

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: Replace hedging to south-west and south east boundaries and to north of dwelling. Replace fencing to south-west boundary.

LOCATION: Courtil Jean, Le Villocq Lane, Castel.

APPLICANT: Mr & Mrs D De La Mare

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: 19/08/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/07/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plan detailing replacement hedging, annotated photographs, and specification of fence panels (date stamped received 22nd June 2022), Block Layout Plan detailing replacement fencing and hedge (date stamped received 8th August 2022).

Application Ref: FULL/2022/1301

Property Ref: D016830000

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.Prior to the removal of the existing hedge bordering Ruelle Du Villocq full details, including the height and spacing of hedging when planted, shall be submitted to and agreed in writing by the Authority.

Reason - To ensure the spacing and height of the replacement hedge is acceptable and to help screen the replacement fence in the interests of visual amenity.

5.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 removal of the existing hedge, or in accordance with a programme previously agreed in writing by the Authority. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 18/08/2025 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/2022/1301
Property Ref: D016830000
Valid date: 05/07/2022
Location: Courtil Jean Le Villocq Lane Castel Guernsey GY5 7ST
Proposal: Replace hedging to south-west and south east boundaries and to north of dwelling. Replace fencing to south-west boundary.

Applicant: Mr & Mrs D De La Mare

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. Prior to the removal of the existing hedge bordering Ruelle Du Villocq full details, including the height and spacing of hedging when planted, shall be submitted to and

agreed in writing by the Authority.

Reason - To ensure the spacing and height of the replacement hedge is acceptable and to help screen the replacement fence in the interests of visual amenity.

5. 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 removal of the existing hedge, or in accordance with a programme previously agreed in writing by the Authority. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity.

OFFICER'S REPORT

Brief Description of the site:

The application seeks to replace hedging to the south-west and south-east boundaries and to the north of the dwelling. It is also proposed to replace fencing to the south-west boundary.

The site is located Outside of the Centre as designated in the Island Development Plan.

The application was deferred over concerns over the height of the replacement fence along the south-west boundary of the property, which was forward of the building line of the property fronting onto Ruelle Du Villocq.

The applicant has clarified the position of fence which will be sited behind the replacement hedge along the south boundary.

Relevant History:

FULL/2019/2248 - Remove section of hedge and fencing and erect fence to north-west 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:

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

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 replacement 1.8m high fence raises some concerns as it will extend forward of the building line of the property facing onto a road and sited behind the replacement hedge. However, the replacement fence will be sited behind the neighbour's roadside hedge and therefore would limit the visual impact on public views in a south-west to north-east direction. Whilst this will result in a dependency on the neighbour's hedge to screen the fence and therefore does not represent best practice, the degree of potential harm caused should the neighbour's hedge die is unlikely to be so substantial to justify grounds for refusal. In addition, given it is a roadside hedge it is more than likely that such boundary treatment would be replaced by another hedge in the future given its prominence on the roadside, rather than hard landscaping features. Overall, there could be a visual impact should the neighbour's hedge die or become diseased, but such impact would not be significant enough to justify refusal of this application.

It is reasonable to attach a condition to ensure that the replacement roadside planting along the south-east boundary is appropriately planted in the interests of visual amenity and to help screen the replacement fence in a north-east to south-west direction.

The application is acceptable in relation to the above policies and other material planning considerations.

Recommendation:

Grant with Conditions

✓

Date: 17/08/22

