

Planning Committee Report LA01/2017/1599/O	25th September 2019
PLANNING COMMITTEE	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environment and Assets
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
Lead Officer	Development Management & Enforcement Manager
Cost: (If applicable)	N/a

<u>No:</u> LA01/2017/1599/O	<u>Ward:</u> FEENY
<u>App Type:</u> Outline Planning	
<u>Address:</u> Site between 196 Muldonagh Road and dwelling located 100m North of 2 Muldonagh Cottages, Claudy. Site directly opposite Muldonagh Cottages.	
<u>Proposal:</u> Outline application for 1 No. proposed infill dwelling house (single storey split level) and detached domestic garage	
<u>Con Area:</u> n/a	<u>Valid Date:</u> 11.12.2017
<u>Listed Building Grade:</u> n/a	
<u>Agent:</u> Christopher Duffy, O'Mahony -& Pike Architects, The Chapel, Mount St Annes, Milltown Avenue, Dublin 6	
<u>Applicant:</u> Mrs Kelly Anne Leonard, 161 Altmover Road, Dungiven, BT47 4QE	
<u>Objections:</u> 1	<u>Petitions of Objection:</u> 0
<u>Support:</u> 0	<u>Petitions of Support:</u> 0

Executive Summary

- The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations.
- The proposal does not accord with the principle of a dwelling in the countryside as set out by Policy CTY 1 of PPS 21.
- The proposal is not be considered an exception under Policy CTY 8 of PPS 21 as the application site is not located within a small gap.
- A new dwelling on the site would fail to integrate.
- A new dwelling on the site would have an adverse effect on rural character.
- A new dwelling on the site would result in ribbon development.
- The proposal is contrary to Policies CTY13 and CTY 14 of PPS 21, and paragraphs 6.70 and 6.73 of the SPPS.

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 This site is located on Muldonagh Road and comprises part of an existing agricultural field. There is a field gate in the south-eastern corner of the site. The site slopes steeply down, away from Muldonagh Road towards an existing watercourse which forms the northern site boundary.
- 2.2 The eastern site boundary to the adjacent property at 196 Muldonagh Road is defined by a timber post and wire fence to the application site boundary. The roadside boundary is defined by a timber post and wire fence with a sparse native species hedgerow. The western site boundary is currently undefined.
- 2.3 The surrounding area is characterised by agricultural fields, existing dwellings and the cul-de-sac development which comprises Muldonagh Cottages. To the west of the site there is a corrugated metal shed and pigeon shed, and further to the north-west a dwelling. The northern side of the road is predominantly characterised by agricultural fields, particularly as you travel further away from the Foreglen Road.
- 2.4 In the Northern Area Plan 2016 the site is located in the countryside, outside of any defined settlement limits. There are no specific zonings or designations covering the site.

3 RELEVANT HISTORY

There is no relevant planning history on the site itself. A search of the immediate surrounding area showed:

4 THE APPLICATION

- 4.1 Outline Planning Permission is sought for a proposed infill dwelling house (single storey split level) and detached domestic garage

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: One representation was received.

Objections: One objection was received in relation to the proposal. The issues raised relate to overlooking, overshadowing and road safety. As this is an outline application there are no details at this stage in respect of siting and design. DFI Roads were notified in relation to road safety issues and had no comment to make.

5.2 Internal

Environmental Health Department: No objections

NI Water: No objections

DAERA Natural Environment Division: No objections

DFI Rivers Agency: No objections

DFI Roads: No objections

Shared Environmental Service: No objections

Historic Environment Division: No objections

6 MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Supplementary Planning Guidance

Building on Tradition – A Sustainable Design Guide for the NI Countryside

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: principle of development, integration; rural character; natural heritage; built heritage, road safety and other issues.

