

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 replacement fence and gate to north and west boundary.

LOCATION: Hamburg House, 1 Clos De La Deroquie, Rue du Douit, St. Peter Port.

APPLICANT: Mr M Rimmer

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: 14/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/05/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block plan and hand drawn sketch (dated 17/05/24 & 08/05/24 respectively).
Fence/Gate details.

Application Ref: FULL/2024/0844

Property Ref: A208700001

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.

Expiry Date: This permission will cease to have effect on 14/06/2027 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/2024/0844
Property Ref: A208700001
Valid date: 17/05/2024
Location: Hamburg House 1 Clos De La Deroquie Rue du Douit Rue du Douit St. Peter Port Guernsey GY1 2EH
Proposal: Erect replacement fence and gate to north and west boundary.
Applicant: Mr M Rimmer

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.

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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.

OFFICER'S REPORT

Site Description:

The property known as 'Hamburg House' is a modern end of a terrace of three properties, it is a two storey dwelling which is set slightly back from and faces south onto Collings Road. The properties have very small rear gardens which face an access road servicing the three properties. The property is located within the St Peter Port Main Centre Outer Area as defined in the Island Development Plan.

Relevant History:

FULL/2022/1288 - Erect fence on top of existing wall to north-east boundary (retrospective) – Approved October 2022.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to erect a replacement fence and gate to north and west boundary. The existing fence is 1.5m high with trellising above, the proposed fence will be a solid 2m high fence.

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

GP8: Design

GP13: Householder Development

Representations:

There have been two letters of representation and the issues are:

1. I live within the same private clos as the applicant. When I moved in, I applied for taller fencing than what was in place (3ft) to match that of house 1&2. This was granted but was stipulated that my fencing had to match that of the rest of the boundary (being the other 2 houses) 'to secure the satisfactory appearance of the completed development'. So I did this, even though I would have preferred taller fencing, and solid at the top. I believe this application is seeking to build a solid, taller fence (including the gravel board). My query would be, if they are changing the appearance of their fencing, does that mean the stipulation in my

planning is void? Assuming their application is granted, however I struggle to see how it could be as this would be going against the original stipulation.

2. I'm emailing due to the neighbour wishing to make his fencing higher around the back garden, my partner and I would like to oppose this application. As this will make the area look harsh. Unsure as to why he says it's a busy area as we're only going into our cars! Which consists of 2 other houses on the clos. The clos would look uneven without all parties participating in this which would prove to be very costly. The fencing is a treated wood and is the same age as the other 2 houses. As such if damage has occurred this is due to himself not maintaining his fencing! All the other houses drive past our garden and the privacy is the same and not a problem and our garden is raised higher than his!

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.

At present the rest of the parking area of the clos is fenced with solid 2m high fencing (to the north and west of the clos). It is only the rear gardens of the three properties to the south which have a lower 1.5m high fence with trellising above to a finished height of approx. 1.8m.

This application is for 'Hamburg' the southwestern property, to replace their fence with a 2m high solid fence to match the rest of the clos.

The existing fence to the rear of the adjoining properties is approx. 1.8m with the trellising, but the gardens are tiered so the rear gardens of these properties are not very private. Allowing the fence to be raised will increase the privacy for the dwelling, which is a reasonable aspiration of the property owner and the increase of approx. 0.2m is unlikely to result in a barricading effect.

One letter of representation mentions that they were only allowed to erect a fence at a certain height and it was to match the other two houses in the terrace. However, that application was assessed with the Island Development Plans predecessor The Rural Island Plan, which had different policies and was more prescriptive.

The Island Development Plan is less prescriptive Outside of the Centres, providing householders with greater freedom of choice with regard to private property development and use. Therefore should the neighbour decide to submit an application to raise their rear fence it is likely to be supported in principle.

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: 12/06/2024