

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 to east of property, erect walls to west and east of property, erect outbuilding/pool house, erect shed (retrospective). Erect pool plant, install air source heat pump and resurface section of driveway.

LOCATION: A Jaumais, Rue Des Corneilles, Castel.

APPLICANT: Mrs C O'Sullivan

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: 03/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design 21-1358-P2 WD/ 04 & 05.

Application Ref: FULL/2022/1931

Property Ref: D013030000

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 submitted and hereby approved drawings, no consent whatsoever is conferred for any works to the west boundary of the site, including any alterations to the bank/wall, removal of hedging or the erection of fencing.

Reason - The works proposed, and in particular the erection of fencing, would have an adverse impact on the character and visual amenity of the surrounding area.

5.Noise associated with the air-source heat pump, the Rating Level, measured or calculated at 1- metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 02/02/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The Authority does not recognise all of the land outlined on the submitted plans as forming the domestic curtilage associated with the dwelling presently known as A Jaumais. The land recognised as domestic curtilage by the Authority is identified on the plan enclosed with this decision notice.

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/2022/1931
Property Ref: D013030000
Valid date: 13/10/2022
Location: A Jaumais Rue Des Corneilles Castel Guernsey GY5 7PP
Proposal: Remove hedge to east of property, erect walls to west and east of property, erect outbuilding/pool house, erect shed (retrospective). Erect pool plant, install air source heat pump and resurface section of driveway.

Applicant: Mrs C O'Sullivan

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 submitted and hereby approved drawings, no consent whatsoever is conferred for any works to the west boundary of the site, including any alterations to the bank/wall, removal of hedging or the erection of fencing.

Reason - The works proposed, and in particular the erection of fencing, would have an adverse impact on the character and visual amenity of the surrounding area.

5. Noise associated with the air-source heat pump, the Rating Level, measured or calculated at 1- metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

INFORMATIVES

The Authority does not recognise all of the land outlined on the submitted plans as forming the domestic curtilage associated with the dwelling presently known as A Jaumais. The land recognised as domestic curtilage by the Authority is identified on the plan enclosed with this decision notice.

OFFICER'S REPORT

Site Description:

The property known as 'A Jaumais' is a 1970's bungalow which had a large extension added in 2012. The dwelling is located in the southwest corner of a large square site. The domestic curtilage is limited to the south-west corner of the site and driveway, the land to the east and north comprises agricultural land. Along the east boundary of the site is the road, Rue des Corneilles, along the north and west boundaries are public footpaths, Sous la Lande, with La Guet pine forest beyond to the west, and to the south is an open field. The property is located Outside of the Centres as defined in the Island Development Plan.

Despite the scattered built environment to the north, east and south of the application site, the surrounding area has a relatively undeveloped, open and rural nature, particularly when considering the footpath to the west, which contributes to the landscape character and amenity of the area.

The works which form the subject of this application have been undertaken at the site and, in particular it is noted that alterations have been made to the west site boundary, including removal of hedging and erection of fencing.

Relevant History:

FULL/2022/1043 – Remove earthbank and hedges and erect hedge to west boundary (Retrospective). Erect single storey outbuilding/pool house and erect fence to north boundary – Refused August 2022.

FULL/2022/2083 – Reconstruct existing pillars and erect gates to vehicle access (Retrospective) – Pending.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is made in retrospect. Initially the application was to remove a hedge/earthbank, erect walls to west and east of property, erect an outbuilding/pool house, erect a temporary fence and a shed (Retrospective). Erect a pool plant room, install an air source heat pump and resurface a section of the driveway.

Following deferral, the agent has agreed that the works to the west boundary can be omitted from the current application, and these will be addressed separately.

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

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

This application has had four letters of representation and the issues are:

- It is considered that the 16 panels of 6ft x 6ft fencing already erected along the western boundary of the property and field immediately abutting Sous La Lande, for which approval has been refused have an adverse impact upon the natural beauty and landscape of this specific area, they are inappropriate in the scale and the materials used and they have an adverse visual impact on the pleasant 'green' quality of the immediate, much visited area.
- The four properties adjacent to A Jaumais and the Sous La Lande all have a combination of hedgerows, earthbanks, trees and granite walls which are all in keeping with the area, there are no fences anywhere. The already erected

west boundary fencing is out of keeping and completely changes the 'green' feeling of the green lane, which is an important part of Guernsey's vast history, which has been unchanged for centuries.

- The proposal includes the inappropriate removal of traditional hedging with associated loss of wildlife habitat, and resulting in the loss of a historical naturally established pathway marred by unsightly wood fencing. The island has a duty to protect its heritage, in this instance the natural appearance of one of its 'green lanes' by ensuring that the boarder interface remains natural and pleasing to all users at all times.
- The planting of 'olearia traversii' on the outside of the fence is questioned. Considering the nature of the original hedge (removed prior to planning application), and the natural environment existing through this pathway from Cobo Community Centre through to the Cobo Coast Road, replacement of hedging in this section should closely resemble existing hedgerow and vegetation, and could well be, for example, intermixed with hawthorn, field maple, blackthorn, beech and holly. Such selection will provide a more natural and less man-made appearance for public walking the path to enjoy the traditional and long existing countryside.
- It seems unreasonable to seek approval for an unsightly fence, which has been erected without permission, to remain in place for 18 months in order to resolve a perceived privacy/security issue which had only been created by the removal of the original earthbank, trees and hedgerow, again without prior approval. It would be welcome to have the fence removed without delay.

A further letter was received on the 2nd February 2023, the issues are:

- Work has been performed on the driveway and it is very evident that the effects of the work on the discharge of water onto the highway is unsatisfactory. In essence it appears that water and drainage have been inadequately planned for or implemented, and if unchanged, will likely be a source of problems for many years into the future.

Consultations:

The Office of Environmental Health and Pollution Regulation.

'I have reviewed the proposed plans for A Jaumais which were received by post on 17th October 2022. I have carried out a distance calculation and found that the air source heat pump would operate at 27 dB at the closest noise sensitive property boundary (approx. 39 m to the South-West). To ensure that the air-source heat pump do not adversely affect the surrounding area I would recommend that the following condition is attached to the consent.

Noise associated with air-source heat pump, the Rating Level, measured or calculated at 1- metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.'

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.

The removal of the hedge to the northeast of the dwelling and the numerous retaining walls either side of the premises are considered appropriate and are considered to comply with policy.

The two structures, the pool house and the pool plant room, along with the air source heat pump are single storey and sited close to the west boundary. They are not considered to impact on the character and appearance of the surrounding area nor will they have any detrimental impacts on neighbour amenity, subject to a condition controlling noise emissions.

The unauthorised works to the west boundary, including alterations to the bank/wall, removal of hedging and erection of fencing, have been withdrawn from this application, with the agreement of the agent, and will be addressed separately. Any decision issued would therefore confer no consent for these works.

All of the initial letters of representation raised concerns regarding the temporary fence and species of hedging along the west boundary, but none of the other proposals were mentioned.

The area of driveway shown to be resurfaced is located within the recognised domestic curtilage and the re-surfacing of an existing area of hardsurfacing, regardless of the material used, would comprise exempt development under the Land Planning and Development (Exemptions) Ordinance, 2007. As this element of work does not require planning permission, there would be no scope to control run

off under the current application. Surface water run off on to a highway would be controlled under separate legislation.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

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.

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: 02/02/2023