

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: Erect fence to south of dwelling (retrospective).

LOCATION: La Croute De Haut, Rue Des Pointes, St. Andrew.

APPLICANT: Mr J Thompson

I refer to the application referred to below received as valid on 20/01/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 21/02/2025

Drawing Nos: Chateaux Architectural Design: 24/045/01.

Application Ref: FULL/2024/2106

Property Ref: K002590000

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 fence by virtue of its position and height results in the blocking of lines of sight of vehicles using the adjacent access road serving commercial property for anyone exiting from the parking area to the south-east of the fence, to the detriment of highway safety. A revised proposal including the lowering of a section of the fence adjacent to the access road to reinstate visibility of oncoming traffic is invited for consideration by the Authority.

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/2024/2106
Property Ref: K002590000
Valid date: 20/01/2025
Location: La Croute De Haut Rue Des Pointes St. Andrew Guernsey GY6 8UJ
Proposal: Erect fence to south of dwelling (retrospective).
Applicant: Mr J Thompson

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The fence by virtue of its position and height results in the blocking of lines of sight of vehicles using the adjacent access road serving commercial property for anyone exiting from the parking area to the south-east of the fence, to the detriment of highway safety. A revised proposal including the lowering of a section of the fence adjacent to the access road to reinstate visibility of oncoming traffic is invited for consideration by the Authority.

OFFICER'S REPORT

Site Description:

The property known as 'La Croute de Haut' is a newly constructed one and a half storey detached dwelling which is set back from and faces northwest onto Rue des Pointes. Along the southwest elevation runs an access road to two separate warehouses which lie to the southeast. There are neighbouring properties to the northeast and across the roads to the northwest and southwest. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2022/0070 - Demolish section of existing outbuilding, extend and alter existing wall and access to south boundary, remove section of earthbank to create vehicle access to west boundary – Approved September 2022.

FULL/2021/1865 - Demolish section of roadside earth bank (west boundary) to create 5m wide vehicular access, erect fence/wall (south boundary) and partially demolish existing garage/workshop to provide new vehicular access (south boundary) – Withdrawn October 2021.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is a retrospective application to erect a 1.8m high fence between the rear of the property and the closest warehouse.

The fence is located forward of a façade of the dwelling which faces a highway.

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

Island Development Plan policies:-

GP8: Design

GP13: Householder Development

IP9: Highway Safety, Accessibility and Capacity.

Representations:

None

Consultations:

None

Summary of Issues:

- Impact of the development on the character and appearance of the area.
- Impact of the development on highway safety.

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.

Although it is known that the design for the dwelling had specified a 0.9m high fence in this location, a 1.8m high fence was instead installed. This application seeks consent to retain the fence as erected.

Because of its position set well back from Rue des Pointes, the fence does not have an unacceptable impact on visual amenity. There would also be no material impact on the amenity of residential neighbours.

However, in the position and at the height erected, the fence makes it very difficult for anyone exiting from the parking area to the south-east to see oncoming traffic on the access road, which is used by commercial and other vehicles accessing the commercial premises further to the south-east.

The application was deferred, and the applicant was asked to reduce the height of the fence panels closest to the access road but they have declined to do so. They have cited measures such as mirrors, signs and lines and speed humps used on the access road to overcome safety concerns.

However, those measures are unlikely to be viewed as satisfactory mitigation in the event of an accident caused by the lack of egress visibility and their use substantiates concerns regarding highway safety on the access road. With an adjustment to the height of a small part of the fence, the visibility of oncoming traffic would be reinstated without any appreciable loss of privacy for the dwelling. For this reason, it is recommended that the current application be refused.

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 considered 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: 21/02/2025