

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: Erect fence on top of existing wall to east boundary (retrospective).

LOCATION: Edenbridge, 5 Bailiffs Cross Road, St. Andrew.

APPLICANT: Mr P Wiggins

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: 01/02/2024

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

Drawing Nos: Chescoe Ltd: 3320-02, 03C

Application Ref: FULL/2023/2418

Property Ref: K001760000

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.Within 4 weeks from the date of this decision the height of the northeast boudnary fence shall be reduced by 500mm to protect visual amenity. The fence shall remain at this level in perpetuity.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

Expiry Date: This permission will cease to have effect on 31/01/2027 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/2023/2418
Property Ref: K001760000
Valid date: 12/12/2023
Location: Edenbridge 5 Bailiffs Cross Road St. Andrew Guernsey GY6 8RT
Proposal: Erect fence on top of existing wall to east boundary (retrospective).
Applicant: Mr P Wiggins

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.

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Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

OFFICER'S REPORT

Site Description:

The property known as 'Edenbridge' is a pre-1900's one and a half storey detached property which is set back from and faces southwest onto Route de la Croix au Bailiff. There are neighbouring properties to the northwest and southeast, and a reasonable garden and then neighbouring properties at a lower level to the northeast. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2023/2347 - Erect single storey extension to north-east (rear) elevation and alterations to fenestration – Approved December 2023.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This is a retrospective application to install a fence on top of the existing 1.25m high granite northeast boundary wall. At present the fence is 950mm high, giving a total height of 2.2m. However, the height of the fence is nearly 3m high on the other side as the neighbours property is at a lower level.

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

GP8: Design

GP13: Householder Development

Representations:

There has been one letter of representation and the issues are:

- The fence stands nearly 3m above the neighbours boundary and now directly blocks out daylight and sunlight to both the greenhouse and the downstairs ensuite bathroom window, which is the ensuite to the main bedroom. The

amenity of the view from the neighbour's house and garden has been significantly impacted by what can only be described as a prison like structure which is overbearing and now also robbing a planted gazebo walkway of significant natural sunlight.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

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

The neighbour to the northeast is situated at a much lower level, some 850mm lower ground level. This means that the existing granite wall, which is 1250 high on the applicants side is 1.95m high on the neighbours side. The addition of another 950mm high fence brings the boundary level to a height of 2.9m, which is considered to be too high.

From the neighbours point of view the higher the westerly boundary the less daylight, specifically evening light, will be lost and because the dwelling is closer to the western boundary this impacts on the neighbours enjoyment of their property.

The application was deferred to request the applicant to reduce the height of the fence by 500mm to 450mm, giving a total height of 1.7m. This will still give the applicant and family more privacy without compromising the light and daylight of the neighbour. The neighbours side of the fence will now be a total of 2.4m, which is considered acceptable.

The new height of the fence will be conditioned to ensure the reduction work is carried out in a timely fashion.

With the changes made the fence will be considered appropriate, will not impact on the character and appearance of the surrounding area, nor will it have any adverse effects on neighbour amenity.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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

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. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 26/01/2024