

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Remove hedge and erect fence to south boundary (Retrospective).

LOCATION: La Lande, Les Abreuveurs Road, St. Sampson.

APPLICANT: Mr S Smith

I refer to the application referred to below received as valid on 11/06/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 20/09/2024

Drawing Nos: Block plan, 2 annotated hand drawn sketches (all dated 22/05/2024).

Application Ref: FULL/2024/0916

Property Ref: B014150000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The proposals do not respect the landscape character of the area contrary to Island Development Plan Policies GP1(a) & GP8(c). The detrimental impact of the fencing on the landscape setting of the surrounding area and in this location, is considered to outweigh the degree of flexibility afforded to property owners within Policy GP13.

OTHER REMARKS:-

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, against a decision to refuse an application for planning permission or outline planning

permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2024/0916
Property Ref: B014150000
Valid date: 11/06/2024
Location: La Lande Les Abreuveurs Road St. Sampson Guernsey GY2 4XA
Proposal: Remove hedge and erect fence to south boundary
(Retrospective).
Applicant: Mr S Smith

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposals do not respect the landscape character of the area contrary to Island Development Plan Policies GP1(a) & GP8(c). The detrimental impact of the fencing on the landscape setting of the surrounding area and in this location, is considered to outweigh the degree of flexibility afforded to property owners within Policy GP13.

OFFICER'S REPORT

Site Description:

The property known as 'La Lande' is an early 20th century two storey property which has been extended over the years, the property is on a corner plot and the dwelling is set back from and faces west onto Les Abreuveurs Road that runs along the west boundary and Les Canus runs along the south boundary. There are neighbouring properties to the north, and across the road to the south. There is a large, protected building to the west across the road and a vinery to the east. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This is a retrospective application to erect a 0.9m high fence on an earthbank, along 13.3m of the south boundary (the east end) and 9.5m along the east boundary (the

south end). The height of the fence and earthbank when viewed from the roadside would be 1.75m high.

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

GP1: Landscape Character and Open Land

GP8: Design

GP13: Householder Development

Representations:

None

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 solid form and elevated position means that the fence is a prominent feature when viewed from the road, which is in contrast to the more rural, soft boundaries which are characteristic of the surrounding area.

The new hedge proposed is to be planted on an approx. 0.4m wide verge and it is considered unlikely that a meaningful hedge could establish here, furthermore the reliance on planting to make development acceptable within its setting is not appropriate given the potential that landscaping may not establish and is subject to die back.

Some planting has taken place behind the fence, but this is not evident from the street. Plus, the position of this greenery at the back of the fence limits its ability to visually soften the structure or to provide effective screening from the road.

The house is set far back from the south boundary and there is considerable curtilage, private garden area and extensive outside space around the house for enjoyment of the occupiers. The erection of the fence in this location is therefore unnecessary.

The detrimental impact of the fencing on the landscape setting of the surrounding area and in this location, is considered to outweigh the degree of flexibility afforded to property owners within Policy GP13. Therefore, in this instance, the recommendation is one of a refusal as it is contrary to Policies GP1, GP8 and GP13.

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 Planning and Development (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: 18/09/2024