

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: Remove hedge and erect fence to south boundary (Protected Building) (retrospective).

LOCATION: 1 Cameron Place, Upper St Jacques, St. Peter Port.

APPLICANT: Mr D Sheil & Ms N Fielding

I refer to the application referred to below received as valid on 01/02/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 17/05/2022

Application Ref: FULL/2022/0021

Property Ref: A206020000

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 fence to the south boundary of the site immediately adjacent to La Gibauderie does not achieve a high standard of design for the purposes of Policy GP8 (Design) that would preserve the setting of the Protected Building and respect and conserve the character and appearance of the Conservation Area. The proposal is therefore contrary to Island Development Plan Policies GP4, GP5, GP8 and GP13.

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/2022/0021
Property Ref: A206020000
Valid date: 01/02/2022
Location: 1 Cameron Place Upper St Jacques St. Peter Port Guernsey GY1 1SU
Proposal: Remove hedge and erect fence to south boundary (Protected Building) (retrospective).
Applicant: Mr D Sheil & Ms N Fielding

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The fence to the south boundary of the site immediately adjacent to La Gibauderie does not achieve a high standard of design for the purposes of Policy GP8 (Design) that would preserve the setting of the Protected Building and respect and conserve the character and appearance of the Conservation Area. The proposal is therefore contrary to Island Development Plan Policies GP4, GP5, GP8 and GP13.

OFFICER'S REPORT

Site Description:

The application site comprises a semi-detached Protected Building which is located on the corner between Upper St. Jacques and La Gibauderie. The roadside wall is included in the listing of the Protected Building.

The property is in a Conservation Area as defined in the Island Development Plan.

Relevant History:

None relevant to this application.

Existing Use(s):

Residential

Brief Description of Development:

Retrospective permission is sought to remove a hedge and erect a timber fence. The fence comprises an interwoven style.

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

GP4 Conservation Areas
GP5 Protected Buildings
GP8 Design
GP13 Householder Development

Representations:

The Authority has received a letter of representation from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- The plants listed are non-native.
- The photograph of Ivy is not the native Ivy Hedera Hibernica.
- Native planting would host considerably more biodiversity.

Consultations:

None generated.

Summary of Issues:

The impact of the development on the Conservation Area.

The impact of the development on the setting of the Protected Building.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting Protected Buildings and Conservation Areas, to secure so far as possible that the special historic, architectural, traditional or other special characteristics are preserved. These duties are reflected in Policy GP4 and Policy GP5 of the Island Development Plan respectively.

Roadside boundary treatments in the immediate locality are generally characterised by hedges, trees and low walls, often finished in render or comprised of granite.

The removal of a hedge may be acceptable under the relevant planning policies, subject to the replacement boundary treatment adopting a high standard of design for the purposes of Policy GP8, preserving the special interest of a Protected Building and its setting (Policy GP5), and respecting the character and appearance of the Conservation Area (Policy GP4).

Whilst it is recognised that the individual choice of the property owner is balanced against public interest, the application site in question comprises a Protected Building and is situated within a highly sensitive locality, designated as a Conservation Area; therefore the degree of flexibility with regards to design is less than that which might otherwise be acceptable in less sensitive locations.

The design of the timber fence adopted, in particular its interwoven style, finish and appearance, exacerbated by its height and prominence in the locality (as it is mounted on an elevated part of the garden above the protected roadside wall), is not considered to adequately respect the character or appearance of the Conservation Area by virtue of these reasons.

In addition, it is highly likely that the former hedge (in good condition) would have had a positive effect in relation to the character and appearance of the Conservation Area and on this basis, the replacement fence does not make an equal or enhanced contribution to the character of the Conservation Area and therefore does not comply with Policy GP4.

The proposal does to some extent detract from the setting of the Protected Building and roadside wall when 'read' in the street scene. These concerns substantiate the reasons for refusal as the reasonable aspirations of the property owner do not outweigh the harm on the setting of the Protected Building in its current form.

Due to the position, height, method of construction and the appearance of the fence panels, the proposal is considered to have a detrimental effect on the character and appearance of the Conservation Area and setting of the Protected Building which is sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met (Policy GP13).

The development will not affect the amenities of neighbouring residents.

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.

Overall, the proposal cannot be supported in its current form. It is recommended that the application be refused.

Date: 17/05/2022

