

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, erect roadside wall and alter vehicle access to east boundary and remove hedge and erect wall to north boundary.

LOCATION: Belle Rive, 99 Rue Vautier, Fort George, St. Peter Port.

APPLICANT: Mr & Mrs Hopkins

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: 25/01/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 2353 03.01, 03.02, 03.03

Application Ref: FULL/2023/2408

Property Ref: A41110A099

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.The external face of the hereby approved roadside wall and pillars shall be finished in smooth render within 2 months of construction.

Reason - In the interests of visual amenity and to ensure that the external face of the wall and pillars are completed within a reasonable timeframe.

Expiry Date: This permission will cease to have effect on 24/01/2027 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/2023/2408
Property Ref: A41110A099
Valid date: 14/12/2023
Location: Belle Rive 99 Rue Vautier Fort George Fort George St. Peter
Port Guernsey GY1 2SR
Proposal: Remove hedge, erect roadside wall and alter vehicle access to
east boundary and remove hedge and erect wall to north
boundary.
Applicant: Mr & Mrs Hopkins

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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.

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OFFICER'S REPORT

Site Description:

The application site comprises a detached dwelling-house located within Fort George. The site is positioned towards the rear (west) of the plot with a large garden to the front, bounded by hedges and an entrance gate. It is noted that the hedge to the front of the property has been cut down to stump level, although not removed, following the site visit to the property.

The surrounding area is predominately defined by residential development, with boundary hedges to the front and gated access points. Although some properties on Fort George feature stone/rendered walls, at various heights, to the front of their properties.

Relevant History:

FULL/2022/0689	Replace existing hedge to east boundary.	Granted
PAPP/2002/3188	Alterations to access	Granted

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to remove a hedge along the front (east) boundary and a section of hedge along the north boundary. It is proposed to replace the hedges with a wall and alter the vehicle access. The new rendered wall to the front of the site will be approximately 1500mm high, with the wall along the north boundary being approximately 2.2m high.

It is noted in the agent's supporting letter that the hedge is subject to Honey Fungus.

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

GP1 Landscape Character and Open Land
GP8 Design

GP9 Sustainable Development
GP13 Householder Development
IP9 Highway Safety, Accessibility and Capacity

Representations:

The Authority has received two representations from two parties, one objecting to the proposal and the other in support. Grounds for objection principally relate to the following issues:-

- The proposal has not been designed to take into account any adverse impact on the environment. Reference to the Exemptions Ordinance (2023).
- Impact on bio-diversity, and is not in keeping with the Strategy for Nature.

Consultations:

None.

Summary of Issues:

- Whether the loss of the roadside hedge is acceptable.
- Whether the design, height and materials of the proposed development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact on highway safety.

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).**

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.

The IDP adopts a degree of flexibility to householder development with regards to design matters, particularly in areas that are less sensitive to change. In this case, the property does not fall within a Conservation Area nor does it affect a protected building or its setting. Moreover, the surrounding area is comprised by a mix of building scales, styles, forms and masses and features either hard or soft landscaping to the front of properties, although predominately the latter.

Whilst regrettable, the removal of a hedge is acceptable under Policy, subject to the replacement boundary treatment is replaced on a similar basis, or if different, would not unduly affect the character and appearance of the locality.

Roadside wall and access point:

On this basis, erecting a 1.5m high boundary wall to the front of the property would affect the character and appearance of the application site, and the predominate make-up of other frontages along Fort George. However, when taking into account the height of the wall, coupled with its rendered and brick-capped appearance, and other boundary walls to the front of properties on Fort George, the degree of noticeable change would not be so substantial to reasonably rebut the general support in favour of householder development (Policy GP13). In addition, the site is not in a highly sensitive location, therefore a degree of flexibility is afforded to the householder in this case. It is recommended that a condition should be attached to the decision to ensure that the wall is rendered within a reasonable timeframe in the interests of visual appeal.

Whilst it is recognised that the height of the roadside wall is likely to restrict sightlines, the low level of traffic volumes and speeds on Fort George is such that there would not be a considerable adverse effect on highway safety when compared to the existing boundary treatment (prior to the hedge being cut down), and is similar to other vehicle access points.

All other alterations are acceptable.

North boundary:

The height, design and appearance of the wall towards the rear of the property, along the north boundary, would have a negligible effect on the character of the area, visual amenity and the amenities of neighbouring residents.

Overall, the proposal adopts an acceptable standard of design by virtue of the replacement design, height and materiality of the walls and would not lead to a significant adverse effect on the character and appearance of the area, despite being different to the original boundary treatment.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Date: 24/01/24

