

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: Removal of section of wall and hedge to create gated vehicle access to south boundary.

LOCATION: Les Hubits House, Les Hubits De Haut, St. Martin.

APPLICANT: Mr & Mrs F Galliot

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

Date of refusal of permission: 30/08/2022

Drawing Nos: Studio Ltd: 005-SS-12B.

Application Ref: FULL/2022/0310

Property Ref: J003460000

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 south property boundary consists of a low granite wall with earthbank and a mature hedge on top. All of these are key features in the area which contribute to the character of the Conservation Area. Policy GP4 states that proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.

In this instance allowing an opening as proposed in the south boundary would impact on the character of the Conservation Area, whether or not the entrance is angled, as the proposal would not conserve or enhance the special character of the Conservation Area. The proposal conflicts with Policy GP4 of the Island Development Plan.

2. The amended scheme shows an angled opening half way along the south boundary some 13m from the neighbour's driveway. Due to the angled approach the proposed new entrance does not have good visibility in both directions, resulting in

highway safety concerns and non-compliance with Policy IP9 of the Island Development Plan.

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/2022/0310
Property Ref: J003460000
Valid date: 02/02/2022
Location: Les Hubits House Les Hubits De Haut St. Martin Guernsey GY4 6LT
Proposal: Removal of section of wall and hedge to create gated vehicle access to south boundary.
Applicant: Mr & Mrs F Galliot

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The south property boundary consists of a low granite wall with earthbank and a mature hedge on top. All of these are key features in the area which contribute to the character of the Conservation Area. Policy GP4 states that proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.

In this instance allowing an opening as proposed in the south boundary would impact on the character of the Conservation Area, whether or not the entrance is angled, as the proposal would not conserve or enhance the special character of the Conservation Area. The proposal conflicts with Policy GP4 of the Island Development Plan.

2. The amended scheme shows an angled opening half way along the south boundary some 13m from the neighbour's driveway. Due to the angled approach the proposed new entrance does not have good visibility in both directions, resulting in highway safety concerns and non-compliance with Policy IP9 of the Island Development Plan.

OFFICER'S REPORT

Site Description:

The property known as 'Les Hubits House' is a two and a half storey main house with a two storey extension to the north. The side gable is directly onto Les Hubits, which runs along the south boundary. The house faces east with a large walled garden in front. To the west rear elevation is the vehicular entrance and parking area. There is a neighbouring property to the north and across the road to the south and east, and to the west is an open agricultural field. The property is located Outside of the Centres and is within a Conservation Area as defined in the Island Development Plan.

Relevant History:

FULL/2022/0311 – Erect pool house to north boundary – Approved March 2022.

FULL/2020/1307 - Demolish extensions and erect 2.5 storey extension and raise roof height to create 1st floor linked accommodation to west (rear) elevation, install rooflights to east roofslope and alterations to fenestration. Erect detached garage/workshop/office to north of dwelling – Approved November 2020.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to remove a section of wall and hedge and create a gated vehicle access to the southeast boundary of the site.

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

GP4: Conservation Areas

GP8: Design

GP13: Householder Development

IP9: Highway Safety, Accessibility and Capacity.

Representations:

Comments were received from La Societe Guernesiaise concerning removal of the hedge including a request for an informative on any permission drawing attention to the Animal Welfare Ordinance and Strategy for Nature and regarding removal of the hedge outside the main bird breeding season.

Consultations:

None

Summary of Issues:

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

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.

Initially the application had the access meeting the road right next to the existing crossroads, Les Hubits/Hubit de Bas/Les Hubits de Haut and the driveway to the adjacent property. There were traffic and highway concerns about the location of the new opening and the application was deferred to explore a different solution.

The amended scheme shows an angled opening half way along the south boundary some 13m from the neighbour's driveway. Due to the angled approach the proposed new entrance does not have good visibility in both directions, so there are still highway safety concerns.

The south boundary consists of a low granite wall with earthbank and a mature hedge on top. All of these are key features in the area which contribute to the character of the Conservation Area. Policy GP4 states that proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.

In this instance allowing another opening in the south boundary would impact on the character of the Conservation Area, whether or not the entrance is angled, as the proposals would not conserve or enhance the special character of the Conservation Area.

For the reasons above the recommendation is for refusal because the proposals do not comply with Policies GP4 or IP9.

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: 30/08/2022