Principle of Development

- 8.2 Policy CTY1 of PPS 21 identifies a number of instances when an individual dwelling house will be granted permission. The development of a small gap site within an otherwise substantial and continuously built up frontage is considered under Policy CTY 8. The application was submitted as an outline application for a proposed infill dwelling and garage.
- 8.3 Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. A substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.
- 8.4 The application site as submitted comprises the eastern part of an existing agricultural field. The application site is identified on the site location map outlined in red with the remainder of the field outlined in blue. The existing dwellings at No. 196 and No. 198 are situated to the east of the application site. To the west of the site is a corrugated metal shed and pigeon shed, opposite No. 3 Muldonagh Cottages. These sheds present a frontage onto the Muldonagh Road. As there are 3 or more buildings along this road frontage, a substantial and built up frontage exists. The proposal is considered in respect of the remaining criteria under Policy CTY 8.
- 8.5 The application site has a frontage of approx. 66m with the remaining portion of the field approx. 60m. The overall frontage of the field extends to approx. 126m. This compares to 54.9m at No. 196/196a, 47.53m at No. 198, and 48m at the pigeon sheds to the west of the site. The average plot width of the plots along the built up frontage is approximately 50m. The gap which exists between the pigeon sheds to the west of the site and No. 196 to the east of the site is approximately 130m. When compared to the existing plots adjacent to the application site the application site represents a much larger plot, which would not be representative of the established character within the frontage. And while the gap could accommodate two plots of equal size to that proposed, this is only achieved by virtue of the fact that the application site is larger than the established and average plot widths. When assessing the size of the plots, the gap represents approximately 2.5 times the average plot size and is over twice the

size of the largest residential plot. Therefore, by definition, the gap cannot be regarded as a small gap and therefore the proposal fails to meet the requirements of Paragraph 6.73 of the SPPS and Policy CTY8.

- 8.6 Subsequent to the application's referral to Planning Committee the agent submitted various pieces of correspondence in order to address a number of key issues surrounding the application, including the principle of development. Within the submissions, an old historic lime kiln site was identified along the eastern boundary of the site. The applicant proposes to reduce the plot width of the application site to exclude the lime kiln site, to have a frontage more comparable to the existing plots adjacent. However, while the plot width can be manipulated accordingly, the size of the gap remains constant, and therefore a reduction in the plot width does not overcome the fact that the gap is significant in size and could accommodate more than two dwellings of a comparable size to the established character, and therefore remains contrary to Paragraph 6.73 of the SPPS and Policy CTY8. The lime kiln will be discussed within the Built Heritage section below at Paragraph 8.17. As there is no evidence of the lime kilns above ground Historic Environment Division have no objection to the principle of development. However as there is no evidence above ground of such sites there is no justification for the reduction in size of the site frontage other than for the purposes of trying to satisfy Policy CTY8.
- 8.7 Given that there is no small gap present at this location, development of this site would result in ribbon development along Muldonagh Rd, extending in a western direction from the adjacent properties at 196, 196a and 198. Ribbon Development has been consistently opposed and will continue to be unacceptable. Given that the proposal would represent ribbon development the proposal is contrary to Paragraph 6.70 of the SPPS and Policies CTY8 and CTY14 of PPS 21.
- 8.8 Additionally the gap that exists plays an important roles in maintaining the rural character which exists. To the northern side of Muldonagh Rd the character is generally rural in nature, dominated by agricultural land with scattered development of a modest scale, with the exception of a localised cluster of development to the east of the site. The development to the east of the site represents suburban type development, which focuses around the junction of the Muldonagh Rd and Old Road which serves Nos. 258, 258a and 260. The field in which the application site is located provides a bookend to the cluster of development along the northern side of the Muldonagh Rd, and

establishes the rural character which generally prevails to the north and west of the site, and provides visual relief to the area and provides a degree of openness and an outlook from the built up development at Muldonagh Cottages. Paragraph 5.34 advocates the retention of gaps which provide relief and breaks to maintain rural character, and outline that they should only be infilled where the gap represents a small gap site. As it has been determined that the gap does not represent a suitable infill opportunity the development of the site would result in a detrimental impact to the rural character of the area by adding to built development in the area contributing to both ribbon development and contributing further to suburban style build up, and is again contrary to the policy requirements of the SPPS and Policy CTY8 and CTY14. In addition as no overriding reason has been forthcoming as to why the development is essential in this location the development is contrary to Policy CTY1.

- 8.9 The contents of the supporting notes and emails have been considered. The site is located in the countryside and is outside of any settlement development limits as identified in the Northern Area Plan 2016. It is the extent of the roadside frontage which is assessed for the purposes of Policy CTY 8. While the plot width of the northern end of the site may be narrower and comparable to neighbouring properties, it is the extent of the plot width along the roadside site frontage which is considered unacceptable in this location, and which would fail to respect the existing development pattern. The agent also refers to a previous approval for two infill dwellings at Dernaflaw, Foreglen Road, Ref: B/2013/0184/F. Each application must be considered on its own merits, and the Planning Authority at that time found this proposal to be acceptable. This planning history does not relate to the application site and since this approval there has been a change in the Planning Authority. It is not considered comparable to the current proposal. Following the consideration of the additional information submitted by the agent, the proposal remains unacceptable and fails to respect the existing pattern of settlement exhibited in the immediate surrounding area.

