

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 earthbank and hedges (retrospective). Erect single storey outbuilding/pool house, erect fence to north and west boundary.

LOCATION: A Jaumais, Rue Des Corneilles, Castel.

APPLICANT: Mrs C O'Sullivan

I refer to the application referred to below received as valid on 15/06/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 19/08/2022

Drawing Nos: A7 Design - 21-1358-P2 WD/01, 02 & 03.

Application Ref: FULL/2022/1043

Property Ref: D013030000

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 fencing 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/2022/1043
Property Ref: D013030000
Valid date: 15/06/2022
Location: A Jaumais Rue Des Corneilles Castel Guernsey GY5 7PP
Proposal: Remove earthbank and hedges (retrospective). Erect single storey outbuilding/pool house, erect fence to north and west boundary.
Applicant: Mrs C O'Sullivan

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed fencing 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 property known as 'A Jaumais' is a 1970's bungalow which had a large extension added in 2012. The dwelling is located in the southwest corner of a large square site, along the east boundary is the road, Rue des Corneilles, along the north and west boundaries are public footpaths, Sous la Lande with La Guet pine forest beyond to the west, and to the south is an open field. The property is located Outside of the Centres as defined in the Island Development Plan.

Despite the scattered built environment to the north, east and south of the application site, the surrounding area has a relatively undeveloped, open and rural nature which contributes to the landscape character and amenity of the area.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This is a retrospective application to remove an earthbank and hedges and erect a fence along the west boundary. Plus erect a single storey outbuilding/pool house and erect an aluminium fence along the northern boundary.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There have been four letters of representation and the issues are:

- The application affirms the inappropriate removal of traditional hedging with associated loss of wild life habitat, and resulting in the loss of a historical naturally established pathway marred by unsightly wood fencing.
- A further interpretation of the current erection is that the fence is of a type which has simulated vegetation type covering or decoration, presumed of plastic constituent. This is not an environmentally beneficial product, and one may anticipate that the results of the effects of the elements of nature, sun, rain, and wind, such material may quickly fragment and scatter, in part littering the public path.
- The Island has a duty to protect its heritage, in this instance the natural appearance of one of its "green lanes" by ensuring that the border interface remains natural and pleasing to all users at all times.
- The area is 'green' (pollinators are active) and could be termed a 'Tourist Spot', close to the sea atmosphere. Anything not natural will soon look like it is unnatural and hence objectionable in the area. It is recommended that the area is not marred by man-made substances – paint and plastic included.
- None of the properties in the area, which have been in situ since the 1800's, rely on fencing, they use a combination of hedgerows, earthbanks, trees, and granite along their boundaries. There is an objection to using fencing, especially aluminium fencing which is more suited to industrial sites.
- The newly erected fence along the western boundary will have a considerable detrimental impact on the natural beauty of the area. It replaces a row of natural hedging, trees and shrubs, which were removed illegally. The green lane is a path to Le Guet pine forest and is used by many locals and tourists, the character and charm of Le Guet will be marred by this unsuitable barrier.
- The proposed grey aluminium fence to the north is not in keeping with the rural aspect of the area. Whilst the need for privacy is appreciated, a softer barrier of hedging, trees or shrubs, similar to that which was removed, would be more fitting.

Consultations:

None

Summary of Issues:

- Principle of development
- 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.

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.

However, whilst it is recognised that in less sensitive areas a degree of personal choice may be exerted by householders with regards to design matters, this level of flexibility is carefully balanced against public interest. The immediately surrounding area is predominantly characterised by relatively low granite walls, earthbanks and soft landscaped features, including trees and hedges, and contains several public footpaths.

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.

For a fence to be considered as exempt a key criterion of that exemption depends on the location of the fence, whether it is forward or behind any elevation of the dwelling that faces a highway. If forward then the height should not exceed 0.9m for it to be considered as exempt, if behind it should not exceed 2m in height. In planning terms a 'highway' means any vehicular or pedestrian road, street, lane or close, track or path, however named, used by the public. Therefore, in this instance, there is a highway to the west, north and east of the property.

The previous west boundary treatment appeared to comprise an earthbank, with a mix of hedging and trees planted on it. During the application site visit the newly erected

fence was timber with faux green plastic foliage on the applicant's side, which leaves an unsightly, unnatural barrier adjacent to Le Guet footpath, for an 18m length. An application should have been submitted to carry out the previous works of removing part of the earthbank and some hedges, which would only have been supported if the replacement was something similar to that removed, i.e. earthbank and hedge. The faux foliage fence is a detrimental replacement that is not appropriate for the rural area in which it is located.

Since the first site visit the service was informed that the faux green foliage fence had been replaced with a solid timber panel fence. A second site visit was carried out and the new fence was observed as being higher and more solid than the faux foliage fence, giving a further sense of enclosure which is not a characteristic feature of the rural landscape in which it sits.

The aluminium fence proposed to the north of the dwelling is also not a natural material and would not be in keeping with the materials of the rest of the property or the rural character of the surrounding area. The 2m height is considered excessive for a fence forward of the dwelling that faces a highway, and a substantial reduction in height and change of material would be required to enable support to be given for a fence in this location.

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

Overall, the proposal cannot be supported in its current form. It is recommended that the application be refused.

The pool house would likely be supported should an application for this development only come forward, however this would need to be assessed separately.

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.

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: 19/08/2022

