

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 vehicle and pedestrian gates to south of site, erect fencing to east, south and west boundaries.

LOCATION: Morley House, 31 Avenue Morley, Fort George, St. Peter Port.

APPLICANT: Mr & Mrs De Meester

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: 04/06/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 31/03/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd: 6520/A/1d.

Application Ref: FULL/2025/0470

Property Ref: A41110A031

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.The boundary hedge shown on the approved drawing shall be planted in the first planting season following installation of the metal fence hereby permitted. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - to screen the development within a reasonable timeframe in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 03/06/2028 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/2025/0470
Property Ref: A41110A031
Valid date: 31/03/2025
Location: Morley House 31 Avenue Morley Fort George Fort George St.
Peter Port Guernsey GY1 2SZ
Proposal: Erect vehicle and pedestrian gates to south of site, erect
fencing to east, south and west boundaries.

Applicant: Mr & Mrs De Meester

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. The boundary hedge shown on the approved drawing shall be planted in the first

planting season following installation of the metal fence hereby permitted. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - to screen the development within a reasonable timeframe in the interests of visual amenity.

OFFICER'S REPORT

Site Description:

The application site consists of a detached dwelling-house, known as Morley House. The property is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

None germane to this application.

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to erect a vehicular and pedestrian gate to the front of the house. It is also proposed to install metal fencing adjacent to the east, south and west boundaries of the property. The fencing is located to the front of the house.

The application was deferred as concerns were raised over the design of the metal fence to the front of the property and the overreliance of the proposed hedge to screen the development.

In response, the agent has amended the design of the fence by incorporating a green coated appearance, and will be of a height of 1.5m. The proposed development has been setback further from the road.

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

GP8 Design
GP9 Sustainable development
GP13 Householder Development

Representations:

The Authority has received a letter of representation from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Title deeds.
- Ownership.
- Inaccuracies in the application.

No representation has been received in respect of the revised scheme.

Consultations:

None

Summary of Issues:

- Whether the design, scale, mass, siting, form and materials of the proposed development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.

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).**

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 taken into account in the assessment of this application.

Policy GP13 is generally supportive of proposals for domestic extensions, alterations and other such householder development, unless material considerations indicate otherwise or conflicts with other Plan policies or the States strategic objectives are identified.

The proposed vehicular and pedestrian gate are setback from the highway and therefore will have a negligible impact on visual amenity. The new hedging around the perimeter of the site, to the front of the house does not require planning permission.

Moreover, the revised drawings show a 1.5m high metal fence, finished green in colour. The fence will be adjacent to the east, south and west boundaries. Whilst the height of the fence to the front does not achieve a high standard of design when

taking into account the height and position of the fence, the colour and finish of the fence coupled with the coupled with the hedge to be planted in front, would have negligible visual effect once the hedge has become established. The reliance of the hedge to screen the development would not be so substantial to cause undue harm should the screening effect of the hedge fail, or partially fail in the future. The representation was not notified regarding the change in design of the fence given the contents of the representation submitted.

Overall, in light of the amendments secured the proposed development will have a negligible effect on the character and appearance of the locality when viewed in context with other properties located on Fort George. It is reasonable and necessary to impose a condition to ensure that the proposed hedge is planted within a reasonable timeframe to ensure that the proposed fence assimilates into its surroundings.

Highway safety will not be adversely affected as a result of the development, nor will the amenities of neighbouring residents.

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

In response to points raised in the letters of representation, boundary issues and ownership issues, are not material planning considerations as defined in The Land Planning and Development (General Provisions) Ordinance, 2007), and any planning permission that might be granted would be without prejudice to the normal legal rights and privileges of third parties.

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.

Date: 02/06/25