

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 and rebuild boundary wall, relocate gated pedestrian access to south boundary (Retrospective).

LOCATION: Wagamama, 1 L'Abri Clos, 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: 18/03/2026

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/10/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: AA90-10700 S1-03G, S1-04F

Application Ref: FULL/2025/1361

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.Within 2 months of the date of this decision, the wall hereby approved shall be finished in render and painted white, in accordance with drawings ref: S1-03 F, S1-04 F.

Reason - To conserve the character and appearance of the Conservation Area and in the interests of visual amenity within a reasonable timeframe, given the retrospective nature of the works.

5.Within 28 days of the date of this decision, full details of a coping stone to be installed on top of the wall shall be submitted to and agreed in writing by the Authority. The coping stone shall be installed in accordance with the approved details within 28 days of the details being agreed by the Authority.

Reason - To conserve the character and appearance of the Conservation Area and in the interests of visual amenity within a reasonable timeframe, given the retrospective nature of the works.

6.Within 28 days of the date of this decision, the edge of the footpath (Port Vase) immediately adjacent to the hereby approved replacement wall shall be restored as closely as possible to its former condition, details of which shall be submitted to and agreed in writing by the Authority. The agreed works shall be installed within 28 days of the details being agreed by the Authority.

Reason - To conserve the character and appearance of the Conservation Area and in the interests of visual amenity within a reasonable timeframe, given the retrospective nature of the works.

Expiry Date: This permission will cease to have effect on 17/03/2029 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/2025/1361
Property Ref: A301990001
Valid date: 01/10/2025
Location: Wagamama 1 L'Abri Clos Port Vase Port Vase St. Peter Port
Guernsey GY1 2PW
Proposal: Demolish and rebuild boundary wall, relocate gated
pedestrian access to south boundary (Retrospective).

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.

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F.

Reason - To conserve the character and appearance of the Conservation Area and in the interests of visual amenity within a reasonable timeframe, given the retrospective nature of the works.

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Reason - To conserve the character and appearance of the Conservation Area and in the interests of visual amenity within a reasonable timeframe, given the retrospective nature of the works.

6. Within 28 days of the date of this decision, the edge of the footpath (Port Vase) immediately adjacent to the hereby approved replacement wall shall be restored as closely as possible to its former condition, details of which shall be submitted to and agreed in writing by the Authority. The agreed works shall be installed within 28 days of the details being agreed by the Authority.

Reason - To conserve the character and appearance of the Conservation Area and in the interests of visual amenity within a reasonable timeframe, given the retrospective nature of the works.

OFFICER'S REPORT

Site Description:

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

The site is accessed to the north via a car park, and to the south via Port Vase. An external staircase to the north-east of the site has been removed.

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

The property has undergone recent renovation works under a series of applications.

Relevant History:

Reference No	Description	Decision	Date
FULL/2026/0129	Erect single storey extension to south elevation, install roof light/lantern and install window to east (side) elevation, (retrospective).	Pending	2026
FULL/2025/1581	Variation to previously approved plans to 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) - alteration to position of extension to north elevation, install roof lanterns, alterations to fenestration, erect porch, covered store area and shed (retrospective).	Withdrawn	2025
FULL/2025/0966	Demolish wall, erect replacement boundary wall and create pedestrian access to north boundary.	Granted	2025
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	2024
FULL/2023/2443	Demolition of extension to south elevation, erect single storey extension to east, west and south elevations, alteration to fenestration and re-location of external staircase.	Withdrawn	2024

Existing Use(s):

Residential

Brief Description of Development:

Retrospective permission is sought to demolish an existing granite boundary wall and rebuild the wall in blockwork. The drawings also show the repositioned gated pedestrian access along the south boundary which was approved under application ref: FULL/2024/0219.

The application has been accompanied by a Structural Engineers report.

The application was deferred as the drawings submitted indicated that the wall would project out into Port Vase, together with concerns over the accuracy of the plans.

In response, an agent has submitted professional drawings to improve the accuracy of the drawings. The replacement wall appears to follow the same plane as the granite wall to the east of the application site, although 'kicks-out' towards the west of the site and into the public footpath. The wall be finished in roughcast render and finished in white. A concrete coping will be finished on top of the wall. The height of the wall will be staggered, decreasing in height in an east-to-west direction to mirror the change in topography of the land.

The application was further deferred in attempt to alter the profile of the replacement boundary wall to match that of the previous granite wall. The agent has amended the profile accordingly, although a section of the wall will remain staggered in attempt to screen the existing unauthorised single storey flat roof extension immediately adjacent to the southern boundary.

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

GP1 Landscape Character and Open Land.
GP4 Conservation Areas
GP5 Protected Buildings
GP8 Design
GP9 Sustainable development
GP13 Householder Development
GP18 Public Realm and Public Art

Representations:

The Authority has received representation from two parties objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Encroachment onto pedestrian lane (public realm harm).
- Material departure from approved plans.
- Overdevelopment and intensification of built form.
- Cumulative impact and incremental development.
- Retrospective development and planning integrity.
- Precedent and planning harm.
- Accuracy of the drawings and planning application submitted.
- Inappropriate use of materials for the replacement wall.
- Rationale why the wall collapsed.
- Additional room constructed to the south of the house, adjacent to the new wall.
- Original granite wall made a positive contribution to the visual character and setting of the lane.

