

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 fence and erect fence to west boundary (Retrospective).

LOCATION: Les Fleurs Cottage, Rue De Galaad, Castel.

APPLICANT: Mr & Mrs L Gilliland & Ms H Pipet

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: 23/05/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block layout plan (date stamped received 18th October 2022),
Fencing Details and Photographs

Application Ref: FULL/2022/2063

Property Ref: D017500000

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 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.

Expiry Date: This permission will cease to have effect on 22/05/2026 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/2022/2063
Property Ref: D017500000
Valid date: 16/01/2023
Location: Les Fleurs Cottage Rue De Galaad Castel Guernsey GY5 7FJ
Proposal: Remove hedge and fence and erect fence to west boundary (Retrospective).

Applicant: Mr & Mrs L Gilliland & Ms H Pipet

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 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.

OFFICER'S REPORT

Site Description:

The site comprises a semi-detached cottage located on an elongated plot. The property fronts onto Rue De Galaad and is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2023/0259	Erect single storey outbuilding to north boundary (retrospective).	Pending
FULL/2022/2062	Demolish shed, erect shed to north boundary (Retrospective)	Withdrawn
FULL/2020/2038	Demolish conservatory and shed and erect single storey extension and install rooflights to existing flat roof to north (rear) elevation.	Granted

Existing Use(s):

Residential.

Brief Description of Development:

The application relates to the removal of a fence and hedge along the west site boundary and the erection of a timber fence in its place. The application is retrospective.

It is noted on the application that the replacement fence is approximately 1.8m high installed on gravel boards, resulting in a fence approx. 2m high.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder development

Representations:

The Authority has received a letter of representation from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- The loss of the former hedge and associated wildlife.
- Lack of justification.
- Out of character with the surrounding area.

Consultations:

None

Summary of Issues:

- Whether the loss of the former hedge and replacement is acceptable.
- 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).**

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.

The applicant has provided justification for the loss of the hedge noting that it was diseased and too close to the newly constructed extension. In light of the justification provided, and given its location towards the rear of the property, it is a reasonable aspiration of the property owner to replace the hedge, subject to an appropriate boundary treatment.

Whilst it is regrettable that a replacement hedge is not planted due to the length of the west boundary, the fence is of good quality and is of an acceptable height and therefore achieves a high enough standard of design for the purposes of Policy GP8.

Despite being visible in public vantage points, the position of the fence together with its height and design, would not cause undue harm to the character or appearance of the surrounding area to reasonably rebut the general support in favour of householder development (Policy GP13) to warrant refusal.

Due to its orientation and height and relationship to the property to the west of the application site, the replacement fence will not have a detrimental impact on the amenities of neighbouring residents.

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

Date: 19/05/23

