

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: Demolish and rebuild north-west (roadside) boundary wall.

LOCATION: Sundale, Les Ozouets Road, St. Peter Port.

APPLICANT: Mr & Mrs P Blampied

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: 15/07/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/05/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plan (date stamped approved 16th March 2022), annotated photographs and photograph of proposed wall (date stamped approved 4th May 2022).

Application Ref: FULL/2022/0674

Property Ref: A210260000

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.Within 2 months of the existing boundary wall being demolished, the 90cm high granite wall hereby approved shall be erected and finished in granite to match as closely as possible to the type, colour, texture, method of bonding and pointing of the stone wall as shown on approved plan labelled photograph 3.

Reason - in the interests of visual amenity and to ensure that the works are completed in a timely manner.

Expiry Date: This permission will cease to have effect on 14/07/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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/2022/0674
Property Ref: A210260000
Valid date: 04/05/2022
Location: Sundale Les Ozouets Road St. Peter Port Guernsey GY1 2UA
Proposal: Demolish and rebuild north-west (roadside) boundary wall.

Applicant: Mr & Mrs P Blampied

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. Within 2 months of the existing boundary wall being demolished, the 90cm high granite wall hereby approved shall be erected and finished in granite to match as closely as possible to the type, colour, texture, method of bonding and pointing of the stone wall as shown on approved plan labelled photograph 3.

Reason - in the interests of visual amenity and to ensure that the works are completed in a timely manner.

OFFICER'S REPORT

Brief Description of the site:

The application is comprises a detached dwelling located to the east of Les Ozouets Road. The front of the property is served by a public 'highway' which connects Les Ozouets Road and Skins Lane.

Planning permission is sought to demolish an existing dry-stone wall and to reinstate the boundary with a dressed granite wall, similar to that found at 'Belle Etoile' as shown in photograph 3 of the supporting information.

Relevant History:

FULL/2022/0732	Remove hedge and erect fence to north and south boundaries	Pending
FULL/2021/0709	Remove hedges on north, east and south boundaries and erect fences to south boundary	Granted

Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation	☒
accords with policy	☒
within curtilage	☒
design acceptable	☒

visual amenity acceptable	☒
no material neighbour impact	☒
traffic not affected	☒

Policies considered most relevant:

- GP1 Landscape Character and Open Land
- GP8 Design
- GP9 Sustainable development
- GP13 Householder Development
- IP9 Highway Safety, Accessibility and Capacity

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.

The application site does not comprise a protected building, nor is it situated within a Conservation Area. Whilst the application site is not particularly sensitive, the wall is likely to have been in situ before the beginning of the 20th Century based on orthophotographs when it formed the entrance to Skins Lane. However, no substantive evidence is available to corroborate this assertion.

Consequently, the existing dry-stone wall does make a positive contribution to the character and appearance of the area, although due to the limited protection afforded to the application site, coupled with the significant degree of flexibility afforded to householder development (Policy GP13), it would be unreasonable to require the retention of the wall in this circumstance. The demolition of the wall is acceptable as the proposal would not result in an unacceptable loss of a specific distinctive feature that contributes to the wider landscape character and local distinctiveness of the surrounding area (Policy GP1).

With regard to the replacement wall, it is noted that the proposed wall will be 90cm high and re-use the existing granite and be finished with a brick coping. It is considered that a replacement dressed granite wall is acceptable in this locality. It is also not considered necessary or reasonable to require by a condition that the replacement wall is constructed in a manner to reflect the dry-stone nature of the existing wall, due to the reasons set out above.

Overall, the proposal is likely to have a limited adverse impact on the character and appearance of the area that would not warrant the refusal of permission and the proposed development is supported under IDP policy.

The height of the wall is sufficient to not adversely affect sightlines towards oncoming traffic or pedestrians from the vehicle access, or those properties to the north of the application site (Policy IP9).

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: 14/07/22

