

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: Reconstruct stone walls, erect raised decking area, balustrade and fencing to south-west and south-east of property (Retrospective).

LOCATION: L'Abreurveux, La Villiaze Road, St. Andrew.

APPLICANT: Mr P Lawrence

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: 11/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block plan (dated 03/05/2022), Plan and annotated photos (all dated 27/06/2022).

Application Ref: FULL/2022/1056

Property Ref: K003970000

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 works hereby approved must be carried out in accordance with the information given on the annotated photographs and as set out in the points attached to the letter dated 27/04/2022 within 28 days of the date of this decision, unless otherwise agreed in writing by the Authority.

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

5.A landscaping scheme, to include those details specified below, must be submitted to and agreed in writing by the Authority:

- i) full details of the proposed hedge planting, including planting schedules, noting the species, sizes, numbers and densities of plants; and
- ii) details of the green garden screening noted in the application.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

6.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the date of the approval. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

7.The stone to be used in the reconstruction of the stone walls hereby permitted shall match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone.

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

Expiry Date: This permission will cease to have effect on 10/10/2025 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/2022/1056
Property Ref: K003970000
Valid date: 27/06/2022
Location: L'Abreuveux La Villiaze Road St. Andrew Guernsey GY6 8YL
Proposal: Reconstruct stone walls, erect raised decking area, balustrade and fencing to south-west and south-east of property (Retrospective).

Applicant: Mr P Lawrence

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. The works hereby approved must be carried out in accordance with the information given on the annotated photographs and as set out in the points attached to the letter dated 27/04/2022 within 28 days of the date of this decision, unless otherwise agreed in writing by the Authority.

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

5. A landscaping scheme, to include those details specified below, must be submitted to and agreed in writing by the Authority:

- i) full details of the proposed hedge planting, including planting schedules, noting the species, sizes, numbers and densities of plants; and
- ii) details of the green garden screening noted in the application.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

6. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the date of the approval. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

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

OFFICER'S REPORT

Site Description:

The property known as 'L'Abreuveux' is a one and a half storey dwelling which replaced an earlier structure in the mid-20th century. The dwelling sits on an 'L' shaped plot with La Villiaze Road running along the western boundary and La Villiaze Lane running along the north boundary. Land falls steeply away to the east and

south where a Protected Monument, an Abreuvoir with water trough, paved dovit and pathways is located. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

PREA/2021/2548 – Erect decking and fencing (Retrospective) (Adjacent to Protected Monument) – Closed December 2021.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This is a retrospective application to erect a raised decking area, balustrade and fencing to the southwest and southeast of the property and to reconstruct the stone boundary walls.

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

GP6: Protected Monuments

GP8: Design

GP13: Householder Development

Representations:

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

- The decking overlooks the neighbours garden devaluing the property
- The decking looks out of character with the area which is surrounded by grass, hedges, trees and stone walls
- The decking provides a place for rats to live, they have been seen in the hedge and could now nest and breed, no doubt attracted by the chicken pen in the front garden and fallen barbeque food now served up on the decking, and there are a lot of fly's about
- The decking and fencing are combustible materials, which is a fire risk
- Noise levels have increased across the neighbours garden due to bouncing balls on the wooden decking, some have ended up in the neighbours garden.
- Horse riders have stopped going down to the parish water trough (the protected monument) to allow the horses to drink because the horses are frightened of the banging of balls on the decking
- There is concern for visitors and walkers who often go down to the trough, they could be hit by a ball from the decking above.

- There is also the risk of children climbing the balustrade and falling several feet into the hard surface below suffering unnecessary injury.

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 decking was erected without planning approval, and so enforcement advised the applicants to submit a pre-application enquiry. The advice given in the pre-application response stated that the decking was not considered to respect the character of the surrounding area, policy GP8(c), and that the development affected the setting of the protected monument, policy GP6.

The advice also said 'To be acceptable the extent of the decking/fencing would have to be reduced so that it would not be seen in the background of views of the monument. The provision of appropriate landscape screening is also advised, so that the decking and fence cannot be seen.'

The submitted application proposes a number of alterations to the decking, as well as the reconstruction of the stone wall and the installation of a temporary landscape screen mesh to be put in place while permanent planting becomes established. It is considered that, taking into account the reconstruction of the walls and the proposed alterations to the decking and associated fencing, once the landscape scheme has established itself, there will still be a slight negative effect on the setting of the Protected Monument.

The pre-facing text to Policy GP6 however sets a threshold of 'significant and unacceptable' impact/harm for an application to be refused. In this case, whilst the altered decking will have a negative effect, that harm does not meet the threshold of significant harm and would therefore comply with GP6.

Conditions can be added to ensure the proposed works are carried out in a timely manner, and that an appropriate landscaping scheme is submitted and approved; implemented and maintained.

Although the decking does face the neighbouring property's garden, the Protected Monument lies between the two properties at a much lower level and there are a number of trees and hedges between the two properties, as stated in the letter of representation. The neighbouring property is over 65m away from the decking, which means the opportunity for overlooking is minimal and not considered a planning issue in this case. Noise arising from the property would be domestic level and unlikely to comprise a statutory nuisance. If that were the case it would be addressed under separate legislation. Issues to do with vermin do not form a material planning consideration and would be dealt with under separate legislation.

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.

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: 07/10/2022

