

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: Erect fence to east and south (front) of the property (retrospective).

LOCATION: La Rocque, Route De La Hougue Du Pommier, Castel.

APPLICANT: Mr B Chandler

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: 15/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/12/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block plan (dated 07/06/23), Fence Location Plan (dated 21/11/22) & annotated photos (dated 13/12/22).
Land maintenance agreement dated 02/04/23

Application Ref: FULL/2022/2256

Property Ref: D017720000

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, precise details of the landscaping to be planted in the area marked on the agreement aerial photograph, including the species, size and spacing of plants shall be submitted to and agreed in writing by the Authority. The development shall thereafter be carried out only in accordance with the agreed details. The approved hedge shall be planted in accordance with the details agreed above, within three months of the date of this permission. Any hedge plants which die, are removed or become seriously damaged or diseased, within 5 years of planting shall be replaced in the next planting season with plants of a size and species similar to those originally required to be planted, unless the Authority gives written approval to any variation.

Reason - To help assimilate the development into its surroundings.

Expiry Date: This permission will cease to have effect on 14/06/2026 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/2022/2256
Property Ref: D017720000
Valid date: 13/12/2022
Location: La Rocque Route De La Hougue Du Pommier Castel Guernsey
GY5 7FG
Proposal: Erect fence to east and south (front) of the property
(retrospective).
Applicant: Mr B Chandler

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).

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Reason - To help assimilate the development into its surroundings.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'La Rocque' is a mid-20th century one and a half storey dwelling which faces east onto Route de la Hougue du Pommier. Rue des Francais runs along the north boundary with an open field beyond, an open field across the road to the east, and detached neighbouring properties and open land to the south and west. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2020/2558 - Change of use of agricultural land to domestic garden (1280sqm), erect walls to south of dwelling and fencing to north – Approved August 2020.

Existing Use(s):

Residential use class 1: dwelling house.

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

GP8: Design

GP13: Householder Development

Conclusion/Brief comment:

This is a retrospective application to erect a 1.9m high fence to the east elevation and a 2m high fence to the southeast and south boundaries of the property.

Following pre-application advice regarding a 3m high boundary wall planning permission was approved in 2020 for a 2.45m high wall to the south of the dwelling, which was in the same building line as the east elevation and was set in by 1 metre to allow for some planting to screen the wall in public views. This was considered, on balance, to be acceptable subject to a condition regarding landscaping.

The wall was not built, but a 2m high fence along the south/southeast boundary line was erected without planning permission, plus a 1.9m fence screening a part of the front garden to the east. High fences such as those constructed here can jeopardised the character and appearance of an area through urbanising development to shut off or barricade properties which is not a typical character trait of Route de la Hougue du Pommier. As the majority of the south boundary now has a 2m high fence, in this case, it is considered inappropriate to request the small amount of fencing forward of the building line to be lowered, especially as the eastern boundary is made up of trees and hedges which screen the two elements of fencing which are in front of the property adjacent to the road.

The expanse of fencing along the south boundary excessive, and to be considered acceptable in terms of visual amenity, it will need to be partially screened by planting (like the wall in the previous application). The application was deferred to see if this could be possible.

The owner of the land directly south of the fence should have planted a hedge along this boundary as part of a condition on their last planning approval (the matter is with the enforcement team). However, an applicant cannot rely on neighbours landscaping to screen their own development.

In order to mitigate this there has been a management agreement written up between the applicant and owner of the land directly south, there is a planting bed just to the south of the newly installed fence which will now be managed by the applicant and he will be responsible for upkeep of the landscaping which he will plant. This will be conditioned.

Once the hedge has been planted the impact of the extent of fencing along the southern boundary will be mitigated and on this basis the fencing scheme is considered acceptable.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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.

Recommendation:

Grant with Conditions



Date: 15/06/2023