

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: Remove hedge and replant section and erect fence to south boundary.

LOCATION: High Beach, 14 Clos De Sous Les Courtils, Sous Les Courtils, Castel.

APPLICANT: Mr J Smith

I refer to the application referred to below received as valid on 11/04/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 15/08/2022

Drawing Nos: Block Layout Plan (date stamped received 11th April 2022), 'plan view and elevation of affected area' (both date stamped received 10th March 2022).

Application Ref: FULL/2022/0609

Property Ref: D01045A014

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. Due to the size and siting of the replacement fence panels between the principal (south) elevation of the property and the clos road, the proposal would introduce a discordant element that would not positively contribute to the character or appearance of the clos. Consequently, the proposal is considered to have a significant detrimental effect on the character of the area and visual amenity which is sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met (Policy GP13) and would be contrary to Island Development Plan Policies GP8 and GP13. If approved, the proposal would also set an undesirable precedent for other properties on the clos, particularly those to the north of the clos road.

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/2022/0609
Property Ref: D01045A014
Valid date: 11/04/2022
Location: High Beach 14 Clos De Sous Les Courtils Sous Les Courtils Castel Guernsey GY5 7HY
Proposal: Remove hedge and replant section and erect fence to south boundary.
Applicant: Mr J Smith

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. Due to the size and siting of the replacement fence panels between the principal (south) elevation of the property and the clos road, the proposal would introduce a discordant element that would not positively contribute to the character or appearance of the clos. Consequently, the proposal is considered to have a significant detrimental effect on the character of the area and visual amenity which is sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met (Policy GP13) and would be contrary to Island Development Plan Policies GP8 and GP13. If approved, the proposal would also set an undesirable precedent for other properties on the clos, particularly those to the north of the clos road.

OFFICER'S REPORT

Site Description:

The site comprises a detached bungalow which is located towards the rear (west) of Clos De Sous Les Courtils. The property lies at the end on the northern side of the clos. The application site is located Outside of the Centres as designated in the Island Development Plan.

The property is served by parking towards the east of the site, with a wrap-around garden to the south (principal elevation), west and north of the house. Other similar style properties to the north of the clos road also feature hard surfaced gardens to the front (south) of their respective properties.

The character of the front of these properties to the north of the clos road feature a low granite boundary wall with relatively unobstructed views into the front gardens of the respective properties, apart from the application site which features a mature hedge on the inside of the granite wall.

Relevant History:

PAPP/1998/0112 D01045A009 'Amaroo'	Erect boundary wall and alter dwelling.	Granted
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Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to remove a hedge and replant a section and erect a fence to the south boundary.

The application was deferred over concerns in respect of the height and position of the fence and the potential undesirable precedent this could cause to the north of the clos. The applicant has subsequently provided additional information to seek to justify the proposed works on the grounds of privacy, and has clarified that the fence would be sited on the inside of the boundary wall.

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

GP8 Design
GP13 Householder Development

Representations:

La Societe Guernesiaise comments; *"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
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'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."

Consultations:

None.

Summary of Issues:

- The impact of the development on the character and appearance of the area.

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 Areas, Areas of Biodiversity Importance, protected buildings or protected monuments.

In this instance GP8 (Design) is also relevant. The preceding text to Policy GP8 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 existing Escallonia hedge is acceptable given its poor condition as it appears to have been subject to Honey Fungus which is a fungal disease.

The applicant originally sought to install a 1.22m high fence on top of the existing boundary wall (circa 53cm high), with a total height of approximately 1.75cm high. The length of the fence would be circa 12m. The applicant has sought to amend the proposal to installing a fence on the inside of the boundary wall, with a total height of 1.8m high as set out in the applicant's e-mail of 9th June 2022.

Whilst it is recognised that in less sensitive areas a degree of personal choice may be exerted by householders with regards to design matters (Policy GP8), this level of flexibility is carefully balanced against public interest. As noted above, the remaining properties to the north of the clos road are predominantly characterised by relatively low boundary walls, with hedges and shrubs on the inside of such boundary, allowing uninterrupted views into their respective front gardens (in front of the principal elevation). It is also noted that other properties in the clos to the south and west of the application site also have relative 'open' frontages, or feature hedges.

Due to the position and height of the fence proposed, the proposal is considered to represent a discordant feature in the immediate vicinity and in a wider context when 'read' against other boundary treatments to the front of neighbouring properties. The introduction of a replacement fence of this height (1.8m), positioned between the southern elevation of the property and the clos road is not considered to achieve a 'good' standard of design for the purposes of Policy GP8.

Consequently, the proposal is considered to have a significant detrimental effect on the character and appearance of the clos which is considered sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met (Policy GP13).

The installation of a 12m long and 1.8m high fence would also set an undesirable precedent in this location.

Overall, the proposal for the erection of 1.8m high fencing, cannot be supported in its current form. It is therefore recommended that the application be refused. Alternatively, a lower fence, or a replacement hedge could be an acceptable treatment that respects the character and appearance of the clos.

Date: 15 August 2022