

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.

LOCATION: Paradis, La Rue du Mont Marche, Forest.

APPLICANT: Dr M Thornton

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 04/03/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Plans (both dated 04/03/2022)

Application Ref: FULL/2022/0342

Property Ref: H003790001

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:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the 2020 Strategy for Nature, and the need to comply with their provisions. The hedge may be used by nesting birds or other wildlife. You are therefore requested to remove the hedge outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is recommended that you contact La Société Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email societe@cwgsy.net .

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/2022/0342
Property Ref: H003790001
Valid date: 04/03/2022
Location: Paradis La Rue du Mont Marche Forest Guernsey GY8 0HB
Proposal: Remove hedge and erect fence.

Applicant: Dr M Thornton

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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INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the 2020 Strategy for Nature, and the need to comply with their provisions. The hedge may be used by nesting birds or other wildlife. You are therefore requested to remove the hedge outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is recommended that you contact La Société Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

OFFICER'S REPORT

Site Description:

The property known as 'Paradis' is one half of a 1990's semi-detached dwelling, built where a pre1900's house was. The semi is set back from and faces east onto La Rue du Mont Marche, the other semi is attached to the north, there is a neighbouring property to the west and the access road Clos du Chaumette to the south. The junction of the two roads has been blocked to vehicles. Other neighbouring properties are across both roads to the south and east. The property is located within the Forest Local Centre as defined in the Island Development Plan.

Relevant History:

FULL/2022/0341 – Erect outbuilding/home office to northwest rear boundary – Approved April 2022.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to remove the conifer hedge along the south boundary and erect a 2m fence along 22m from the southwest and it will drop down to 1m for the last 7m, which is forward of the front elevation of the dwelling.

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

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

Representations:

There have been two letters of representation, one from La Societe Guernesiaise asking for an informative to be added regarding the Animal Welfare (Guernsey) Ordinance & Strategy for Nature and one which commented on the regret of loss of habitat. The second letter noted that the conifer hedge is of poor quality, but commented that it could be replaced by a native species of hedge.

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 neighbouring properties.

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.

Due to the species and condition of the conifer hedge, its removal is not considered to impact on the biodiversity of the area, conifers are not native to the island and are not known for harbouring much wildlife.

The property has a slightly higher ground level than the adjacent access road, Clos du Chaumette, and there is an established earthbank between the pavement and the property boundary, the earthbank will remain in situ. The top of the earthbank from the road is about 1.4m in height and from the property's side the height of the earthbank is about 0.8m.

Once the hedge is removed and the fence put in place, only a maximum of 1.2m of fence will be seen from the road side for the majority of the south boundary, and then only 0.2m where the boundary is forward of the building line. The higher point of the fence is protecting the privacy of the properties back garden and the final height of the fence would be in line with the neighbouring properties boundary treatments.

The majority of the roadside boundaries in the area are formed by earthbanks with either hedging or fencing above, or rendered blockwork. Therefore, when seen in context with the surrounding area, any impact on the visual character or appearance

of the surrounding area resulting from the development would not be so substantial to warrant the refusal of planning permission. The proposal would provide an adequate boundary feature and would not have any detrimental 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: 28/04/2022