

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 to west boundary and erect boundary wall (Retrospective).

LOCATION: Sampaquita, 1 Courtil Es Rougets, La Villette Road, St. Martin.

APPLICANT: Mr & Mrs J Lucas

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: 28/04/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/02/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Steve de Vial & Company Ltd: 2022-775-1

Application Ref: FULL/2022/0303

Property Ref: J00928A001

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.

Expiry Date: This permission will cease to have effect on 27/04/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, should the roots of the existing hedge to the west of the property be removed then this would amount to development and is likely that a separate planning application would need to be submitted, unless agreed in writing by the Authority.

For the avoidance of doubt, should the applicant decide to install a fence above the hereby approved wall then this would amount to development and it is likely that a separate planning application would need to be submitted, unless agreed in writing by the Authority.

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/2022/0303
Property Ref: J00928A001
Valid date: 01/02/2022
Location: Sampaquita 1 Courtil Es Rougets La Villette Road St. Martin
Guernsey GY4 6QD
Proposal: Remove hedge to west boundary and erect boundary wall
(Retrospective).
Applicant: Mr & Mrs J Lucas

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.

INFORMATIVES

For the avoidance of doubt, should the roots of the existing hedge to the west of the property be removed then this would amount to development and is likely that a separate planning application would need to be submitted, unless agreed in writing by the Authority.

For the avoidance of doubt, should the applicant decide to install a fence above the hereby approved wall then this would amount to development and it is likely that a separate planning application would need to be submitted, unless agreed in writing by the Authority.

OFFICER'S REPORT

Site Description:

The application site comprises a detached property that lies within Courtil Es Rougets Clos. The clos comprises a mix of soft and hard landscaping features to the front and side of properties which face onto the clos road.

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

Relevant History:

PAPP/2000/0044	Extend dwelling and construct a boundary wall surmounted with trellis	Granted
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Existing Use(s):

Residential.

Brief Description of Development:

The applicant has removed a hedge to the west of the property (north of the car parking area) and erected a replacement rendered, brick capped wall. The applicant has also cut down the roadside hedge to stump level which wraps around the car parking area.

Consequently, retrospective planning permission is sought to remove a hedge to the west of the property and erect a replacement wall.

For the avoidance of doubt, cutting the remaining section of the roadside hedge to stump level does not require planning permission, although removal of the hedge in its entirety (including the roots) does require planning permission. It is noted that the applicant would like to plant additional planting in and around the existing hedge.

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

GP8 Design
GP9 Sustainable Development
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:-

- Views of the applicant's vehicles due to the height of the proposed wall.
- Replace the hedge with an alternative hedge that is more established than the existing hedge, or new wall, but not a fence.
- Removal of the black and metal water holder.

Consultations:

None generated.

Summary of Issues:

- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.
- Whether the proposal would have any detrimental impacts on the amenities afforded to the occupiers of neighbouring properties.

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).**

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.

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 removal of the roadside hedge is acceptable under policy provided the replacement boundary treatment adopts a good standard of design and respects the character and appearance of the clos.

In light of the replacement wall erected, the scale, materiality and detailing of the wall is considered to achieve an acceptable standard of design that relates well to the dwelling and the clos. The clos is comprised of a mix of hard and soft boundary treatments, in which this small section of walling of this design would have a negligible effect.

Overall, the proposal will not have a detrimental impact on the character of the area, visual amenity, or the amenities of neighbouring residents.

In response to the representation received, the incorporation of a trellis fence above the approved wall is likely to require planning permission, unless it is agreed in writing by the Authority. An informative to this effect should be attached.

Whilst the existing hedge has been cut down to stump level, this in itself does not require planning permission and therefore no planning action can be taken against this work. The application seeks to plant additional planting, subject to client selection which again, does not require planning permission. However should any of the existing hedge be removed, including its roots, then this would amount the development.

The small, seemingly water tank, presumably used for irrigation is considered to be di-minimis (immaterial) to amount to development to take any action against. It is noted that the loss or impact on private views is not a material planning consideration as defined in Part IV, 13.1 of The Land Planning and Development (General Provisions) Ordinance, 2007.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 26/04/22

