

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, replant hedge and erect fence to west and north-east boundary (Retrospective).

LOCATION: Pretiosa, 11 Duveaux Park Estate, Duveaux Lane, St. Sampson.

APPLICANT: Mr D Canty-Forrest

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: 01/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/10/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plan & Details of Fence

Application Ref: FULL/2023/1659

Property Ref: B010480011

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 commencement of any work a landscaping scheme to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) planting schedules, noting the species, sizes, numbers and densities of plants;
- ii) the spacing between the hedge and fencing.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity.

5.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the erection 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 trees or plants of a size and species similar to those originally required to be planted.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 31/10/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision does not permit the removal of the existing western boundary wall. Its removal would require a separate grant of planning permission.

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/2023/1659
Property Ref: B010480011
Valid date: 05/10/2023
Location: Pretiosa 11 Duveaux Park Estate Duveaux Lane St. Sampson
Guernsey GY2 4YA
Proposal: Remove hedge, replant hedge and erect fence to west and
north-east boundary (Retrospective).
Applicant: Mr D Canty-Forrest

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. Prior to the commencement of any work a landscaping scheme to include those details specified below, shall be submitted to and agreed in writing by the Authority:
- i) planting schedules, noting the species, sizes, numbers and densities of plants;
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Reason - To ensure a satisfactory external appearance in the interests of visual amenity.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the erection 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 trees or plants of a size and species similar to those originally required to be planted.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity.

INFORMATIVES

For the avoidance of doubt, this decision does not permit the removal of the existing western boundary wall. Its removal would require a separate grant of planning permission.

OFFICER'S REPORT

Brief Description of the site:

The site is located on the edge of the Duveaux Park Estate, and occupies a corner plot at the junction of Duveaux Farm Park and Duveaux Lane.

The proposal is for the removal of the existing hedge, replanting with a replacement hedge along the west and north-east boundaries, and erect a 2m high fence inside the replacement hedging.

The existing leylandii hedge has been removed, and so the application is partially retrospective.

Relevant History:

N/A

Existing Use(s):

01 Residential dwelling

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

✓
✓
✓
✓

visual amenity acceptable
no material neighbour impact
traffic not affected

✓
✓
✓

Policies considered most relevant:

GP1 – Landscape Character

GP8 – Design

GP13- Householder development

Conclusion/Brief comment:

The proposal is for the planting of a new hedge along the rear/side boundary of the property and erection of a fence within the hedged boundary to create a secure rear garden. The applicant has confirmed by email (dated 13/10/2023) that the existing granite boundary wall to the west is to be retained with the hedge planted on the inside of the existing wall.

The proposed works to create a secure rear garden are considered a reasonable aspiration of the property owner. Given the position of the dwelling within the plot and the location of the front door, access and parking to the east, the enclosure of the garden to the west is considered acceptable.

Fencing proposed along the boundary in this location would be considered harmful to the rural character of the area, however the proposed *Griselinia Littoralis* hedging will soften the appearance of the 2m high fencing in the landscape setting and the existing low granite wall to the west is to be retained. The submitted plans do not clearly show the distance between the fence and boundary hedging, but approx. 1m between the new hedge and fence should allow enough space for the hedge to fully establish and mature. This ensures it will provide a good level of screening and help the fence to blend into the surrounding landscape.

Although the proposed hedge species is non-native it replaces *leylandii* which is also a non-native. The use of a non-native is regrettable, but it is not reasonable to insist upon the use of a native species under the IDP policies.

On balance, in recognition of the aspiration to provide a safe and enclosed private amenity space, the application is considered acceptable subject to the provision of suitable spacing between the hedge and fence.

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: 31/10/2023

