

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 section of hedge (retrospective), erect fence to west boundary and west elevation of property.

LOCATION: Jacoba, Roseland Lane, Vale.

APPLICANT: Mrs P Van Katwyk

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: 13/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Chris Workman & Co Ltd: PVK:23:03/01B & Jackson Fencing Details

Application Ref: FULL/2023/0547

Property Ref: C01197A000

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.a) Prior to installation of the fence, full details of the planting on the north side of the fence (including any type of hedge and planting densities) shall be submitted to and approved in writing by the Authority.

b) The replacement hedge shall be planted in accordance with the approved details in the first planting season following the installation of the fence. 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 - To help mitigate the impact of the fence, forward of the building line, and its impact on the character and appearance of the locality.

Expiry Date: This permission will cease to have effect on 12/07/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Left with no roots in the ground Honey Fungus will die out within 2 to 3 years, after which time new honey fungus resistant hedging can be re-planted. It is suggested that this is taken into consideration along the west boundary.

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/2023/0547
Property Ref: C01197A000
Valid date: 26/05/2023
Location: Jacoba Roseland Lane Vale Guernsey GY3 5HB
Proposal: Remove section of hedge (retrospective), erect fence to west boundary and west elevation of property.

Applicant: Mrs P Van Katwyk

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. a) Prior to installation of the fence, full details of the planting on the north side of the fence (including any type of hedge and planting densities) shall be submitted to

and approved in writing by the Authority.

b) The replacement hedge shall be planted in accordance with the approved details in the first planting season following the installation of the fence. 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 - To help mitigate the impact of the fence, forward of the building line, and its impact on the character and appearance of the locality.

INFORMATIVES

Left with no roots in the ground Honey Fungus will die out within 2 to 3 years, after which time new honey fungus resistant hedging can be re-planted. It is suggested that this is taken into consideration along the west boundary.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Jacoba' is a 1970's one and a half storey dwelling, which sits on a corner plot facing north. Rue des Haizes runs along the north boundary and Roseland Lane runs along the west boundary. There are neighbouring properties to the north and west across the roads and to the south and to the east is an old vinery site. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

X
X
X
X

visual amenity acceptable
no material neighbour impact
traffic not affected

X
X
X

Policies considered most relevant:

GP8: Design

GP13: Householder Development

Conclusion/Brief comment:

This application is to remove a section of hedge (retrospective) and erect a fence to the west boundary and between the west elevation of the property and the road. It is due to 'honey fungus' in the soil which has led to the removal of the previous hedge, which is why the fence has been requested because another hedge cannot be planted whilst the fungus is in the soil.

Initially the proposed fence was to be 1.8m high, which is considered too high for the front aspect of the property, especially as it forms a corner site. The application was deferred to request that the fence height is reduced to ensure the proposed fence does not impact on the rural visual amenity.

The fence has now been reduced to 1.5m, which is considered a more acceptable height in terms of boundaries around front gardens. It has been requested that some planting is introduced along the north side of the north fence to soften the appearance of the fence and its urbanising effect in a rural location, which shall be conditioned.

There has to be a balance between allowing some element of privacy with an element of open front garden having regard to the character of the locality. In this case, due to the honey fungus a fence is the only option for privacy at the current time, until the fungus dies off.

It is understood that honey fungus will die off within two to three years if no new planting is planted. After which honey fungus resistant plants can be reintroduced.

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: 12/07/2023

