of dwelling (Revised scheme) (Retrospective).

Applicant: Mr A Guille

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 and associated posts shall be reduced in height to 1.2m in accordance with the approved plans.

Reason - To overcome the earlier reason for refusal relating to the height, siting and appearance of the fence panels in order to reduce the visual impact of the development on the character and appearance of the locality.

5. Notwithstanding the information provided, within two months of the date of this permission a hedge landscaping scheme, to include full details of hedge planting noting the species, sizes, numbers and densities of plants shall be submitted to and approved in writing by the Authority.

The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms above, in the first planting season following the completion of development, 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 - The information provided is insufficient to show that a satisfactory hedge screen will be provided to reduce the impact of the fence on the character and appearance of the locality. The condition is imposed to make sure that a satisfactory landscaping scheme for the approved fence is agreed, in order to help assimilate the development into its surroundings.

OFFICER'S REPORT

Brief Description:

The application site, known as Welwyn, comprises a detached bungalow located on an elevated plot to the south of Route De Cobo, Castel. The property is located in a Local Centre as defined in the Island Development Plan.

Surrounding the site, the area comprises residential properties to the east and south, fields to the west, and residential properties to the north located on the opposite side of Route De Cobo.

The application relates to the removal of a hedge and erection of a fence to be 1.2m high with a replacement hedge planted outside the new fence to the front/north of Welwyn. The application is partly retrospective because the hedge has been removed and a fence erected. The height of the fence will need to be reduced to reflect the application proposals.

Relevant History:

FULL/2021/1029 - Remove hedge and erect fence to north (front) of dwelling
(Retrospective) – refused:

Due to the size, siting and appearance of the fence panels, which is visually exacerbated by the change in ground level when viewed in public vantage points, the proposal is highly prominent in the immediate vicinity and in a wider context.

The introduction of fencing as the replacement structure for the former hedge, positioned between the façade of the house and the road is not considered to respect the features of the surrounding area which positively contribute to the locality.

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

Existing Use(s):

01 dwellinghouse

Assessment: (Tick as appropriate)

no representation

☒

accords with policy

☒

within curtilage

☒

design acceptable

☒

visual amenity acceptable

☒

no material neighbour impact

☒

traffic not affected

☒

Policies considered most relevant:

Island Development Plan policies:

GP8 Design

GP9 Sustainable Development

GP13 Householder Development

Conclusion/Brief comment:

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.

The reduction of the fence to 1.2m in height (as shown on the approved plans) and the planting of a suitable hedge in front of the fence towards the highway will help

the proposal assimilate into its surroundings and will address the concerns raised in the previous refusal of permission. It is recommended however that conditions are included on any permission to ensure that the fence is reduced in height in a timely manner and that details of an appropriate hedge to be planted are submitted to the Authority for approval.

Subject to the recommended conditions. the application is acceptable in relation to the above policies and other material planning considerations.

Recommendation:

Grant with Conditions



Date: 05 January 2022