

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 shed to south (front) of property.

LOCATION: Lyndhurst, Route De La Croix Au Bailiff, St. Andrew.

APPLICANT: Mr I Butt

I refer to the application referred to below received as valid on 03/06/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 04/10/2024

Drawing Nos: Block Layout Plan (date stamped received 12th August 2024), annotated photograph of proposed shed (date stamped received 12th August 2024).

Application Ref: FULL/2024/0940

Property Ref: K001580000

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 introduction of a shed of the size and design proposed, positioned between the façade of the house and the road would not respect the built form of the surrounding area. Consequently, the proposed shed would be at odds with the general character to the front of properties and would not positively contribute to the character of the area.

The proposal is considered to have a significant detrimental effect on the character of the area and visual amenity which is sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met (Policy GP13), and would be contrary to Island Development Plan Policies GP8 and GP13.

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/2024/0940
Property Ref: K001580000
Valid date: 03/06/2024
Location: Lyndhurst Route De La Croix Au Bailiff St. Andrew Guernsey
GY6 8RY
Proposal: Erect shed to south (front) of property.
Applicant: Mr I Butt

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The introduction of a shed of the size and design proposed, positioned between the façade of the house and the road would not respect the built form of the surrounding area. Consequently, the proposed shed would be at odds with the general character to the front of properties and would not positively contribute to the character of the area.

The proposal is considered to have a significant detrimental effect on the character of the area and visual amenity which is sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met (Policy GP13), and would be contrary to Island Development Plan Policies GP8 and GP13.

OFFICER'S REPORT

Site Description:

The application site consists of a 1.5 storey traditional semi-detached cottage, located to the north of Route De La Croix Au Bailiff. The application site is located Outside of the Centres as designated in the Island Development Plan.

The property is served by parking towards the side and rear of the cottage, and to the front of the outbuilding (summer house/store) to the west of the site (FULL/2022/0292).

The front of neighbouring properties to the east and west of the site are typically characterised by car parking spaces, low walls, and landscaping, with relatively unobstructed views into the front gardens of neighbouring properties, apart from the application site which features a mature hedge on the inside of a granite roadside wall.

There does not appear to be any sheds erected to the north of Route De La Croix Au Bailiff, in the immediate vicinity of the house, apart from the application site which appears to have erected a shed without the benefit of planning permission.

Relevant History:

FULL/2022/0292	Demolish sheds, erect summer house/store to west boundary, remove hedge and erect fence, and remove section of wall to widen vehicle access.	Granted
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Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to erect a shed to the front (south) of the property. The shed proposed is 3.6m (w) x 4.2m (l) x 2.15 (h), and finished in cement or composite cladding boards incorporating uPVC doors. The proposed shed is of a pent roof design.

The application was deferred over the size and position of the shed and its effect on the character and appearance of the surrounding area. The applicant has incorporated a secondary hedge to the south, east and north of the proposed shed, in attempt to overcome the concerns raised.

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

GP8 Design
GP13 Householder Development

Representations:

None.

Consultations:

None.

Summary of Issues:

- Whether the size, position and materials of the shed are acceptable.
- Whether the development would impact on the character and appearance of the area.

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 considered in the assessment of this application.

Policy GP13 (Householder Development) states that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Areas, Areas of Biodiversity Importance, protected buildings or protected monuments.

Policy GP8 (Design) is also relevant. The preceding text to Policy GP8 refers to the need to consider the material planning considerations as specified in Part IV, Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007. These include the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used, as well as its likely effect on the character and amenity of the locality in question and its likely effect on the reasonable enjoyment of neighbouring properties.

The garden to the front of the cottage is fairly limited in size, but is currently well screened by mature hedging. The proposed shed (3.6m (w) x 4.2m (l) x 2.15 (h)) would take up a large proportion of the front garden and would be of a size that would cause unacceptable harm to the visual amenity of the surrounding area, should the existing hedge and proposed hedge die, or become diseased. The block layout plan submitted also shows the proposed shed as considerably smaller than that actually proposed, thereby the size of the shed as shown on this drawing is inaccurate.

There would be an overreliance on the landscaping to ensure that the proposed development does not adversely affect the appearance of the locality. A landscaping scheme can help assimilate or 'soften' the appearance of a built development. However, in this case the presence of both the existing and proposed hedge would be essential to ensure that the development does not result in unacceptable visual harm given the size, location and design of the shed. In this respect, the landscaping would become an essential component to make the scheme acceptable and not used to assimilate or soften the proposed development.

The introduction of a shed of the size and design proposed, positioned between the façade of the house and the road would not respect the built form of the surrounding area. Consequently, the proposed shed would be at odds with the general character to the front of properties and would not positively contribute to the character of the area.

The proposal is considered to have a significant detrimental effect on the character of the area and visual amenity which is sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met (Policy GP13), and would be contrary to Island Development Plan Policies GP8 and GP13. It is recommended that the application be refused.

If approved, the proposal would also set an undesirable precedent for other properties along the road, which could result in a proliferation of other large sheds forward of the front building line of neighbouring properties, exacerbating the negative effect on the character and appearance of the surrounding area.

Date: 04/10/2024

