

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 chain link fence to section of north boundary (retrospective).

LOCATION: Chalfont Bungalow, Hougues Magues Lane, St. Sampson.

APPLICANT: Mrs D Carter

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: 24/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/05/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block plan and annotated photo (both dated 15/05/2024).

Application Ref: FULL/2024/0862

Property Ref: B013330000

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. Notwithstanding the hereby approved plans, the tops of the fence posts must be cut down to 2m in height within one month of the date of the approval.

Reason - To ensure a satisfactory form and appearance of development in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 24/06/2027 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/2024/0862
Property Ref: B013330000
Valid date: 20/05/2024
Location: Chalfont Bungalow Hougues Magues Lane St. Sampson
Guernsey GY2 4WA
Proposal: Erect chain link fence to section of north boundary
(retrospective).

Applicant: Mrs D Carter

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 - To ensure a satisfactory form and appearance of development in the interests of visual amenity.

OFFICER'S REPORT

Site Description:

The property known as 'Chalfont Bungalow' is a mid-20th century bungalow which has been extended over the years. The dwelling is set back from and faces west onto Hougues Magues Lane, there is a small housing estate to the south and an old vinery to the north and open land to the east and detached neighbours across the road to the west. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2023/0891 - Erect fence to north boundary, remove earth bank and hedge and erect fence to east boundary. Erect fence to north of pool area and bike store to west (roadside) boundary – Withdrawn July 2023.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This is a retrospective application to erect a 2m high chain link fence along the north boundary where two glasshouses have been removed.

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 is all the way from no.1 glasshouse to no.4 glasshouse without a break.
- There are strong objections as the vinery owner has legal rights to enter into a 900mm space along the northern boundary to maintain the southern gables of the glasshouses.
- Three of the access points have now been closed off.

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.

Generally boundary fences are made of timber and a timber fence of this height and size would have been exempt.

Previously the northern boundary was made up of the southern gables of five glasshouses. The owner of the vinery has legal rights over 900mm along the northern boundary of Chalfont Bungalow in which to maintain the glasshouses. Since 2022 two of the glasshouses have been removed, leaving a gap and a potential escape point for the disabled occupant.

To prevent escape and to ensure the safety of the Chalfont Bungalow occupant the 2m high chain link fence was installed along the area where the two glasshouses were removed. An area of bamboo fencing has also been added in front of the dwelling for privacy.

As the fencing is predominantly in front of the area where glasshouses have been removed, the vinery owners are still able to maintain the gables of the remaining glasshouses without compromise.

The tops of the fence uprights need to be trimmed, which can be controlled by condition.

The fence as constructed is not considered to have any detrimental impacts on the character and appearance of the surrounding area nor will it impact on neighbour amenity or the ability to maintain the existing glasshouse gables.

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: 19/06/2024