

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Remove hedge and erect fence to west boundary.
(Retrospective).

LOCATION: Hillsea, Clos De Colborne, Fort Road, St. Peter Port.

APPLICANT: Mr & Mrs R Herpe

I refer to the application referred to below received as valid on 29/06/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 24/08/2023

Drawing Nos: ArcTech Freelance Architecture: RH-1128-23-02.

Application Ref: FULL/2023/1182

Property Ref: A41000C000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The 2m high timber fence is a prominent and obtrusive feature in the street scene and detracts from the character and visual amenity of the locality. The harm to visual amenity and the character of the locality arising from the development as proposed in the application is significant enough to justify refusal of the application, having regard to the relevant policies of the Island Development Plan and other material planning considerations set out in the Planning Law.

OTHER REMARKS:-

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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2023/1182
Property Ref: A41000C000
Valid date: 29/06/2023
Location: Hillsea Clos De Colborne Fort Road St. Peter Port Guernsey GY1 1ZX
Proposal: Remove hedge and erect fence to west boundary.
(Retrospective).
Applicant: Mr & Mrs R Herpe

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The 2m high timber fence is a prominent and obtrusive feature in the street scene and detracts from the character and visual amenity of the locality. The harm to visual amenity and the character of the locality arising from the development as proposed in the application is significant enough to justify refusal of the application, having regard to the relevant policies of the Island Development Plan and other material planning considerations set out in the Planning Law.

OFFICER'S REPORT

Site Description:

The property known as 'Hillsea' is a mid-20th century detached two storey dwelling, which is set back from and faces north onto Clos de Colborne. There are neighbouring properties to the east and west and across the road to the north, and to the south the properties face east onto Fort Road. 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.

Brief Description of Development:

This is a retrospective application to remove a hedge and erect a 2m high fence along the west boundary forward of the building line all the way to the roadside.

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

GP8: Design

GP13: Householder Development

Representations:

None

Consultations:

None

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.

All of the properties located to the north of Clos de Colborne face north onto Colborne Road with rear garden boundaries that face onto the Clos. The majority of the boundaries are high hedges, which present a soft landscaped character, with only one entrance onto the clos. The properties to the south of the street, of which the application site forms one, front onto the Clos. Here front gardens and driveways are more open and form part of the street scene on the Clos. Except for the fence proposed in this application, boundaries are demarked with hedging and low walls which along with the hedging to the north provide an attractive character to the Clos.

The application is retrospective as a boundary hedge has been removed and a 2m high timber fence erected without planning permission. The 2m high fence is a prominent and obtrusive feature in the street scene and detracts from the character and visual amenity of the locality.

The application was deferred and the applicant invited to lower the fence panel closest to the street to 1.2m, in order to reduce the visual impact of the fence in the street scene. However they have declined to do so.

The harm to visual amenity and the character of the locality arising from the development as proposed in the application is significant enough to justify refusal of the application, having regard to the relevant policies of the Island Development Plan and other material planning considerations set out in the Planning Law.

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: 24/08/2023