

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 install fence to north-east (roadside) boundary.

LOCATION: Linfield, Epinelle Road, St. Sampson.

APPLICANT: Mr R De Jersey

I refer to the application referred to below received as valid on 15/10/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 20/11/2024

Drawing Nos: Paul Vaudin & Associates Ltd: 24-016-01A

Application Ref: FULL/2024/1710

Property Ref: B010360000

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. Due to the height and siting of the new fence forward of the principal elevation of the dwelling-house and parallel to the road, the proposal would introduce a discordant element into the street scene and does not achieve a 'good' standard of design for the purposes of Policy GP8. The proposal does not respect the character of the area or visual amenity, contrary to Island Development Plan Policies GP8 and GP13, and does not accord with the General Material Considerations of the Land Planning and Development (General Provisions) Ordinance, 2007. If approved, the proposal would also set an undesirable precedent for other properties in this location seeking to carry out similar development.
2. Due to the height, position and relationship of the fence to the highway, the proposal will undermine sightlines and result in highway safety issues, contrary to Island Development Plan Policy IP9.

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/2024/1710
Property Ref: B010360000
Valid date: 15/10/2024
Location: Linfield Epinelle Road St. Sampson Guernsey GY2 4FB
Proposal: Remove hedge and install fence to north-east (roadside) boundary.
Applicant: Mr R De Jersey

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. Due to the height and siting of the new fence forward of the principal elevation of the dwelling-house and parallel to the road, the proposal would introduce a discordant element into the street scene and does not achieve a 'good' standard of design for the purposes of Policy GP8. The proposal does not respect the character of the area or visual amenity, contrary to Island Development Plan Policies GP8 and GP13, and does not accord with the General Material Considerations of the Land Planning and Development (General Provisions) Ordinance, 2007. If approved, the proposal would also set an undesirable precedent for other properties in this location seeking to carry out similar development.
 2. Due to the height, position and relationship of the fence to the highway, the proposal will undermine sightlines and result in highway safety issues, contrary to Island Development Plan Policy IP9.
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OFFICER'S REPORT

Site Description:

The application site consists of a two-storey dwelling-house which lies to the west of Oatlands Lane, which also features a designated cycle lane along the western side of the road. The property features parking to the front (east), and a garden to the north and west, and is bounded to the east by a mature hedge.

The property is sited Outside of the Centres as defined in the Island Development Plan Proposals Map.

Surrounding the site the area comprises a number of residential properties, of varying types, scales and forms. Linfield Motors lies directly to the south of the application site.

The character of the area generally consists of roadside stone walls and hedges, interspersed with fence panels that are installed perpendicular to the road frontage. A small section of fencing has been installed parallel to the road in the immediate area, located south of Les Sauvagees. However, the fence in question has been in situ for some time and does not appear to have benefited from planning permission.

The roadside walls tend to be of a low scale and uniform, and together with roadside hedges positively contribute to the general character and visual appeal of the street scene.

Relevant History:

FULL/2017/2968	Fell tree to front of property (protected tree).	Withdrawn
PAPP/2009/0903	Fell tree.	Refused
PAPP/2008/2432	Create new vehicular access.	Granted

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to remove the roadside hedge and install a 1.8m high fence to the front of the dwelling, positioned immediately on top of the existing granite faced earth bank. The existing wall/earth bank is shown to be 900mm high from road level. The total height of the wall/earth bank and the proposed fence will be 2700mm high.

As set out in the agent's letter (dated 2nd July 2024) it is noted that:

"... it is my client's proposal to erect a new timber fence to the east roadside boundary to match that already to the north boundary. This new 1800mm high fence will replace an existing hedge that is showing signs of die back."

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

GP8 Design
GP13 Householder Development
IP9 Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

None.

Summary of Issues:

- Whether the design of the fence is acceptable.
- Whether the development would impact on the character and appearance of the surrounding area.
- Whether the proposal would affect highway safety and traffic management.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

Legal and Policy context:

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 considered in the assessment of this application.

Policy GP13 (Householder Development) states that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Areas, Areas of Biodiversity Importance, protected buildings or protected monuments.

In this instance Policy GP8 (Design) is also relevant. The preceding text to Policy GP8 refers to the need to consider the material planning considerations as specified in Part IV, Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007. These include the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used, as well as its likely effect on the character and amenity of the locality in question and its likely effect on the reasonable enjoyment of neighbouring properties.

Design, character and amenity:

It is considered that erecting a high fence on top of the existing roadside boundary treatment which spans across a large majority of the principal aspect of the site, would not achieve a 'good' standard of design, nor is it considered to respect the character and appearance of the locality (Policy GP8).

The proposal is likely to be highly prominent in the immediate vicinity and in a wider context, as the site is also visible from Les Sauvagees and Duveaux Lane.

The overall height and position of the fence would not respect the characteristics or appearance of the surrounding area which is predominantly defined by low stone walls and soft landscaped features.

The change to the boundary treatment as proposed would be detrimental to the visual amenity of the area and would set an undesirable precedent for other properties in the surrounding area seeking to install high level fencing across the principal elevation, thereby further diminishing the character and appearance of the surrounding area.

Highway safety:

Whilst it is acknowledged that that existing roadside hedge reduces sightlines towards oncoming vehicles, cyclists and pedestrians traveling in a north-south direction (which the Authority cannot control as it does not form development), the installation of a 1.8m high fence in the position proposed would undermine sightlines and therefore represents a highway safety issue. Moreover, the sightlines of vehicles exiting from Linfield Motors would also be adversely affected.

Consequently, the visibility splays of the application site and a neighbouring property would be compromised.

Conclusion:

Overall, the proposal is considered to have a significant detrimental effect on the character of the area and visual amenity, and would result in some road safety issues which is sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met (Policy GP13).

Overall, the proposal cannot be supported and therefore it is recommended that the application be refused.

Advice:

As a suggestion, planting a native hedgerow such as blackthorn (which can be dense once mature) would not require planning permission (subject to complying with all criteria set out in Class 1.23 of the Exemptions Ordinance, 2023) and should provide sufficient privacy for the applicants.

Date: 20/11/2024