

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: Erect fence above wall to north (front) of property (retrospective).

LOCATION: Dwelling Formerly, Pretty Woman Bridal Shop, La Moye Road, Vale.

APPLICANT: Mr D Hubert

I refer to the application referred to below received as valid on 01/12/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 12/01/2024

Drawing Nos: G E Le Friec - D.H. / F.F. 1

Application Ref: FULL/2023/2395

Property Ref: C01632A000

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. Due to the size and siting of the new fence forward of the principal elevation of the dwelling-house and across the entire width of the site, the proposal would introduce a discordant element into the street scene and does not achieve a 'high' standard of design for the purposes of Policy GP8. The proposal does neither conserve or enhance the Conservation Area (Policy GP4), nor does it respect the surrounding built development or visual amenity, contrary to Island Development Plan Policies GP4, GP8 and GP13. If approved, the proposal would also set an undesirable precedent for other properties in this sensitive location.
2. Due to the height, position and relationship of the fence to the neighbouring properties to the east and west of the application site, the proposal will undermine sightlines and result in significant highway safety issues, contrary to Island Development Plan Policy IP9.

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/2023/2395
Property Ref: C01632A000
Valid date: 01/12/2023
Location: Dwelling Formerly Pretty Woman Bridal Shop La Moye Road La Moye Road Vale Guernsey GY3 5BZ
Proposal: Erect fence above wall to north (front) of property (retrospective).
Applicant: Mr D Hubert

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. Due to the size and siting of the new fence forward of the principal elevation of the dwelling-house and across the entire width of the site, the proposal would introduce a discordant element into the street scene and does not achieve a 'high' standard of design for the purposes of Policy GP8. The proposal does neither conserve or enhance the Conservation Area (Policy GP4), nor does it respect the surrounding built development or visual amenity, contrary to Island Development Plan Policies GP4, GP8 and GP13. If approved, the proposal would also set an undesirable precedent for other properties in this sensitive location.
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OFFICER'S REPORT

Site Description:

The application site consists of a dwelling-house which was recently converted from a retail unit. The property is located to the south of La Moye Road with the front of the property positioned in close proximity to the road (approximately 1.9m). The vehicular access to the site and parking provision is located to the rear, off Le Petit Axce.

The property is sited within a Conservation Area and is located Outside of the Centres as defined in the Island Development Plan Proposals Map.

Surrounding the site the area comprises a number of residential properties, of varying types, scales and forms. The character of the area is generally enhanced by the roadside stone walls and hedges.

It is noted that fence panels in the surrounding area have been erected perpendicular to the road, particularly to the east of the site, although it does not appear that planning permission has been granted for these panels. The fence panels immediately adjacent to the east of the application site, known as Mon Bleu, would appear to be exempt under the Land Planning and Development (Exemptions) Ordinance, 2023. Within the immediate area, the roadside walls tend to be of a low scale and uniform, which in turn positively contributes to the general character and visual appeal of the Conservation Area.

The 'Summary of Special Interest' for the designation of the Les Mielles Conservation Area states that:

"Construction materials are relatively uniform throughout the Conservation Area, predominantly comprising local grey/blue stone walls and slate or clay pan-tile roofs. Low roadside walls are common, constructed of local stone..."

Smaller workers' cottages typically front on to the road and are, due to their orientation and low roadside boundaries more open in aspect. Roadside walls are formal in appearance, often rendered and sometimes with railings at the larger dwellings, but more often bare grey/blue stone with stone or brick copings at the cottages..."

It is therefore apparent that the low stone walls and the relatively 'open' aspect this provides is an important feature in the Conservation Area.

