

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 fence on top of east boundary wall.

LOCATION: Elland Place, Vale Road, St. Sampson.

APPLICANT: Mr A Barrell

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: 18/11/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/10/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Plan, Photo 1 and Photo 2 and Brochure Page showing proposed fence.

Application Ref: FULL/2024/1707

Property Ref: B00631A000

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 18/11/2027 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/2024/1707
Property Ref: B00631A000
Valid date: 21/10/2024
Location: Elland Place Vale Road St. Sampson Guernsey GY2 4DN
Proposal: Erect fence on top of east boundary wall.

Applicant: Mr A Barrell

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.

OFFICER'S REPORT

Site Description:

The property known as 'Elland Place' is a pre-1900 two storey semi-detached dwelling which is set back from and faces west onto Vale Road. The other semi is attached to the south and there are other neighbours to the south, a block of flats to the north and their associated car parking and storage units to the east. The property is located in the St Sampson Main Centre Outer Area 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 erect a higher fence inside the eastern boundary wall to prevent overlooking because the car park on the other side of the boundary wall is at a higher level.

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 Development Description states, "erect fence on top of East boundary wall," however in the planning application form the applicant states that they intend to "erect a six foot fence." Without knowing which of these is correct it is difficult to know how to accurately state concerns.
- The wall in question is a boundary wall, which I believe the owners of properties in Springhurst Court have a responsibility to maintain. This wall is a dry built granite structure with no mortar binding it. Any attempt to attach a fence on it or close to it could cause significant damage.
- The plans shown are photographs drawn. and written over making it very difficult to assess how the finished development will appear, and exactly where it will be.

- The outcome could be that the communal areas of Springhurst Court will be affected negatively by affecting the residents enjoyment of a pleasant and well designed and maintained outside space.
- The photograph submitted of a wall to the North of Elland Place, within Springhurst Court, that is said to be similar to the application, is a low trellis securely attached to the inside of a modern block built and rendered wall, so that the trellis sits neatly along the top centre of the wall. This is not at all similar to what appears to be proposed.

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 the photos, the supporting letter and the brochure all gave slightly conflicting information about the actual height of the fence and how much it would protrude over the existing east boundary wall, which is approximately 1.6m high within Elland Place's curtilage and approximately 1.3m high on the car parking side of the wall.

The fence is now going to be an additional 0.7m higher than the wall on the car parking side, which means it will be a total of 2.3m high within the site due to the differing heights. The fence will be erected inside the boundary wall within Elland Place's garden. From Springhurst Court it will look like there is an additional 0.76m of fence over the boundary wall.

With the fence erected members of the public will not be able to look into the rear garden of Elland Place, which is easily done at present, thus the fence will be protecting the homeowners privacy and prevent trespassers.

The height of the fence is not considered to be so high that it warrants a refusal, therefore the proposals are considered to be acceptable and appropriate and they

will not have any detrimental impact on the character and appearance of the surrounding area, nor will they impact any neighbours private amenity space.

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: 15/11/2024