

**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 section of roadside wall to widen vehicle access and alter parking area (Protected Building).

**LOCATION:** Jardin D'Amour, Le Bigard, Forest.

**APPLICANT:** Mr & Mrs Phillips

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:** 13/01/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 31/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Jason Hobbs Architectural Services - 6301/A/1a

**Application Ref:** FULL/2022/1793

**Property Ref:** H000280000

**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.Notwithstanding the information submitted, within 2 months of the vehicular access being widened, the roadside wall and pillar shall be made good to match as closely as possible to the boundary treatment, in accordance with the approved details.

Reason - to preserve the special interest of the protected building and in the interests of visual amenity.

5.Prior to the commencement of development, full details of the proposed extended bridge across the existing stream shall be submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - To secure satisfactory details of the completed development and to prevent any effect on the stream.

**Expiry Date: This permission will cease to have effect on 12/01/2026 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](http://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](mailto: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/2022/1793  
**Property Ref:** H000280000  
**Valid date:** 31/08/2022  
**Location:** Jardin D'Amour Le Bigard Forest Guernsey GY8 0HT  
**Proposal:** Remove section of roadside wall to widen vehicle access and alter parking area (Protected Building).  
  
**Applicant:** Mr & Mrs Phillips

**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.

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. Notwithstanding the information submitted, within 2 months of the vehicular access being widened, the roadside wall and pillar shall be made good to match as

closely as possible to the boundary treatment, in accordance with the approved details.

Reason - to preserve the special interest of the protected building and in the interests of visual amenity.

5. Prior to the commencement of development, full details of the proposed extended bridge across the existing stream shall be submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

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## **OFFICER'S REPORT**

### **Site Description:**

The application site comprises a protected building located to the east of La Rue du Bigard. The property is located Outside of the Centres as designated in the Island Development Plan.

### **Relevant History:**

None germane to this application.

### **Existing Use(s):**

Residential – dwelling-house

### **Brief Description of Development:**

Planning permission is sought to demolish a section of the roadside wall in order to widen the existing vehicular access. The total width of the access will be 4500mm (measured between the pillars).

The application also proposes to regrade the front garden in order to extend parking provision and to erect a low retaining wall near the façade of the property.

Concerns were initially raised over the effect on the setting of the protected building arising from altering the formal setting of the front garden. In particular, the former front garden was heavily planted and rural in character which contributed to the surrounding area. The original design included hard surfacing that extended up to the surrounding buildings and walls, which would have a negative suburbanising effect.

In response, the agent has re-instated the planters to the north and west of the front garden, reduced the extent of hard surfacing, and formalised the parking area in attempt to overcome the concerns raised. The representations received were not notified of the changes proposed given the principal issues raised within each representation were not addressed.

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

GP1 Landscape Character and Open Land  
GP5 Protected Buildings  
GP8 Design  
GP9 Sustainable Development  
GP13 Householder Development

**Representations:**

The Authority has received representations from three parties objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Works have commenced on site through the removal of landscaping therefore the works are retrospective.
- Misleading and disingenuous information submitted as part of the application.
- Widening the old gateway would detract from the property.
- Le Bigard needs protection from over development to retain its charm.
- Retrospective works to the east of the property where it borders La Roberge through the creation of a vehicular access.
- The proposal creates a precedent for similar development to follow where properties have no or little parking at present.

**Consultations:**

None

**Summary of Issues:**

- The impact of the development on the setting of the protected building.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.

**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).**

The works which have been undertaken to the front of the property, as raised in the representations, do not require planning permission as the removal of trees and shrubs does not constitute development. The extent of excavation which has been undertaken is limited in this case and again, would not constitute development.

In light of the revised plans, the front garden will retain its formal appearance by squaring off the proposed parking area, together with planter borders to the north and west of the site which help to respect the setting of the protected building without unduly suburbanising its appearance in this rural setting. The proposed gravel driveway will respect the setting of the protected building and is appropriate for a building of this age.

Whilst the widening of the access by the loss of a section of the boundary wall will have a negative effect on the setting of the protected building and landscape character, the degree of harm will be limited when taking into account the proposed access width (4.5m) which is considered acceptable.

The submitted plans refer to the extension of the bridge across the douit and surfacing in granite setts, which is considered to be a welcomed addition to the design and surrounding area. It is reasonable to request full details of the proposed extended bridge over the douit to ensure that the douit is not affected as a result of the development.

The points raised in the representations received have been carefully considered as part of this application.

Overall, the proposal is not considered to have a detrimental impact on the setting of the protected building, character of the area, visual amenity, or the amenities of neighbouring residents.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Comments made in the letters of representation regarding works which may have been undertaken at other parts of the site will be investigated separately.

**Date:** 09/01/22

