

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 south-west boundary.

LOCATION: La Maison Haute, Rue Des Eturs, Castel.

APPLICANT: Ms K Cooper

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: 21/04/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/02/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Drawing No: 2022/612/05

Application Ref: FULL/2022/0302

Property Ref: D007320000

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.The earthbank shall be restored and the hedge planted, in accordance with the details shown on Drawing No 2022/612/05, prior to the installation of the fencing hereby approved, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

Expiry Date: This permission will cease to have effect on 20/04/2025 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/2022/0302
Property Ref: D007320000
Valid date: 02/02/2022
Location: La Maison Haute Rue Des Eturs Castel Guernsey GY5 7DX
Proposal: Erect fence to south-west boundary.

Applicant: Ms K Cooper

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).

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the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

OFFICER'S REPORT

Site Description:

The property known as 'La Maison Haute' is a Victorian two and a half storey dwelling, which has been altered over the years. The house is set back from and faces south onto Rue des Eturs. There are neighbouring detached properties to the northwest and across the road to the south and southwest. To the east is a private driveway and then open agricultural fields and there are open agricultural fields to the north.

Relevant History:

FULL/2021/1405 - Erect flue and rooflights to north (rear) roofslope and alterations to fenestration – Approved August 2021.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to erect a 1.8m high hit and miss fence along a section of 18-20m of the southwest roadside boundary.

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

GP1: Landscape Character and Open Land
GP8: Design
GP13: Householder Development

Representations:

There has been one letter of representation and the issues are:

“I wish to object to the placement of wooden fencing at the above property. This is a relatively rural area, and a fence would suburbanise it. Surely the obvious answer is to plant a length of mixed hedging. This would align with the Strategy for Nature.”

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Policy GP1 states that development will be supported where it respects the relevant landscape character, and where practicable takes advantage of opportunities to improve visual and physical access to open land.

Rue des Eturs is within a fairly rural part of the island and the majority of roadside boundaries are made up of hedges, earthbanks or walls in front of the dwellings. Fences are generally limited to the rear of properties and not along the road side.

Fencing of 1.8m in height along a roadside boundary is not generally accepted, as it engenders a feeling of barricading and being in an urban area. Thus in this location an unscreened 1.8m roadside fence along the roadside would generally be incongruous and impact on the character of the surrounding area. However, the garden is at a slightly lower level than the road and the existing earthbank is to remain. Additional information has been sent in to give a better understanding of what is proposed.

The 1.8m fence will be fixed inside of the earthbank, which will be maintained, and a new hedge will be planted on top of the earthbank. From the roadside only approx. 900mm of fence will be seen behind the new hedging. Once the new hedging has grown, the fence will no longer be viewed from the roadside.

In this instance, due to level changes and the fact the earthbank is to be restored and replanted, the proposal to install the fence is considered to be acceptable, with little impact on the character or appearance of the area and no impacts on neighbour amenity.

Due to the nature and type of development, it is not considered necessary for the applicant to demonstrate that the proposal has been designed to take into account the criteria of Policy GP9 (Sustainable Development).

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 21/04/2022