

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 shed to east boundary, remove hedge and erect fence and gates to north and west boundary and widen vehicle access.

LOCATION: Lothlorien, Clos Des Jardinieres, Rue Des Pointues Rocques, St. Sampson.

APPLICANT: Mr & Mrs R Bourgaize

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: 12/05/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/03/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Steve De Vial & Co. Ltd: 2021-745-1A, Block Layout Plan and Fence Data Sheet (all date stamped received 08/03/22),

Application Ref: FULL/2022/0578

Property Ref: B00758A004

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.Prior to commencement of works on site, full details of the hedge planting scheme, including the sizes, numbers and densities of plants, shall be submitted to and agreed in writing by the Authority.

Reason - In the interests of visual amenity and to help assimilate the development into its surroundings.

5.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the removal of the existing hedge, or the installation of the shed, fence or gate whichever is the sooner. Any 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 - In the interests of visual amenity and to help assimilate the development into its surroundings.

Expiry Date: This permission will cease to have effect on 11/05/2025 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 Societe 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 info@societe.org.gg.

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/2022/0578
Property Ref: B00758A004
Valid date: 08/03/2022
Location: Lothlorien Clos Des Jardinieres Rue Des Pointues Rocques St.
Sampson Guernsey GY2 4HW
Proposal: Erect shed to east boundary, remove hedge and erect fence and
gates to north and west boundary and widen vehicle access.
Applicant: Mr & Mrs R Bourgaize

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.

4. Prior to commencement of works on site, full details of the hedge planting scheme, including the sizes, numbers and densities of plants, shall be submitted to and agreed in writing by the Authority.

Reason - In the interests of visual amenity and to help assimilate the development into its surroundings.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the removal of the existing hedge, or the installation of the shed, fence or gate whichever is the sooner. Any 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 - In the interests of visual amenity and to help assimilate the development into its surroundings.

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 Societe 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 info@societe.org.gg.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a detached dwelling-house which is located in a small clos, setback from Rue Des Pointues Rocques. The property is located in a Conservation Area and is situated in a Main Centre Outer Area as defined in the Island Development Plan.

Planning permission is sought to erect a shed to the east boundary, remove a hedge and erect a picket fence and gates to the north and west boundary, and widen the vehicular access.

Concerns were initially raised with regards to the prominent position of the shed and extent of the fence when viewed from the clos road.

In response, the agent has provided revised plans which includes a boundary hedge being planted on the inside of the proposed fence and adjacent to the proposed shed, in attempt to overcome the concerns raised.

Relevant History:

"Brise" neighbouring property. B00758A007. FULL/2017/2595.	Demolish store and construct replacement shed (northwest of dwelling) and erect summerhouse adjacent to Clos road (northeast of dwelling) (retrospective). Alterations to fenestration to east and west elevations in connection with garage conversion and install rooflight to western roofslope.	Granted
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Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

GP4 Conservation Areas
GP8 Design
GP13 Householder Development

Comments:

La Societe Guernesiaise:

"In respect of this application, we would like to highlight that all types of hedges support nesting birds and other wildlife. If the application is approved, we would request that the removal of the hedge be undertaken outside of the main bird breeding season (March-July inclusive). If removal during the bird breeding season is considered essential, then we would recommend that the hedge is inspected for current or recent use by birds (and other wildlife) by a suitably qualified person prior to removal. This would reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012.

We would request that an informative note be added to the Information Sheet as follows -

'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 Societe 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 info@societe.org.gg'.

Conclusion/Brief comment:

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 GP4 (Conservation Areas) 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.

Whilst the installation of a 1340mm high fence to the front and side of the property is not considered to achieve a high standard of design in itself, the inclusion of a new hedgerow planted on the inside of the fence will in time mature and help to soften its appearance in the clos. In addition, the fence is not substantially larger than that permitted under the exemptions ordinance which can allow a small fence (up to 900mm high) to be positioned forward of the front of a dwelling facing a highway (clos road). Furthermore, the design of the picket fence will enable views through the fence, as opposed to a solid design, and therefore by virtue of its design it will help to soften the appearance of the fence. Overall, the cumulative effect of all these factors is enough to ensure that the proposed fence is acceptable to the front and side of the dwelling. The inclusion of two gates will have a negligible effect and widening of the driveway to the extent shown in this relatively secluded location is acceptable under policy. The extension of the tarmac surface is exempt under the exemptions ordinance.

With regards to the proposed shed, whilst it is sited in close proximity to the clos road and therefore will be to some extent be highly visible in the street scene, the shed is positioned to the rear of the property and therefore is considered to be a reasonable aspiration of the householder (Policy GP13). Whilst concerns were raised with regards to the prominence of the shed in the clos road and from Rue Des Pointues Rocques, the degree of visual harm is not considered to be so substantial to the Conservation Area to warrant refusal when taking into account the amendments secured by the proposed landscaping, subject to further details required by

condition. It is noted that the hedging to the north of the shed will help to assimilate the shed into its surroundings, although this is outside of the applicant's control.

It is also noteworthy that the neighbouring property to the west of the application site has been granted planning permission to erect a summerhouse in close proximity to the clos road, together with a number of fence panels. It is however noted that these features are set further away from the clos road than the current application, although do serve as a precedent for similar types of development on the clos.

Overall, whilst it is recognised that the proposal will have a slight negative effect on the Conservation Area, character of the area and visual amenity, the extent of harm would not be so substantial as to justify refusal. Therefore for the purposes of Policy GP4, the application is considered to conserve the character and appearance of the Conservation Area.

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.

Recommendation:

Grant with Conditions



Date: 12/05/22

