

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: Remove hedge and erect retaining wall to west and north boundary.

LOCATION: 3 Clos De Verger, Ville Au Roi, St. Peter Port.

APPLICANT: Ms L Gale

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: 21/12/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/11/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block plan (03/11/2022) and annotated photos (19/08/2022).

Application Ref: FULL/2022/1716

Property Ref: A40418A003

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 walls hereby permitted shall be constructed within 28 days of the removal of the hedge and shall be rendered externally within 28 days of construction.

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

5.No development, excluding demolition and site works, shall begin until details of the proposed replacement hedging, to include details of the position of the hedge and sizes, numbers and densities of plants, have been submitted to and agreed in writing by the Authority.

The hedging shall be planted, in accordance with the agreed details, in the first planting season following completion of the wall, or in accordance with a programme previously agreed in writing by the Authority. 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.

Expiry Date: This permission will cease to have effect on 20/12/2025 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/2022/1716
Property Ref: A40418A003
Valid date: 03/11/2022
Location: 3 Clos De Verger Ville Au Roi St. Peter Port Guernsey
Proposal: Remove hedge and erect retaining wall to west and north boundary.

Applicant: Ms L Gale

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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.

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

OFFICER'S REPORT

Site Description:

The property known as '3 Clos de Verger' is a two and a half storey detached late 1990's dwelling which is part of the Clos de Verger. The property faces west, the access road runs along the west and north boundary and there are neighbouring properties to the south and east. The property is located in the St Peter Port Main Centre Outer Area as defined in the Island Development Plan.

Relevant History:

FULL/2018/1677 – Remove section of hedge to widen driveway – Approved August 2018.

FULL/2003/0873 - Regrade land and construct retaining wall and earthbank – Refused April 2003.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to remove a hedge and erect a retaining wall around the front west boundary around to the north boundary. The wall will rise up to 1.5m on the north boundary, but remain at 1m reducing to 0.5m around the west boundary. A

new hedge will be planted along the inside of the retaining wall. Initially the applicant was going to erect a small greenhouse in the rear garden, but a letter received said it was to be omitted from the application.

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

GP8: Design

GP13: Householder Development

Representations:

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

- A retaining wall around the side and front garden of this property would totally detract from the uniformity of the entire Clos de Verger, where from the outset it was obligatory to be bounded by hedges to all front and side gardens.
- Should the above application be granted, the neighbour to the north would be facing a 1.5 metre garden wall as opposed to the greenery of the present hedge.
- The application fails to demonstrate that no disruption would be made to the pavement or any land beyond the applicant's own boundary or ownership.
- With building on the boundary line, excavation for foundations would extend outside of the boundary and on either, other landowner's property, or the private and communal Clos road for which permission has not been granted.
- If weep holes are created to drain build-up of water behind a retaining wall, the waste would be deposited onto the adjacent road which is a cul-de-sac and jointly owned by No 8 and No. 9 Clos de Verger. As a private road, this is not acceptable and would not be permitted.

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.

A similar application was submitted in 2003, shortly after the Clos was built. The application was refused because the proposals would have had to remove trees and hedges, which was considered to impact on the visual amenity of the Clos. However, the trees have since died or been removed and the remaining hedge is not in good condition.

Although the hedge is to be removed in its entirety, the proposal includes planting a new hedge inside the wall which will grow and match the rest of the Clos in time. The height of the wall is proposed to be 1.5m along the side of the property, reducing from 1m to 0.5m as it runs around the corner and along the west boundary, almost following the contour of the land (the land slopes down from south to north).

Whilst the proposal would introduce a hard landscaped feature within the setting of the Clos, there are other areas of rendered wall with brick top within the Clos, which appear to have been present when the Clos was built. The proposals are not therefore considered to be incongruous, or to detract from the uniformity or character of the Clos to the point that it warrants a refusal.

The proposed wall bounds the clos road, set away from neighbouring property, and is of limited height. The wall would not materially affect outlook from an adjoining property and a private view is not a material consideration. The proposals will not cause any significant negative impacts on neighbour amenity.

Due to the nature and type of development, it is not considered necessary for the applicant to demonstrate that the proposal has been designed to take into account the criteria of Policy GP9 (Sustainable Development).

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.

Drainage and management of water run off, together with any issues of disruption during the course of work would be managed under separate legislation.

The grant of planning permission does not confer consent for works to be undertaken on land which does not fall within the ownership of the applicant and all relevant consents must be obtained prior to works commencing.

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: 16/12/2022