

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 wall, erect replacement boundary wall and create pedestrian access to north boundary.

LOCATION: Wagamama, 1 L'Abri Close, Port Vase, St. Peter Port.

APPLICANT: Mr J Heaume

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: 15/08/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/07/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: RDW:01, 02

Application Ref: FULL/2025/0966

Property Ref: A301990001

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 stone to be used in the construction of the new works hereby permitted shall match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone.

Reason - To secure the satisfactory appearance of the completed development in the interests of conserving the character and appearance of the Conservation Area.

Expiry Date: This permission will cease to have effect on 14/08/2028 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/2025/0966
Property Ref: A301990001
Valid date: 01/07/2025
Location: Wagamama, 1 L'Abri Close, Port Vase, St. Peter Port,
Guernsey GY1 2PW
Proposal: Demolish wall, erect replacement boundary wall and create
pedestrian access to north boundary.
Applicant: Mr J Heaume

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 stone to be used in the construction of the new works hereby permitted shall match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone.

Reason - To secure the satisfactory appearance of the completed development in the interests of conserving the character and appearance of the Conservation Area.

OFFICER'S REPORT

Site Description:

The application site comprises a detached bungalow located to the north of Port Vase, and is located west of Le Platon.

The site was previously accessed to the north via a pathway which served a number of residential properties to the east, and a gate to the south of the site.

The property is located in a Conservation Area and a Main Centre Inner Area as designated in the Island Development Plan.

Relevant History:

FULL/2024/0219	Demolish extension, erect single storey extension to south and north elevations, infill existing and create relocated gated pedestrian access to south boundary, erect shed (revised scheme).	Granted
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Existing Use(s):

Residential

Brief Description of Development:

Retrospective permission is sought to demolish a section of the large granite wall to the rear (north) of the dwelling and erect a replacement boundary wall. It is also proposed to incorporate a new pedestrian access within the new section of the wall.

The application has been accompanied by correspondence from a structural engineer noting that the wall presented significant cracks on the north elevation of the wall, located approximately 2m in from the western end of the wall. It is noted that the fractured wall presented a site working hazard and that the safest and most thorough approach would be to demolish the affected section of the wall and to rebuild it.

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

GP4 Conservation Areas
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:

- Change to the height and design of the wall and increased exposure to winds which has caused damage and cost to the neighbouring property.

Consultations:

None.

Summary of Issues:

- Whether the design of the proposed development is acceptable.
- Whether the proposal would affect the character and appearance of the Conservation Area.
- Whether the proposal would have any detrimental impacts on the amenities afforded to the occupiers of neighbouring properties.

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.

Under Section 38 of The Land Planning and Development (Guernsey) Law, 2005 the Authority has a duty to pay “special attention to the desirability of preserving and enhancing the character and appearance” of Conservation Areas. This duty is encapsulated in Policy GP4 (Conservation Areas) which states that “proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.”

In light of the correspondence from the structural engineer, demolishing and rebuilding a section of the granite wall is a reasonable course of action to take. Whilst the design of the replacement section of the wall doesn't match that of the former wall, the subtle change in design would not present substantial reasons to refuse the application, provided the method of construction matches that of the existing wall. Consequently, the proposed works will not have a substantial adverse effect on the character or appearance of the Conservation Area.

The installation of the gate will provide an alternative access point to the property and is considered a reasonable aspiration of the property owner. For the avoidance of doubt, any right-of-way issue is not a planning matter and that any planning permission that might be granted would be without prejudice to the normal legal rights and privileges of third parties.

Neighbour amenity will not be adversely affected as a result of the replacement section of the wall and the inclusion of a pedestrian gate. The height of the western boundary wall between Wagamama and Valhalla remains unchanged.

Careful consideration has been afforded to the representation received, although the matters raised, such as increased winds as a result of lowering the wall is not material planning consideration as defined in The Land Planning and Development (General Provisions) Ordinance, 2007).

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: 11/08/25