

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, excavate and erect retaining wall to create additional vehicle access and parking area to north boundary.

LOCATION: Passchendaele, Rue De L'Eglise, St. Martin.

APPLICANT: Mr & Mrs C & E Bound

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: 10/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects: 1231_6, _7, _8, _9 & _10.

Application Ref: FULL/2023/1350

Property Ref: J00376A000 + J003760000

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.Prior to the removal of the existing hedge full details of the replacement hedge (to include planting schedules, noting the species, sizes, numbers and densities of plants) shall be submitted to and agreed in writing by the Authority.

Reason - To make sure that the replacement hedge is appropriate and maintains the character and appearance of the surrounding Conservation Area.

5.The replacement hedge shall be planted in accordance with the details agreed under the terms of the above condition 4, within the first planting season following the completion of the car parking area or its first use (whichever is the sooner) or in accordance with a programme previously agreed in writing by the Authority. 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 make sure that hedge is planted in a timely manner and to ensure that the development conserves the character of the surrounding Conservation Area.

Expiry Date: This permission will cease to have effect on 09/10/2026 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/2023/1350
Property Ref: J00376A000 + J003760000
Valid date: 28/07/2023
Location: Passchendaele Rue De L'Eglise St. Martin Guernsey GY4 6RN
Proposal: Remove section of hedge, excavate and erect retaining wall to create additional vehicle access and parking area to north boundary.

Applicant: Mr & Mrs C & E Bound

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 - 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. Prior to the removal of the existing hedge full details of the replacement hedge (to include planting schedules, noting the species, sizes, numbers and densities of plants) shall be submitted to and agreed in writing by the Authority.

Reason - To make sure that the replacement hedge is appropriate and maintains the character and appearance of the surrounding Conservation Area.

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Reason - To make sure that hedge is planted in a timely manner and to ensure that the development conserves the character of the surrounding Conservation Area.

OFFICER'S REPORT

Site Description:

Passchendaele is a detached dwelling situated to the east of Rue de L'Eglise and to the north of an existing private access track that provides access to the property, Le Douit Farm and Les Traudes to the east.

The property benefits from a large extension to the rear, outbuildings along the east boundary and in the northeast corner of the site is a large shed. To the south of the site on the opposite side of the private access track is a parcel of land that was recently identified as part of the residential curtilage associated with the main dwelling following the grant of a Certificate of Lawfull Use application (ref: CLU/2022/1868).

The application site is situated within St Martins Local Centre, a Conservation Area and the parcel of land the subject of this application (the detached curtilage) is designated as Important Open Land and an Area of Archaeological Importance in the Island Development Plan. The exterior of the original part of Passchendaele forms a Protected Building.

Relevant History:**Main Dwelling**

FULL/2018/2902	Erect single storey outbuilding for use as a home office and demolish existing and erect replacement shed (rear east boundary). (Protected Building)	Granted 30/01/2019
FULL/2013/2863	Construct cobbled hard standing area to extend on to public right of way - Protected Building	Granted 18/11/2013
FULL/2013/0078	Demolish section of boundary wall, create new parking area, erect new wall at rear of parking area and install gates (Protected Building).	Granted 08/03/2013

Detached section of Residential Curtilage

CLU/2022/1868	Regularise use of agricultural land (761 sqm) as domestic garden ancillary to Passchendaele (Residential Use Class 1).	Granted 01/06/2023
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Existing Use(s):

Residential – Use Class 1

Brief Description of Development:

Planning permission is sought to remove a section of hedge, excavate and erect a retaining wall to create an additional vehicle access and parking area to the north boundary.

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

LC1: Important Open Land in Local Centres;
GP1: Landscape Character and Open Land;
GP4: Conservation Areas;
GP5: Protected Buildings;
GP7: Archaeological Remains;
GP8: Design;
GP13: Householder Development;
IP9: Highway Safety, Accessibility

Representations:

The Constables of St Martin by email dated 17th August 2023 stated the following:

1. *“access to the property is by a ‘right of way’ where historically the owners have blocked the path with their vehicles or allowed visitors to park in front of or adjacent to their property where they have no right of access to do so;*
2. *Pedestrians and parishioner’s have complained to the Constables that they are denied use of the right of way due to parked cars especially those pushing a pram or wheelchair;*
3. *No building works whatsoever should be carried out on this right of way;*
4. *Part of Guernsey’s heritage will be destroyed;*
5. *The habitat of the wildlife that live in this hedge will be destroyed.”*

Consultations:

None

Summary of Issues:

- Impact on the character and appearance of the surrounding Conservation Area;
- Impact on landscape character and Important Open Land;
- Impact on neighbour amenity;
- Highway safety

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, ‘the Law’, have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Impact on the character and appearance of the surrounding Conservation Area;

Policy GP13 of the Island Development Plan indicates that alterations and extensions to residential properties will be supported where there is no significant adverse impact on the amenities of adjoining properties; the design, scale, mass and form of development does not detract from the character of an open area; and there is no adverse effect on the special interest of a Conservation Area, Area of Biodiversity Importance, Protected Building or Protected Monument.

In this case, the site is located within a Conservation Area and the proposal must also satisfy the terms of Policies GP4 of the Plan, and meet the statutory duties with regard

to Conservation Areas. In addition, Policies GP8 relating to design, and IP9, relating to Highway Safety, Accessibility and Capacity, would also be relevant.

