

**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:** Install fence panels and gates adjacent to east boundary, erect roadside wall and create 2 vehicle accesses to north (roadside).

**LOCATION:** New-Way Villa, Clos Des Colborne, Fort Road, St. Peter Port.

**APPLICANT:** Mr P Brewin

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:** 02/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Hunt Brewin - 1001.02.01b & 02b, Proposed fence panels (22nd September 2022).

**Application Ref:** FULL/2022/1887

**Property Ref:** A41000D000

**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.For the avoidance of doubt, no permission is granted for the existing timber fence erected to the front (west boundary) of the neighbouring property known as Hillsea.

Reason - The existing fence located to the rear (east) of the proposed timber fenced enclosure does not appear to have been granted permission. The applicant has noted on drawing 1001.02.02b that 'the ownership of the remaining hedge and timber fence panels and posts is to remain with the owners of the neighbouring property (Hillsea)', thus falling outside of the application site.

5.For the avoidance of doubt, no permission is granted for the position of the proposed timber fenced enclosure to the front of the dwelling along the east boundary as shown on the Block Plan (drawing no. 1001.02.02b).

Reason - The position of the timber fenced enclosure is inaccurate when viewed in context with the revised proposal.

6.The external face of the hereby approved roadside wall and pillars shall be finished in smooth render within 2 months of construction.

Reason - In the interests of visual amenity and to ensure that the external face of the wall and pillars are completed within an acceptable timeframe.

7.Prior to erecting the hereby approved timber fenced enclosure to the front of the dwelling house, full details of the landscaping scheme (to the front of the timber fenced enclosure as shown on drawing 1001.02.01b), including the species, height and spacing of plants, shall be submitted to and agreed in writing by the Authority.

Reason - To avoid any ambiguity and to ensure the species, spacing and height of the landscaping scheme is acceptable in the interests of visual amenity.

8.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 7, in the first planting season following the approved timber fence enclosure being erected. 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 01/03/2026 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/2022/1887  
**Property Ref:** A41000D000  
**Valid date:** 22/09/2022  
**Location:** New-Way Villa Clos Des Colborne Fort Road St. Peter Port  
Guernsey GY1 1ZX  
**Proposal:** Install fence panels and gates adjacent to east boundary, erect  
roadside wall and create 2 vehicle accesses to north (roadside).  
**Applicant:** Mr P Brewin

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

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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.

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5. For the avoidance of doubt, no permission is granted for the position of the proposed timber fenced enclosure to the front of the dwelling along the east boundary as shown on the Block Plan (drawing no. 1001.02.02b).

Reason - The position of the timber fenced enclosure is inaccurate when viewed in context with the revised proposal.

6. The external face of the hereby approved roadside wall and pillars shall be finished in smooth render within 2 months of construction.

Reason - In the interests of visual amenity and to ensure that the external face of the wall and pillars are completed within an acceptable timeframe.

7. Prior to erecting the hereby approved timber fenced enclosure to the front of the dwelling house, full details of the landscaping scheme (to the front of the timber fenced enclosure as shown on drawing 1001.02.01b), including the species, height and spacing of plants, shall be submitted to and agreed in writing by the Authority.

Reason - To avoid any ambiguity and to ensure the species, spacing and height of the landscaping scheme is acceptable in the interests of visual amenity.

8. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 7, in the first planting season following the approved timber fence enclosure being erected. 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.

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## OFFICER'S REPORT

### Brief Description of the site:

The application site comprises a two storey dwelling-house located within Clos De Colborne. The site is located Outside of the Centres as designated in the Island Development Plan.

Planning permission is sought to install new (1.8m high) fence panels and gates to the front of the house, adjacent to the east boundary. This element forms a timber fenced enclosure to house an oil tank, bike store and refuse area. The application also includes erecting a roadside wall (exempt development) and creating 2 formal vehicle accesses to the front of the house, along the north boundary, demarcated by 1000mm rendered block pillars.

The application was deferred as further information was requested in respect of the replacement fence along the east boundary of the site. In addition, the Planning Service raised concerns over the proposed development, including the height, siting and layout of fencing to the front of the property. It was therefore advised that this aspect of the development be improved to reduce its prominence in the street scene, and to soften its appearance in the street scene.

The applicant has amended the drawings and repositioned the proposed timber fence enclosure so that it is setback from the pavement, and incorporated landscaping to the front of the property, in attempt to overcome the concerns raised. The applicant has also confirmed in the letter of 13<sup>th</sup> February 2023 that the former hedge and replacement fence is within the ownership of 'Hillsea'. This is also reflected on the drawings submitted.

Consequently, the former hedge and existing timber fence is outside of the application site.

### Relevant History:

|                                                      |                                                                                                                                |         |
|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|---------|
| New Way Villa:<br>PAPP/2005/4212                     | Remove hedge, create new entrance and driveway, resurface hardstanding area and relocate oil tank                              | Granted |
| Neighbouring property<br>'Hillsea'<br>FULL/2015/0985 | Erect 2 storey extension at side of dwelling, apply external wall render, demolish two chimneys, remove hedge and erect fence. | Granted |
| FULL/2014/2386                                       | Erect a car port with flat roof first floor storage unit / study above, remove hedge and erect a fence.                        | Refused |

**Existing Use(s):**

Residential

**Assessment:** *(Tick as appropriate)*

|                     |                                     |                              |                                     |
|---------------------|-------------------------------------|------------------------------|-------------------------------------|
| no representation   | <input checked="" type="checkbox"/> | visual amenity acceptable    | <input checked="" type="checkbox"/> |
| accords with policy | <input checked="" type="checkbox"/> | no material neighbour impact | <input checked="" type="checkbox"/> |
| within curtilage    | <input checked="" type="checkbox"/> | traffic not affected         | <input checked="" type="checkbox"/> |
| design acceptable   | <input checked="" type="checkbox"/> |                              |                                     |

**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.

Whilst the proposed timber enclosure to the front of the property is not typically encouraged, in this case, the proposal seeks to enclose an existing oil tank which is considered a reasonable aspiration of the property owner to screen the tank. The proposal also includes a limited sized enclosed area for a refuse area and bike store (although no longer stated on the revised drawings).

In light of the amendments secured, the proposed timber fence enclosure is setback from the edge of the pavement by approximately 2.4m. The proposal will also include a landscaping scheme (planter) between the timber enclosure and the footpath which will help to assimilate the development in the surrounding area as indicated by the north/roadside elevation. The landscaping scheme should be conditioned accordingly.

With regards to the existing fence erected along the east boundary of the site, no action can be taken against the fence as part of this application as it is outside of the applicant's ownership. It is however necessary and reasonable to attach a condition to this effect and to ensure that any grant of planning permission excludes the existing timber fence which would be subject to a separate application. It is also noteworthy that the block plan be scored through as it incorrectly shows the position of the timber fenced enclosure as part of the original application.

Overall, the proposal would detract from the character and appearance of the clos by the introduction of a timber fenced enclosure which is predominately comprised of soft landscaping to the front of neighbouring properties (except the unauthorised fence belonging to Hillsea). Although, in light of the amendments secured, the proposal would not result in undue harm when taking into account factors stated above and therefore would not rebut the general support in favour of householder development (Policy GP13) to reasonably warrant refusal.

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.

**Recommendation:**

Grant with Conditions



**Date:** 02/03/23