

**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 north (roadside) boundary (retrospective).

**LOCATION:** Incheydoney, Belmont Road, St. Peter Port.

**APPLICANT:** Mr E Ballard

I refer to the application referred to below received as valid on 28/11/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

**Date of refusal of permission:** 22/01/2025

**Drawing Nos:** Shed Drawings

**Application Ref:** FULL/2024/1909

**Property Ref:** A307720000

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. Although the proposed shed is not of a substantial scale, its proposed location, in front of the established front building line would mean that the shed would be prominent and intrusive in the street scene when viewed on the approach to the site and also visible above the existing wall. This would have a harmful impact on the character and visual amenity of the area and would also introduce a form of development which detracts from and fails to enhance the Conservation Area.
2. 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 also would be contrary to Island Development Plan Policies GP8 and GP4.

**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/2024/1909  
**Property Ref:** A307720000  
**Valid date:** 28/11/2024  
**Location:** Incheydoney Belmont Road St. Peter Port Guernsey GY1 1PY  
**Proposal:** Erect shed to north (roadside) boundary (retrospective).  
**Applicant:** Mr E Ballard

**RECOMMENDATION** - Refusal with Reasons:

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**REASONS FOR REFUSAL**

1. Although the proposed shed is not of a substantial scale, its proposed location, in front of the established front building line would mean that the shed would be prominent and intrusive in the street scene when viewed on the approach to the site and also visible above the existing wall. This would have a harmful impact on the character and visual amenity of the area and would also introduce a form of development which detracts from and fails to enhance the Conservation Area.
  2. 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 also would be contrary to Island Development Plan Policies GP8 and GP4.
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**OFFICER'S REPORT**

**Site Description:**

The property is situated on the junction of Belmont Road and Queens Court, and is occupied by a detached two storey dwelling. The property is located in the St Peter Port Main Centre Outer Area as defined in the Island Development Plan, also within the Conservation Area and adjacent to a Protected Building (Queens Court Mews).

**Relevant History:**

FULL/2022/2188- Erect single storey extension to south (rear) elevation

**Existing Use(s):**

01 Dwelling houses

### **Brief Description of Development:**

The application proposes the erection of a shed to the north (roadside) boundary, within the existing front garden of the dwelling.

The timber shed has a pitched roof and measures 3m by 2.4m and is 2.7m in height. The application is retrospective as the site visit revealed that the shed has already been erected. No justification has been put forward to support the placement of the shed in the front garden, rather than the rear garden of the site.

An additional existing shed is also present within the front garden and the planning history for the site indicates that no permission has been sought for this shed.

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

#### **Island Development Plan**

GP4- Conservation Area

GP5- Protected Building (setting)

GP8- Design

GP9- Sustainable Development

GP13- Householder Development

### **Representations:**

N/A

### **Consultations:**

N/A

### **Summary of Issues:**

The main considerations concern the visual impact of the shed on the character of the area, and the impact on the Conservation 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).**

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.

This section of Belmont Road has a distinctive front building line, where the dwellings are set back from the road on both sides. The application site established this southern building line, as the neighbouring Queens Court Mews is set closer to the road, but the building line established by Incheydoney is continued along the rest of the southern side of the road.

This arrangement of buildings and their relationship to the street creates front gardens which largely are bounded by granite or render walls, many with hedges above, which enclose the front gardens and parking areas which are largely uncluttered with no ancillary buildings to the fronts of properties. Incheydoney is particularly significant as although the granite wall curves around the northeastern corner, the site access is from Queens Court leaving the east elevation open meaning the front garden is visible on the approach from the east. These are the predominant vehicular views as the road is one way. The shed would also be visible above the existing wall when viewed from the north and appears in combination with the existing smaller shed which is set closer to the front boundary. The hedges which comprise the neighbour's boundary, Le Mouillage to the west assist in screening the shed from west, however these hedges cannot be relied on in perpetuity to provide screening for the development.

The site also lies within the Conservation Area, and so Policy GP4 is relevant. This supports development where it conserves and, where possible, enhances the special character and appearance of the Conservation Area. The proposal is not considered to enhance the appearance of the Conservation Area, and the shed is considered a detractor due to its position within the front garden, height, and resultant visibility within the street scene and Conservation Area.

The proposal has also been assessed in relation to the setting of the neighbouring Protected Building and it is concluded that the position of the shed would have no adverse effect on the special interest of the setting of that building, which therefore accords with Policy GP5.

There are no other examples of sheds erected within the front gardens of dwellings along Belmont Road, apart from the application site which appears to have a shed erected without the benefit of planning permission. This smaller shed is located adjacent to the front boundary wall, and was not visible on the 2019 aerial photograph. This unauthorised development does not set a precedent for future development.

In summary, the building line is an important element of the character and appearance of the area and street scene along Belmont Road. Although the proposed shed is not of substantial scale and proportions, in the location proposed, in front of the established front building line, the shed would be prominent and intrusive in the street scene when viewed on the approach to the site and visible above the existing wall and would impact unacceptably on the character and visual amenity of the area and the Conservation Area.

If approved, the proposal would also set an undesirable precedent for other properties along the road, which could result in a proliferation of other sheds forward of the front building line of neighbouring properties, exacerbating the negative effect on the Conservation Area and the character and appearance of the surrounding 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 GP4. It is recommended that the application be refused.

**Date:** 21/01/2025

