

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: Rebuild retaining wall to west boundary (retrospective).

LOCATION: Ocean House, Rue Du Camp Au Pretre, St. Pierre du Bois.

APPLICANT: Mr & Mrs G Hands

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: 29/06/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTech GH-221061-03.

Application Ref: FULL/2022/0647

Property Ref: F008360000

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. The wall hereby approved must be finished, either with granite facing or render, within 3 months of the date of this decision, unless otherwise agreed in writing by the Authority.

Reason - To secure the satisfactory appearance of the completed development.

Expiry Date: This permission will cease to have effect on 28/06/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

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/2022/0647
Property Ref: F008360000
Valid date: 14/04/2022
Location: Ocean House Rue Du Camp Au Pretre St. Pierre du Bois
Guernsey GY7 9DS
Proposal: Rebuild retaining wall to west boundary (retrospective).
Applicant: Mr & Mrs G Hands

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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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. The wall hereby approved must be finished, either with granite facing or render, within 3 months of the date of this decision, unless otherwise agreed in writing by the Authority.

Reason - To secure the satisfactory appearance of the completed development.

INFORMATIVES

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

OFFICER'S REPORT

Site Description:

The property known as 'Ocean House' is a large two storey modern dwelling which was built in the early 2000's. The property is set into the hill and has Rue du Camp au Pretre running along the east boundary, sweeping round and down the hill along the north and west boundaries. To the south-west are neighbouring properties with rear gardens which slope up to meet the driveway of Ocean House. The property is located Outside of the Centres and is within the Agriculture Priority Area as defined in the Island Development Plan. The property is situated on the West Coast Scarp (See Annex V Landscape Character).

Relevant History:

FULL/2021/0363 – Rebuild section of earthbank to east boundary (Retrospective) – Approved February 2021.

FULL/2018/0238 – Repair and stabilise earthbank – Approved July 2018.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This is a retrospective application to build a retaining wall along the west boundary of the southern driveway.

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

GP1: Landscape Character and Open Land

GP8: Design

GP13: Householder Development

Representations:

There has been one letter of representation and the issues are:

- The Retrospective Application involves development on a mutual boundary, of which we are owners, and the neighbours have not consented to the application or to the works that have been carried out by the Applicants.
- The Applicants removed a low earthbank, which had been partially faced with dry granite, to build a higher retaining wall out of concrete. There was no retaining wall there previously and the bank had not collapsed as the Applicants have suggested.
- The Applicants have also removed trees and high hedges, which we understand was carried out without permissions.
- The Rocquaine coastline is a unique location of natural beauty and heritage for Guernsey. The concrete wall that has been built by the Applicants is visible from the main road along Route de Rocquaine as well as from the beach, and creates an ugly scar on the hillside.
- The neighbours are not aware that any engineering thought has been put into the construction of the concrete wall, and they believe that there is a real risk that the wall could collapse causing serious damage to their property and is at risk of causing physical harm.

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.

The wall is stated to have been built to protect the driveway to Ocean House, which is on the edge of a steep slope. Previously there was an earthbank with a lot of planting and a post and wire fence. The applicants state that the earthbank was slipping causing the fence to bow, which is why they carried out the work. The works would therefore comprise a reasonable aspiration of the householder, in respect of Policy GP13.

Planting in the immediate area has been removed, exposing the new wall to views from the coast road over 300m away, however those views are distant and limited. If the wall was finished with granite facing any impacts would be further mitigated,

however the impact is not so significant, particularly once the planting re-establishes itself, to make this a requirement of the decision, and a render finish would be acceptable.

The wall would not have a detrimental impact on the character of the area and would not have any negative impacts on the private amenity of any of the neighbours. A separate Building Control application has been made, which will ensure the wall has been built in accordance with the Building Regulations.

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.

Boundary disputes between neighbours are not under planning control, but are a civil matter. The grant of planning permission does not override any third party rights or privileges.

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: 24/06/2022