Policy GP4 states that proposals that would result in the demolition of a building, structure or feature in a Conservation Area that contributes to the character, architectural interest and appearance of the particular Conservation Area will only be supported where any replacement building, feature or structure makes an equal or enhanced contribution to the character of the Conservation Area.

Reinforcing this approach, Policy GP8(c) requires that development respect the character of the local built environment and Policy IP9 states that proposals for enhancement to accesses should seek, inter alia, to ensure that they do not result in adverse impacts on the special interest or character or appearance of a Conservation Area, or on distinctive built features that contribute positively to the character of the wider area. In this respect, Policy IP9 identifies that much of Guernsey's local distinctiveness is formed by roadside walls, hedges and landscaping.

The application site is located within the St Martin's Church and Sausmarez Manor, Conservation Area. The Summary of Significance for that area identifies that particularly around St Martins Church, earthbanks, walls and open spaces coupled with the strong sense of enclosure is of significance. Furthermore, walls and stone posts throughout the Conservation Area have a strong visual impact on the character and dominate many views.

The boundaries of the application site currently comprise a low stone wall which appear to form part of an earthbank with hedging above. The hedging is currently in a poor condition with large sections that appear to be dying with little growth. The wall is also of little architectural quality and is not of any historic value and was rebuilt following works to the main property in 1990.

The proposal intends to reprofile a section of the northern boundary of the site and remove part of this boundary to create a car parking area which will be used in connection with the main dwelling. The section to be reprofiled will start at the point immediately to the east of the pedestrian access point into the site. This section of wall and hedging will be removed and a new drystone wall with hedging above created, positioned slightly further within the site (the gap between the lane and wall increasing as it gets towards the proposed car parking area). The drystone wall and hedging will surround the parking area and a new section of wall will be built along the eastern boundary, with a bellmouth feature returning onto the unadopted lane. The wall and hedging as proposed will provide an attractive boundary feature that will improve the character and appearance of the surrounding Conservation Area. The proposed boundary will also continue to provide a sense of enclosure to the area which is an important characteristic of the Conservation Area. However, to ensure that the development takes the form proposed, it is recommended that should planning permission be granted a condition is included for the hedging to be planted in a timely manner following construction of the wall and creation of the parking area.

Based on the recommended condition, the scheme accords with Policies GP4, GP8 and GP13 in this respect.

The proposal would not harm the setting of the nearby protected building and accords with Policy GP5 of the IDP.

Although situated within an Archaeological Area as defined in the IDP, the development proposed would not adversely affect the archaeological importance of the surrounding area and accords with Policy GP7 of the IDP.

Impact on landscape character and Important Open Land;

Within areas identified as Important Open Land Policy LC1 supports development where it:

- a) Relates to new outdoor formal recreation or informal leisure and recreation;
or
- b) It relates to the rebuilding, extension or alteration of existing buildings or structures; and
- c) In all cases, the resultant development would not have a significant adverse impact on the open character, visual quality or landscape character of the Important Open Land.

The scheme does not relate to recreational or leisure use and criterion (a) of the policy is therefore not relevant. The proposal does however relate to the rebuilding/alteration of an existing structure (the boundary wall) on the site and accords with criteria (b) of Policy LC1 of the IDP.

The existing boundary treatment encloses the land the subject of this application and prevents views from the unadopted lane and from Rue de L'Eglise of the Important Open Land and views through the site. As a result of the proposal this would not change and the scheme would therefore not result in any significant adverse impact on the open character, visual quality or landscape character of the Important Open Land. By improving the boundary feature to one of uniform appearance and by creating a high quality stone wall with suitable planting above, the proposal would also improve the visual quality and landscape character of the area. The scheme complies with Policy LC1 in this respect.

Impact on neighbour amenity;

Policy GP8 requires inter alia that proposals for new development will be expected to consider the health and well-being of the occupiers and neighbours of the development by means of providing adequate daylight, sunlight and private/communal open space.

The scheme as proposed would not impact on any of the neighbouring properties and accords with Policy GP8 of the IDP.

Highway safety

The vehicle parking area will be served by an existing unadopted lane to the north of the site which provides a vehicular access for the main dwelling to Rue de L'Eglise to the west and a pedestrian access to Les Traudes to the east. One car parking space is provided to the east of the main dwelling and cars ordinarily park on the unadopted lane.

The scheme will designate an area for cars associated with the main dwelling to park and alleviate the need for vehicles to park on the lane which in turn would improve the accessibility of the surrounding area. The access point from the lane onto Rue de L'Eglise provides the required visibility splays to the north and south and any additional vehicle movements resulting from the scheme would not be so substantial to cause harm to highway safety.

The proposal complies with the relevant policies of the IDP in this respect.

The concerns raised by the Constables have been noted, however any obstruction of the right of way due to the parking of vehicles is a private matter and not a material planning consideration that can be considered in the determination of the application. However, by creating a separate parking area within the site and off the lane it is likely to reduce the need to park on the right of way thus improving accessibility for the public.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; the effect of the proposed which the site could be put without further planning permission; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or SSS's and for the reasons contained within this report it is recommended that planning permission is granted.

Date: 06/10/2023

