

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: Erect fence and gate to north boundary.

LOCATION: Les Roseaux, Rue A L'Eau, Castel.

APPLICANT: Mr N Reed

I refer to the application referred to below received as valid on 20/06/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 11/10/2022

Drawing Nos: Block Layout Plan (date stamped received 17th June 2022).

Application Ref: FULL/2022/0950

Property Ref: D002830000

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. The proposed fence to the north boundary of the site, forward of the front elevation of the dwelling-house, does not achieve a 'good' standard of design and would if approved, have a significant detrimental effect on the character and appearance of the area, contrary to Island Development Plan Policies GP8 and GP13.

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/2022/0950
Property Ref: D002830000
Valid date: 20/06/2022
Location: Les Roseaux Rue A L'Eau Castel Guernsey GY5 7AL
Proposal: Erect fence and gate to north boundary.
Applicant: Mr N Reed

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed fence to the north boundary of the site, forward of the front elevation of the dwelling-house, does not achieve a 'good' standard of design and would if approved, have a significant detrimental effect on the character and appearance of the area, contrary to Island Development Plan Policies GP8 and GP13.

OFFICER'S REPORT

Site Description:

The application site comprises a detached dwelling-house located to the east of Rue A L'Eau. The property is located in the centre of a small group of buildings which are all set back from the road, and is flanked by a car repair workshop to the north and a residential dwelling to the south. The property is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

PAPP/2005/3553	Erect fence	Granted
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Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to erect a 2m high fence and gate to the north boundary, sited to the front of the dwelling. The proposed fence and gate will run on the inside of an existing low hedge and will be set back from the road by approx. 1m. The total length of the fence and gate is approximately 12m in length.

The applicant has stated in the application form that the proposed fence is to replace a former fence which was blown down in a storm 3 years ago.

Advice was provided to reduce the height of the fence nearest the road to improve the design and respect the character and appearance of the surrounding area.

The applicant has responded and noted that the fence is required to screen the vehicles to the north of the site.

Planning permission was granted in 2005 to erect a 90cm (3ft) high fence for a distance of 5.2m from the road edge, increasing in height to 1.8m (5ft 11inches) high up to the façade of the dwelling. A condition was also applied to ensure that the fence be dark stained on both sides within 28 days of its construction.

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

GP8 Design

GP13 Householder Development

Representations:

None received.

Consultations:

None generated.

Summary of Issues:

- Whether the design and position of the fence is acceptable.
- Whether the development would impact 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.

Whilst it is recognised that in less sensitive areas, the individual choice of the property owner is balanced against public interest, the design of the replacement fence nearest the road, particularly its height, position and appearance, is not considered to respect the character of the area which is predominantly defined in the immediate surroundings by soft landscaped features, including hedges.

The justification to screen the whole of the neighbouring land to the north of the application site is not considered to reasonably outweigh the consequential adverse effects on visual amenity and the character of the area.

Overall, 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). In addition, erecting a 2m high fence adjacent to the road would not achieve a 'good' standard of design for the purposes of Policy GP8. Therefore it is recommended that the application be refused.

Date: 11/10/2022

