

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: Install fence to top of existing wall to east boundary.

LOCATION: Land At, La Neuve Rue, Albecq, Castel.

APPLICANT: Mr & Mrs Whitehorne

I refer to the application referred to below received as valid on 23/10/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 03/01/2024

Drawing Nos: Site & Block Plans, Existing & Proposed Elevation Photo, Construction & Style of Cedar Panels

Application Ref: FULL/2023/1841

Property Ref: D01197A000

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 proposed development would, by virtue of the length and height of fencing proposed and the shallow depth of the neighbouring external amenity area, have an adverse effect on the outlook from and an unacceptably overbearing impact on the amenity of the neighbouring property to the east, 'Boa Vista'. The application is therefore considered to be contrary to the aims and objectives of Island Development Plan Policies GP8 and GP13 as they relate to the principles of good design and amenity.

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/2023/1841
Property Ref: D01197A000
Valid date: 23/10/2023
Location: Land At La Neuve Rue Albecq Albecq Castel Guernsey GY5 7HJ
Proposal: Install fence to top of existing wall to east boundary.
Applicant: Mr & Mrs Whitehorne

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed development would, by virtue of the length and height of fencing proposed and the shallow depth of the neighbouring external amenity area, have an adverse effect on the outlook from and an unacceptably overbearing impact on the amenity of the neighbouring property to the east, 'Boa Vista'. The application is therefore considered to be contrary to the aims and objectives of Island Development Plan Policies GP8 and GP13 as they relate to the principles of good design and amenity.

OFFICER'S REPORT

Site Description:

The application property comprises a detached house located on the north side of La Banquette, having a terraced rear garden descending towards the coast road to the north. A section of the eastern boundary wall enclosing the middle terrace of the rear garden is affected by this application. The coastal roadside boundary is defined by an earth bank and hedge, and there is a pedestrian access and sliding gate in the north east corner of the site. The property is located Outside of the Centres and is the subject of no other designation under the Island Development Plan.

Relevant History:

FULL/2020/1039 – Install wooden fence on top of existing wall to east boundary.
Refused 28-09-2020

FULL/2019/1975 - Install wooden fence on top of existing wall to east boundary.
Refused 15-01-2020

FULL/2018/0982 - Erect a detached garden room. (Revised scheme).
Approved 22-06-2018

FULL/2014/1446 - Lower level of land and replace boundary hedge, erect boundary wall, raise existing wall and install entrance gate.
Approved 19-08-2014

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

This application proposes the installation of 5no. 600mm tall slatted timber fence panels atop an existing rendered boundary wall, extending for a total length of 9m.

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

Island Development Plan

GP8 – Design

GP13 – Householder Development

Representations:

None

Consultations:

None

Summary of Issues:

- Principle of development
- Privacy and impact on neighbouring amenity
- Design and character of the locality

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

Planning permission was previously refused in 2020 (Ref: FULL/2019/1975) for an identical scheme to that the subject of this application.

Following the refusal of the permission a subsequent application was submitted to address the previous reason for refusal, proposing a reduction in the amount of fence panels to be erected from 5 to 4 (ref: FULL/2020/1039). Concerns regarding the impact on the neighbouring property to the east remained and the Authority deferred the

application to allow the applicant 21 days to amend the scheme to achieve an acceptable solution. The deferral sent by email dated 01/09/2020 stated *"The Planning Service has previously suggested that the addition of 2 panels at the southern end of this section of wall would be a more acceptable option in terms of balancing aspirations of privacy and neighbouring amenity and having now visited the neighbouring property I [the case officer of the application at that time] remain of the opinion that this represents a wholly appropriate compromise."*

No revised drawings were received, and the application was subsequently refused for the same reason as stated previously on the original application for permission (ref: FULL/2019/1975).

Since the refusal of the previous applications, it is understood that a change in ownership and a change in the name of the neighbouring property to the east (formerly Idlerocks Villa, and now Boa Vista) has occurred both of which are not material planning considerations which can be taken into account in the determination of this application.

Given the planning history of the site referred to above, that no further justification to support this current application has been provided, that the situation on site and the material planning considerations have not changed, and that the same planning policies that both previous applications were assessed against remain unaltered, this planning application must be refused.

It is therefore recommended that the application be refused for the same reason as stated on both of the previous decisions (the only change being the change in name of the neighbouring property from 'Idlerocks Villa' to 'Boa Vista'):

The proposed development would, by virtue of the length and height of fencing proposed and the shallow depth of the neighbouring external amenity area, have an adverse effect on the outlook from and an unacceptably overbearing impact on the amenity of the neighbouring property to the east, 'Boa Vista'. The application is therefore considered to be contrary to the aims and objectives of Island Development Plan Policies GP8 and GP13 as they relate to the principles of good design and amenity.

Date: 03/01/2024

