

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 pillars and gate to alter existing vehicle access, remove and replant section of hedge to south and east boundary.

LOCATION: La Miette, La Ruelle, Fort George, St. Peter Port.

APPLICANT: Mr J Pinson

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: 03/10/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/07/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTech Freelance Architecture: JP-24-1190-01B

Application Ref: FULL/2024/1267

Property Ref: A41110A22A

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 submitted details, the pillars hereby approved shall be set at a minimum distance from the roadside of 2.44m.

Reason - To ensure the development is entirely within the ownership of the property La Miette.

Expiry Date: This permission will cease to have effect on 03/10/2027 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/2024/1267
Property Ref: A41110A22A
Valid date: 30/07/2024
Location: La Miette La Ruette Fort George Fort George St. Peter Port
Guernsey GY1 2SX
Proposal: Erect pillars and gate to alter existing vehicle access, remove
and replant section of hedge to south and east boundary.
Applicant: Mr J Pinson

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. Notwithstanding the submitted details, the pillars hereby approved shall be set at

a minimum distance from the roadside of 2.44m.

Reason - To ensure the development is entirely within the ownership of the property La Miette.

OFFICER'S REPORT

Site Description:

The property known as 'La Miette' is a detached two storey 1970's dwelling which sit diagonally on its plot facing southeast. The vehicular entrance is from the east end of the south boundary, La Ruelle runs along this boundary and York Way runs along the east boundary. To the north and west are other similar sized properties, as well as across the roads. 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 application is to retrospectively remove and replant a section of the roadside boundary hedge along part of the east boundary round to the vehicular entrance on the south boundary. Erect pillars and a gate to the vehicular entrance.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

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

- On drawing JP-24-1190-01A, the site location plan drawn at a scale of 1:2000 and labelled with the word "SITE" outlines the applicant's property in red. This plan shows the road-verges along York Way and La Ruelle. Both verges scale correctly to their actual 8ft. width. The 8ft. wide verges are the property of the FGECL as are all other road-verges, roads, amenity land etc. on Fort

George. The proposed plans on drawing JP-24-1190-01A do not identify the verges as belonging FGECL. The proposed block layout plan drawn at a scale of 1:200 also shows the verge land area as being included within the application area outlined in red. The boundary of the property La Miette is not indicated, nor the FGECL verge land, which appears to have been subsumed within the area without comment or mention of the relevant FGECL land boundaries or dimensions, as if that land was an integral part of the applicant's own property.

- We note that the applicant has inserted his typed name in the application form, section J, but has not signed the form prior to the application details being published, to provide the testamentary statement required, i.e. "I declare that to the best of my knowledge all the particulars in this application are correct".
- We note the applicant appears to have already assumed the grant of approval by Planning and has proceeded to quickly remove planting from the area and to re-plant it based on the argument that 'it is the right season' – although using pot-grown plants that could be planted at any time.
- The application form had not been signed and the proposed structures and planting extended over the road verge which lies to the east and south of the La Miette curtilage. La Miette being the address of the applicant.
- There are already a few gates providing access to plots on the Estate. With only rare (if any) exceptions they are more security focused than flamboyant displays. In terms of size (height, width) such gates should be proportionate to the surroundings in terms of size and sympathetic to (compatible with) the surrounding built environment. The proposed composite structure of pillars and gate would require an 11 metre length of land and be quite a dominant feature.

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.

Initially there was a mistake on the drawing, the red line boundary was in the wrong place, showing the verge (belonging to the Estate Management Company) within the ownership of Le Miette. It also transpired that the application form had not been signed.

The application was deferred to allow the agent to get the form signed and amend the drawing so that the red line was in the correct place. However, the drawing does still show the gate pillars to be 2m from the roadside whereas the width of the verge is stated to be 8ft, which is 2.44m. Therefore, the pillars must be moved 440mm into the site – this can be conditioned.

Due to the fact that part of the hedge has already been removed and replanted a retrospective fee has been obtained. The replanting of the hedge is considered appropriate as many of the roadside boundaries in and around Fort George are hedges and so it is part of the landscape character.

Many other properties have pillars and gates across the front vehicular entrance (9 properties have gates 3m and under away from the roadside, 4 properties gates are between 3m – 3.5m away from the roadside and another 4 properties have gates over 4.5m away from the roadside). The proposed gate at La Miette will be 3m away from the roadside, which is considered appropriate and acceptable.

The proposals are considered to achieve a good standard of design, using materials which complement the existing materials. They are not considered to have a detrimental effect on the character and amenity of the surrounding area, nor will they have any impacts on any of the immediate neighbours.

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: 27/09/2024

