

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 retaining wall and fence to west boundary.

LOCATION: 2 Clos De Bas, Green Lanes, St. Peter Port.

APPLICANT: Miss D Tindall

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: 02/02/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTECH: DT-23-1154-02

Application Ref: FULL/2024/0019

Property Ref: A207670002

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 (west elevation) of the hereby approved retaining boundary wall shall be finished in smooth render within 2 months of construction.

Reason - In the interests of visual and neighbour amenity and to ensure that works to the external face of the wall are carried out within an acceptable timeframe.

Expiry Date: This permission will cease to have effect on 01/02/2027 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/2024/0019
Property Ref: A207670002
Valid date: 21/12/2023
Location: 2 Clos De Bas Green Lanes St. Peter Port Guernsey GY2 4LP
Proposal: Erect retaining wall and fence to west boundary.

Applicant: Miss D Tindall

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. The external face (west elevation) of the hereby approved retaining boundary wall shall be finished in smooth render within 2 months of construction.

Reason - In the interests of visual and neighbour amenity and to ensure that works to the external face of the wall are carried out within an acceptable timeframe.

OFFICER'S REPORT

Brief Description of the site:

The application site, known as No.2, consists of a three storey, mid-terrace dwelling located in the Main Centre Outer Area as designated in the Island Development Plan. The land to the rear of No.2 is subject to a significant change in ground level between the application site and the neighbouring property to the west known as Le Grand Bosq.

Planning permission was granted in 2013 to erect a retaining wall to the adjoining properties to the south, including Nos. 3 and 4. The walls have since been built.

Planning permission is sought to erect a retaining wall and fence to the west boundary. The proposal seeks to replicate the wall and fence constructed at No.3 and 4. The wall will be approx. 3350mm high and finished in smooth render. 1m high fence will be installed above.

Relevant History:

FULL/2013/3538 A207670003	Erect wall and fence at rear (west).	Granted
FULL/2013/3537 A207670004	Erect a retaining wall and fence to the rear of the property.	Granted

Existing Use(s):

Residential

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 and Open Land
GP8 Design
GP9 Sustainable Development

GP13 Householder Development

Conclusion/Brief comment:

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

The proposal adopts an acceptable standard of design by virtue of the scale and finish of the wall. The wall will be approximately 3.8m from the east elevation of the neighbouring property.

Whilst the retaining wall and fence will be visible from public vantage points along Green Lanes, the development will not have a detrimental impact on the landscape character of the area, built environment or visual amenity.

Whilst it is acknowledged that the proposal is likely to have a shadowing and domineering effect on the amenities of neighbouring residents due to the height and distance of the structure to the neighbouring property, the degree of harm is not considered to be significant to rebut the general support in favour of householder development (Policy GP13). This decision has been reached when taking into account the orientation and relationship of the structure to the neighbouring property. Consequently, the proposal would only shadow the neighbouring property before midday due to its orientation which is not considered to cause undue harm when compared to the existing steep earth bank.

The most sensitive area of the neighbour's external amenity space would appear to be located to the south of the proposed structure and therefore would not be affected.

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.

Recommendation:

Grant with Conditions



Date: 29/01/24