Relevant History:

FULL/2020/1857	Demolish extensions, erect single storey extensions to south (rear) elevation and alterations to fenestration.	Granted
FULL/2018/1246	Demolish existing and erect two dwellings.	Granted
FULL/2016/2811	Subdivide existing dwelling to form two residential properties.	Granted
FULL/2013/0748	Demolish existing building and erect two semi-detached dwellings.	Granted
FULL/2011/3333	Extend and alter and convert existing shop into residential unit (use class 1).	Granted

Existing Use(s):

Residential

Brief Description of Development:

Retrospective permission is sought to install a new fence to the front (north) of the dwelling, immediately on the inside of the roadside boundary wall.

As set out in the agent's letter dated 28th November 2023, the timber fence is bespoke, and results in a 'wave' effect which undulates across the front of the site. The highest parts of the fence are directly opposite the fenestration on the north elevation of the property, primarily for privacy, noise and safety purposes.

The highest point at which the fence is positioned is approximately 2.2m high (measured from ground level to the top of the fence panel). The fence returns to the façade of the building (to the east and west of the site), essentially enclosing the space to the front of the house.

The agent has provided justification for the new fence as set out in their letter, noting that the applicant had misunderstood the fence on approved plans (not specified), and has apologised for any misunderstanding, hence the retrospective nature of the application.

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

GP4 Conservation Areas
GP8 Design
GP13 Householder Development
IP9 Highway Safety, Accessibility and Capacity

Representations:

The Authority has received two letters of representation from two parties objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Design.
- Impact on the character and appearance of the area.

Consultations:

None generated.

Summary of Issues:

- Whether the design of the fence is acceptable.
- Whether the development would impact on the character and appearance of the Conservation Area.
- Whether the proposal would affect highway safety and traffic management.

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).

Legal and Policy context:

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.

Policy GP4 (Conservation Areas) states that proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area. Furthermore, it is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting Conservation Areas that special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that Area.

Policy GP13 (Householder Development) states that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Areas, Areas of Biodiversity Importance, protected buildings or protected monuments.

In this instance Policy GP8 (Design) is also relevant. The preceding text to Policy GP8 refers to the need to consider the material planning considerations as specified in Part IV, Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007. These include the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used, as well as its likely effect on the character and amenity of the locality in question and its likely effect on the reasonable enjoyment of neighbouring properties.

Design, Conservation Area and character and amenity:

The applicant's reasoning for erecting the fence as a result of misunderstanding the approved plans, together with the justification for its installation (i.e. privacy, noise, safety etc), and the bespoke design, is acknowledged and has been taken into account as part of this assessment.

However, erecting a high fence along the principal elevation of the house and across the entire width of the site, immediately adjacent to the road, and without any form of screening; is not considered to achieve a 'high' standard of design as required in sensitive locations such as this (Policy GP8), nor is it considered to respect the special interest of the Conservation Area (Policy GP4). The proposal is highly prominent in the immediate vicinity and in a wider context, as the site is visible from L'Ancrese Common to the north-west of the site.

In addition, the overall height and position of the fence would not respect the characteristics or appearance of the surrounding area which is predominantly defined by low stone walls and soft landscaped features.

Whilst the roadside wall would remain unchanged, the installation of a high fence on the inside of the wall would in essence, act as the main boundary treatment of the site.

The enclosure of the space/garden to the front of the house would be detrimental to the visual appeal of the area and would act as a precedent for other properties in the surrounding area, resulting in a further diminishing of the character and appearance of the conservation area in which they are located.

Highway safety:

It is also noteworthy that the height of the fence together with its position and relationship to the neighbouring properties to the east (Mon Bleu and Kolapore) and to the west (The Post Box), would significantly adversely affect sightlines should a vehicle egress from The Post Box towards oncoming traffic, and with some concerns raised in respect of Mon Bleu and Kolapore towards approaching traffic travelling from the west.

Consequently, the visibility splays of neighbouring properties would be compromised.

Conclusion:

Overall, the proposal is considered to have a significant detrimental effect on the Conservation Area, character of the area, visual amenity, and would result in some road safety issues which is sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met (Policy GP13).

Overall, the proposal cannot be supported and therefore it is recommended that the application be refused.

Date: 09/01/2024