- Replacement modern blockwork wall has resulted in a significant and detrimental change to the area's appearance which is now inconsistent with the traditional materials and finishes found in the area.
- Retrospective works impact on safety and accessibility of pedestrians using the lane.
- New structure appears to encroach closer to the lane and alters established boundary alignments.

The Authority has not informed objectors in light of the revised plans received given that the proposed replacement wall remains unchanged i.e. a blockwork rendered wall, and therefore would not overcome the reasons for objecting to the application.

Consultations:

None.

Summary of Issues:

- Whether the demolition of the granite wall is acceptable.
- Whether the design, height, siting, and materials of the replacement wall is acceptable.
- Whether the proposed development would affect the Conservation Area.
- Whether the proposed development would affect the setting of a protected building.
- Whether the proposal would have any detrimental impacts on the amenities afforded to the occupiers of neighbouring properties.
- Whether the development would not negatively impact on the public realm.

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 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.”

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings, to secure so far as possible that the special historic, architectural, traditional or other special characteristics (including setting) are preserved. This duty is reflected in Policy GP5 of the IDP which supports proposals to extend or alter a protected building where the development proposed does not have an adverse effect on the special interest of the particular protected building or its setting. The policy states that in all cases proposals must accord with other relevant policies of the IDP.

Whether the demolition of the granite wall is acceptable:

In light of the Structural Engineers report, demolishing and rebuilding the granite wall is a reasonable course of action to take given that; pronounced structural movement that had taken place (which may have been contributed by the contractor), the wall had been leaning in towards the property for a significant period of time and was in a vulnerable position, and that *“the overall construction lacks the hallmarks of skilled masonry work, with limited evidence of careful stone selection, dressing or bonding.”*

The Structural Engineer concludes that the lean of the wall was beyond practical repair and stabilisation, and presents danger to the occupants and general public. Its demolition is supported under Policy GP4 and GP1.

Whether the design, height, siting, and materials of the replacement wall is acceptable, whether it would affect the Conservation Area, and whether the development would not negatively impact on the public realm:

While it is recognised that a replacement granite wall would have been more respectful and sensitive to the surrounding context of this part of Town, the boundary treatments along Port Vase and Burnt Lane are made up of a mix of traditional granite walls, concrete walls and rendered walls which appear to either form the boundary of properties, or part of a dwelling-house which borders onto Port Vase or Burnt Lane.

The agent has shown on the latest drawings that the wall height will be staggered where the existing unauthorised extension meets with the replacement boundary wall, although the previously shown staggered joints (to the west of the unauthorised extension) will be re-profiled to mirror that of the former granite wall.

The replacement wall will be finished with rough cast render and painted white. The rough cast render is a traditional finish to take into account the sensitivity of the surrounding Conservation Area.

A coping stone will be placed on top of the wall which will help to improve the detailing of the wall and prevent water ingress and from it destabilising in the future. Details of which can be controlled through a planning condition.

The new doorway has been approved as part of application ref: FULL/2024/0219.

The proposal is not considered to have a significant negative effect on the public realm in terms of public accessibility and safety. Whilst it is recognised that the replacement wall appears to follow the same plane as the granite wall to the east of the application site, and is likely to have marginally encroached onto the public footpath towards the west end of the replacement wall when viewed in context with photographs available to the Planning Service and those received by representations, the degree of harm caused to the public highway would be limited given that an appropriate width of the pavement still remains and does not cause unacceptable harm to the Conservation Area. The encroachment is also a civil matter and not one which could influence the planning decision.

It is considered reasonable to ensure that the area between the public footpath and the base of the wall is made good in a manner that respects the former condition of the wall given that part of the footpath appears to have been excavated in order to lay the footings of the replacement wall. Details of which can be controlled through a planning condition.

Any planning permission that might be granted would be without prejudice to the normal legal rights and privileges of third parties in respect of site boundaries.

Overall, the proposal is not considered to cause unacceptable harm to the Conservation Area that would be sufficient to justify refusal. While it is regrettable that the works have been carried out retrospectively, the proposal is, on balance, acceptable under the relevant planning policies when taking into account; the mix use of boundary treatments along Port Vase and Burnt Lane when viewed in context with the wider Conservation Area, the original poor construction of the granite wall, and through the amendments secured including; the use of a rough cast finish (painted in white), the change in profile of the replacement wall, and the coping stone.

The combination of these factors leads to the conclusion to support the replacement wall, and therefore for the purposes of Policy GP4, the proposal 'conserves' the Conservation Area.

Whether the proposed development would affect the setting of a protected building:

The neighbouring property located to the north of the site, comprises a protected building known as Austrel House. The neighbouring land parcel adjoins onto the application site and therefore development has the potential to affect the setting of a protected building.

However, given the nature of the development together with its distance and relationship to the protected building, the proposal does not adversely affect the setting of the nearby protected building for the purposes of Policy GP5.

Whether the proposal would have any detrimental impacts on the amenities afforded to the occupiers of neighbouring properties:

The proposal will not adversely affect the amenities of neighbouring residents.

Careful consideration has been afforded to the representations received, and where relevant and material to the decision, have been addressed above.

A formal application has been submitted in respect of the single storey extension to the south elevation of the dwelling-house which has recently been approved and was considered on its own merits and without prejudice.

Conclusion:

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: 18/03/26

