



Appeal Decision Notice

Planning Tribunal Hearing and Site Visit held on 6th December 2012 at Les Cotils Christian Centre, St Peter Port, Guernsey, followed by a visit to the Appeal site

Members: Mr. Stuart Fell (Presiding), Mrs. Julia White, Mr. David Harry

Appeal Site: Le Corvalet, Chemin des Sommeilleuses, Forest

Property Reference: H004610000-P08

Planning Application Reference: FULL/2012/0462

Planning Application Valid Date: 10th February 2012

Appeal Case Reference: PAP/032/2012

- The Appeal is made under the provisions of Part VI and Section 70 of The Land Planning and Development (Guernsey) Law, 2005.
- The Appeal is by Mrs. B. Hayes against the decision of the Environment Department dated 8th August 2012 to refuse planning permission on an application to erect 1.8m high close-boarded timber gates at Le Corvalet, Chemin des Sommeilleuses, Forest.
- Mrs. Hayes was represented by her daughter, Miss. G. Hayes, and was accompanied by her partner, Mr. O'Connell.
- The Environment Department was represented by Mr. A. J. Rowles, Director of Planning Control Services, and Miss. J. Roberts, Planning Officer.

Decision

1. The appeal is dismissed.

Background

2. Le Corvalet is a new dwelling, being a recent redevelopment of a pre-existing house. It is located in an undeveloped countryside setting on a cliff-top site, and lies within an Area of High Landscape Quality and in a Site of Nature Conservation Importance. The house is approached along a long, narrow and winding track which is enclosed by stone field walls and planting. The overall setting is that of a wild natural headland, and the design of the replacement house at Le Corvalet has been carefully contrived to minimise its visual impact and maintain the unspoiled character of the surroundings.
3. The proposed gates are to be solid boarded hardwood gates, at a height of 1.8m. These will be supported on steel posts which are also to be clad in timber. Mrs. Hayes had put in hand the manufacture of the gates before realising that planning permission would be required for this work. She subsequently made an application for this installation.
4. In assessing the planning application, the Department had expressed concern about the visual impact of the proposed gates, and suggested that these be lower in height, and of a more open construction. Mrs. Hayes did not find these suggestions acceptable, and the application was subsequently refused, resulting in this appeal.

Main Issue

5. From its assessment of the papers submitted by the appellant and the Department, and from what was seen and noted during the site visit, the Tribunal considers that the main issue in this case is whether the proposed gates would unacceptably harm the unspoiled character of the rural surroundings, given the objectives of Policy RCE3 of the adopted Rural Area Plan.

Policy Considerations

6. Policy RH6 of the Rural Area Plan states that extensions or alterations to existing houses will normally be permitted where they do not conflict with other policies of the plan. The Department argues that the harm to the surroundings that would be caused by the proposed gates would be sufficient to rebut the presumption in favour of such work. Policy RCE3, which deals with Areas of High Landscape Quality, states that development will only be permitted where, inter alia, it would not have a significant adverse effect on the visual quality or landscape character of the area.

The Tribunal's Assessment

7. The Tribunal inspected the approach to Le Corvalet along the track from the west and also viewed the house and garden from the coastal path which runs to the south.

8. The Tribunal saw that when approaching to within a few metres of the house boundary, the track curves to the north and the site entrance forms a natural focal point, beyond which the private paved driveway is presently visible through the opening. A new garage, recently approved, will be built at the end of the driveway and although the doors will be visible through the gateway, much of the structure will be screened by earth banking. The house is set off to one side of the approach and is partly subterranean; it therefore makes little visual impact when seen from the site entrance to the property. Just as the access track curves towards Le Corvalet, the public footpath drops away to the right and skirts the southern boundary of the house. The track is popular with walkers on the cliff path.
9. The site boundary is a mixture of traditional stone walling supplemented by hedges and a variety of indigenous plant species, further reinforced by gorse and other plant growth. Gaps in the boundary, such as those to each side of the site entrance, will gradually be filled with supplementary planting that has been implemented in accordance with a landscape scheme approved by the Department.
10. The Tribunal members sought to visualise the property at a time when the planted boundary had fully matured, and is satisfied that this will provide a relatively dense planted barrier, screening the house and garden from views outside the site. Once the boundary planting has matured, passers-by will hardly be aware of the existence of the property. The only break in this natural boundary is the site entrance where the proposed gates are to be installed.
11. The Tribunal concurs with the Department's conclusion that gates are justified in this location in the interests of privacy and security, particularly given Miss. Hayes's explanation that walkers were known to enter the site uninvited in order to satisfy their curiosity, and wandering dogs had also caused problems.
12. The Tribunal was assisted by the fact that Mrs. Hayes had temporarily installed one of the proposed gates in order to facilitate the assessment by Tribunal members. The Tribunal saw that the gates are a precision-made product, with a relatively brightly coloured finish to the timber. Having carefully assessed the impact of the gate in the surrounding context, the Tribunal considered that the boarded gates would be inappropriate and visually intrusive in this intensely natural setting, largely due to a combination of their height, colouring, and construction. The proposed gates are therefore in conflict with the aims of Policy RCE3.
13. Whilst the Tribunal does not agree with the Department that the gates should necessarily be substantially open in their design, which would raise potential conflict with privacy requirements, it shares the conclusion that the gates would appear somewhat alien and pristine in this setting, where one would expect the design, construction and finish to harmonise with the character of the natural environment, thereby blending into the background. In this respect, the Tribunal considers that gates of a reduced height, of more subdued colouring, and less machine-made in character, would be more likely to blend with the natural surroundings.

14. Given the commendable efforts that had been made by Mrs. Hayes in the design of Le Corvalet to moderate its visual impact in this outstanding setting, the Tribunal is confident that a satisfactory solution can be found by further discussion between the parties. On this basis, the Tribunal is unable to support this appeal.

Conclusion

15. The Tribunal has considered all other matters raised in the written submissions, and seen during its site visit, including the photographs submitted by Mrs. Hayes showing other gates that have been installed in the local area, but these do not affect its conclusions under the provisions of Part VI Section 69 of The Land Planning and Development (Guernsey) Law, 2005, that the Appeal is not upheld.

**Stuart Fell DipArch RIBA IHBC
Presiding Member**

Date: 2nd January 2013