

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: Demolish section of walls to widen and alter vehicular access and install access gate (revised scheme).

LOCATION: Amherst Place, Amherst Road, St. Peter Port.

APPLICANT: Mr Cloete & Miss Alexander

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: 25/01/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JG Architecture Ltd: 2076-Ent/02.01C.

Application Ref: FULL/2022/1907

Property Ref: A102560000

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 and for the avoidance of doubt, no permission is granted whatsoever in respect of the design of the new gate. Full details of an alternative gate (including its design, material and appearance) must be submitted to and agreed in writing by the Authority. The gate shall only be installed in accordance with the agreed details.

Reason - The principle of installing a 1.8m high gate in this position is acceptable under policy. Although, due to a combination of factors including the height, opaque design, and prominent position of the proposed sliding gate, the proposal would introduce a discordant element in the street scene that does not respect the character or appearance of the surrounding area, nor represent a 'high' standard of design for the purposes of Policy GP8. The proposed gate would be prominently sited within a Conservation Area as they would be adjacent to a public footpath and would lie opposite the entrance of Beau Sejour Leisure Centre. Consequently, the proposed gate would not conserve or enhance the character or appearance of the Conservation Area (Policy GP4), or provide any obvious public benefit, that would justify or outweigh the reasonable development aspirations of the homeowner (Policy GP13). If approved, the proposal could also set an undesirable precedent for high, opaque gates at other properties within the Conservation Area, particularly as other sites that are likely to be less prominent than the application site.

Expiry Date: This permission will cease to have effect on 24/01/2026 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 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/2022/1907
Property Ref: A102560000
Valid date: 07/10/2022
Location: Amherst Place Amherst Road St. Peter Port Guernsey GY1 2DW
Proposal: Demolish section of walls to widen and alter vehicular access and install access gate (revised scheme).

Applicant: Mr Cloete & Miss Alexander

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. Notwithstanding the information submitted and for the avoidance of doubt, no permission is granted whatsoever in respect of the design of the new gate. Full details of an alternative gate (including its design, material and appearance) must be submitted to and agreed in writing by the Authority. The gate shall only be installed in accordance with the agreed details.

Reason - The principle of installing a 1.8m high gate in this position is acceptable under policy. Although, due to a combination of factors including the height, opaque design, and prominent position of the proposed sliding gate, the proposal would introduce a discordant element in the street scene that does not respect the character or appearance of the surrounding area, nor represent a 'high' standard of design for the purposes of Policy GP8. The proposed gate would be prominently sited within a Conservation Area as they would be adjacent to a public footpath and would lie opposite the entrance of Beau Sejour Leisure Centre. Consequently, the proposed gate would not conserve or enhance the character or appearance of the Conservation Area (Policy GP4), or provide any obvious public benefit, that would justify or outweigh the reasonable development aspirations of the homeowner (Policy GP13). If approved, the proposal could also set an undesirable precedent for high, opaque gates at other properties within the Conservation Area, particularly as other sites that are likely to be less prominent than the application site.

OFFICER'S REPORT

Site Description:

The application comprises a large detached, Georgian style dwelling-house located to the west of Amherst. The property is located in a Conservation Area and in a Main Centre Outer Area as defined in the Island Development Plan.

Relevant History:

FULL/2021/1479	Demolish section of walls to widen and alter vehicular access and install access gate.	Granted
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Existing Use(s):

Residential.

Brief Description of Development:

Planning permission was granted in 2021 to demolish the returning section of walls located near the road verge in order to widen and alter the vehicular access and to install an access gate. Permission was granted in principle to install a 1.9m high gate which would be a similar height to the new returning section of walls. The tarmac entrance was also replaced with granite sets.

A condition was attached to the decision to request full details of the proposed gates as the information submitted was ambiguous and not specific to the exact gate proposed as the proposed example shown on the drawings submitted raised concerns. A telephone conversation with the agent was made to this effect prior to determination.

Planning permission is now sought to install a 1.8m high, opaque sliding gate. The exact gate has been delivered on site, although not installed. The gate is black in its appearance. Details of the access door to the side of the entrance has also been submitted which is identical to the height and appearance to that of the main sliding gate. The proposal also includes changes to the height and form of the return section of the walls forming the entrance to the driveway, together with alterations to the gate pillars in the form of replacing pedestal lamps with stone ball finials. When compared to the approved drawings (FULL/2021/1479), these changes are considered to be acceptable and would not have any further significant impact on the character and appearance of the conservation area.

The agent and applicant have provided various forms of justification throughout the application process which sets out why the proposed design of gate is needed. The reasons for the proposed gate are confidential although primarily centre on privacy grounds.

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

GP4 Conservation Areas
GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

None

Consultations:

None

Summary of Issues:

- The impact of the development on the landscape character and appearance of the area.
- The impact of the development on the Conservation Area.
- Precedent for other sites in and around the application site and wider Conservation Area seeking similar permission.

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 main focus of this application focuses on whether the proposed gate is acceptable under policy which is set out below.

Policy context:

Policy GP4 (Conservation Areas) states that proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.

Furthermore, it is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting Conservation Areas that special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that Area.

Design of the gate, effect on the Conservation Area, and precedent:

In light of the proposed development, the proposed sliding gate would be prominently sited within a Conservation Area as it would be adjacent to a public footpath and would lie opposite the entrance of Beau Sejour Leisure Centre.

The proposal would introduce a discordant element in the street by virtue of the creation of a 'dead'/blank frontage as a result of the height, opaque design, and prominent position of the proposed sliding gate. This is considered to erode the character of the street and therefore does not represent a 'high' standard of design which is required in Conservation Areas, for the purposes of Policy GP8.

Consequently, the proposal would not conserve, or enhance, the character or appearance of this area of the St. Peter Port Conservation Area (Policy GP4), or provide any obvious public benefit that would justify or outweigh the reasonable development aspirations of the homeowner (Policy GP13).

Despite having some sympathy and appreciation of why a gate of solid design is required, it is not clear how at 1.8m high this would prevent public views of the first floor bedroom window (as indicated on the drawings approved in 2021) from the footpath to the east or west of Amherst Road. As such impacts on privacy would still remain.

If the design of this gate is approved, the proposal could also set an undesirable precedent for high, opaque gates at other properties within the Conservation Area.

Conclusion:

Overall, the principle to allow high gates in this location has been established as part of application FULL/2021/1479 therefore it would not be reasonable to refuse planning permission based solely on the design of the gate.

It is however reasonable to grant planning permission for the alterations to the driveway as addressed above, subject to a planning condition being attached to such decision, which confirms that no permission is granted for the gate details submitted as part of this application and that an alternative design must be sourced prior to installation, a similar condition was attached to the previous permission in 2021.

Consequently, the application is supported under the relevant Island Development Plan policies and therefore it is recommended that planning permission be granted, subject to a planning condition to exclude the gate.

Date: 24/01/23