

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: Demolish section of roadside wall, erect boundary wall to north and east boundaries and widen vehicle access.

LOCATION: Trois Haies, Rue des Naftiaux, St. Andrew.

APPLICANT: Mr & Mrs D Parton

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: 10/12/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/11/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd - 6211/C/1a

Application Ref: FULL/2024/1805

Property Ref: K00630A000

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.Within 2 months of the vehicular access being widened, the roadside wall shall be constructed in accordance with the approved details.

Reason - to ensure the works are carried out within a reasonable timeperiod, in the interests of visual amenity.

5.Prior to the new granite wall boundary wall being constructed, a large scale elevation drawing of the new boundary wall, including the type of wall, colour and method of construction, shall be submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - the detailed design of the approved wall is ambiguous therefore further details are required to ensure that the wall is constructed that respects the rural landscape character and appearance of the surrounding area.

Expiry Date: This permission will cease to have effect on 10/12/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

It is recommended that a local context assessment is carried out to understand the types of granite walls constructed in the surrounding area which should inform the details to be submitted as part of Condition 4.

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/2024/1805
Property Ref: K00630A000
Valid date: 04/11/2024
Location: Trois Haies Rue des Naftiaux St. Andrew Guernsey GY6 8RD
Proposal: Demolish section of roadside wall, erect boundary wall to north and east boundaries and widen vehicle access.

Applicant: Mr & Mrs D Parton

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. Within 2 months of the vehicular access being widened, the roadside wall shall be constructed in accordance with the approved details.

Reason - to ensure the works are carried out within a reasonable time period, in the interests of visual amenity.

5. Prior to the new granite wall boundary wall being constructed, a large scale elevation drawing of the new boundary wall, including the type of wall, colour and method of construction, shall be submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - the detailed design of the approved wall is ambiguous therefore further details are required to ensure that the wall is constructed that respects the rural landscape character and appearance of the surrounding area.

INFORMATIVES

It is recommended that a local context assessment is carried out to understand the types of granite walls constructed in the surrounding area which should inform the details to be submitted as part of Condition 4.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a detached dwelling-house which sits on a corner plot between Rue Des Naftiaux and Rue Marquand. The site lies Outside of the Centres and is within an Agriculture Priority Area as designated in the Island Development Plan.

Planning permission is sought to demolish a section of the stone-face earth bank which forms the roadside boundary treatment in order to widen the vehicular access, and to erect a new granite roadside boundary wall along the north and east boundary.

The bell mouth access is to be widened from 6.6m (reducing down 3.26m), to 9m (reducing down to 5m). The justification provided for the works is to improve the manoeuvrability of vehicles entering and egressing from the site.

The new granite wall extends along the north and east as shown on the drawings submitted and will be approximately 2m high.

The agents letter has provided information in support of the application proposals:

“...the eastern boundary in particular has been severely eroded. This appears to be caused by mostly rain, but also from burrowing insects that are causing instability of the earth bank. Many of the roots from the trees and bushes etc are becoming exposed and will therefore cause the erosion to happen at a faster rate. Our property is elevated from the road, which is unfortunate. We appreciate the earth bank enhances the rural aspect in this area and around the lanes of St. Andrews. But the fact of the matter is that this erosion is and will be a safety issue. You can see from the pictures that the erosion is undermining the top part where the trees, shrubs and garden is and at the moment that vegetation is probably holding up the garden together. Once these plants die the root system will be loosened and further cause the bank issue and possible collapse.

...We felt that a granite wall would be better in keeping with the tradition of the lanes, albeit not ideal as the earth bank would be preferable. A wall will future proof from any potential collapse for the foreseeable future.”

Relevant History:

FULL/2022/0756	Demolish conservatory, erect single storey extension to east (rear) elevation.	Granted
FULL/2021/2451	Erect single storey detached garage to west boundary.	Granted

Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation
 accords with policy
 within curtilage
 design acceptable

✓
✓
✓
✓

visual amenity acceptable
 no material neighbour impact
 traffic not affected

✓
✓
✓

Policies considered most relevant:

GP1 Landscape Character and Open Land
 GP8 Design
 GP9 Sustainable Development
 GP13 Householder Development
 IP9 Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

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.

Widening the driveway in the manner proposed is likely to impact on the landscape character and visual amenity of the area by removing a section of the roadside stone-faced earth bank (Policy GP1 and GP8). The extent of the wall to be removed, together with the total width and bel-mouth design of the proposed access and the narrowness of the rural lane, is considered a reasonable aspiration of the property owner in this particular circumstance. It is therefore concluded that the aspirations of the property owner are reasonable given the constraints of the site and outweighs the harm caused to the landscape character and amenity of the area (Policy GP13).

The stone-faced earth bank that forms the entrance of the driveway appears to have been constructed at different times due a visible change in appearance, texture and construction and a crack has formed between two sections of wall. The applicant seeks to demolish the wall and rebuild a replacement granite stone wall, at the same height, along the roadside boundary, although in this case the proposed granite wall will extend along the entire north and east boundary.

The wider context of the site features a mix of stone walls, ranging in height, together with earthbanks and hedges. The varied boundary treatments are visible to the north, east, and south of the application site and the granite walls create a formalised and a domesticated feel to these respective areas.

Due to the change in ground level between the garden and road together with the narrowness of the lane, the bank shows visible signs of erosion (particularly on the east boundary), and the proposed wall would help mitigate further erosion. Whilst the new wall is tall, ranging from approximately 1.5m to 2m high, the proposed approach taken is considered reasonable, and would not cause unacceptable harm to the landscape character or appearance of the surrounding area when viewed in context with the wider area, where other tall walls exist.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 09/12/24