Integration

- 8.10 Paragraph 6.70 of the SPPS and Policy CTY 1 of PPS21 outline that all proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations. Policy CTY 13 and CTY 14 are therefore also considered.

8.11 Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- (c) it relies primarily on the use of new landscaping for integration; or
- (d) ancillary works do not integrate with their surroundings; or
- (e) the design of the building is inappropriate for the site and its locality; or
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
- (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

8.12 As this is an outline application there are no specific details in relation to the design and siting of the proposed dwelling. The agent submitted a supporting statement with the application which includes a concept design of an indicative layout. The agent notes that a single storey split level dwelling would be proposed. In order to satisfy the requirements of Policy CTY8 any proposed infill dwelling is required to be sited within the gap. Following an office meeting information was submitted on 18/04/2019, which included a concept plan which indicates a dwelling positioned generally in line with the adjacent dwelling at No. 196.

8.13 However, given the natural topography of the site a new dwelling would fail to blend within the existing landform. The application site is devoid of significant levels of vegetation which would provide screening and enclosure to the site, and given the size of the gap which exists, the application site is significantly open. Additionally the provision of the access will require the removal of a large amount of the existing roadside vegetation, further opening views into the site. Given the openness of the site, a dwelling would fail to integrate to a satisfactory level and would be completely reliant on significant levels of landscaping to define boundaries and to provide screening and

enclosure. The application site is elevated relative to the adjacent dwelling at No. 196 and therefore on approach from the east along Muldonagh Rd, a dwelling would appear as a prominent feature in the landscape. Given that a dwelling on the site would fail to integrate sympathetically the proposal is contrary to Paragraph 6.70 of the SPPS and Policy CTY 13 of PPS 21.

Rural Character

8.14 Policy CTY 1 states that all proposals must be sited and designed to integrate sympathetically with their surroundings. As the proposal is not considered to be an exception under Policy CTY 8, development of the site would result in adding to ribbon development along Muldonagh Rd, the suburban style build-up of development when viewed with existing buildings and would be a prominent feature in the landscape. The proposal is contrary to the SPPS and Policy CTY 14 of PPS 21.

Natural Heritage

8.15 In a consultation response from DAERA – Natural Environment Division, it was noted from aerial photography that the site is adjacent to the Foreglen River and is bounded by riparian vegetation to the north and established hedgerow to the west. Rivers and hedgerows are considered Northern Ireland Priority Habitats and any impacts or alterations can compromise the integrity of the local biodiversity. The NI Biodiversity Checklist should be used to establish if any ecological surveys are required for a complete application.

8.16 A Biodiversity checklist was completed and submitted by the applicant, upon which further consultation with DAERA – Natural Environment Division was carried out. After consideration of the biodiversity checklist NED is content that the proposal is unlikely to have any significant impact upon any natural heritage features worthy of protection. The proposal is therefore acceptable when assessed against the SPPS and Policy NH 5 of PPS 2.

Built Heritage

8.17 The agent highlighted the historical presence of a lime kiln at the south eastern corner of the site. Historic Environment were consulted to ascertain any impact on this feature. HED: HM has reviewed the evidence from the Sites and Monuments Record. The two limekilns are marked on the First Edition Ordnance Survey Maps of the area; however, they do not appear on any subsequent editions, and no

upstanding remains are extant. The former kiln sites are not recorded in the Industrial Heritage Record, or in the Sites and Monuments Record. Therefore, HED: HM has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Road Safety

8.18 DFI Roads were consulted in respect of the proposed access arrangements and the letter of objection. Amended plans were required to indicate a paired access arrangement at the extreme western end of the site frontage. Visibility splays of 2.4m x 80m are required. Amended plans were submitted to address these concerns and following re-consultation DFI Roads no longer object to the proposal. The proposal now satisfies the requirements of Policy AMP 2 of PPS 3.

Habitats Regulations Assessment

8.19 This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Causeway Coast and Glens Borough Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided that recommended mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

Other Issues

8.20 In respect of the letter of objection received to the proposed dwelling, the Planning Department considers that given the separation distance between the existing property and proposed dwelling, the reduction in scale of the dwelling to a single storey split level type dwelling and their relationship to each other, there will be no significant adverse impact through loss of light or privacy. The proposed dwelling is approximately 45m from the objector's property and is not sited directly opposing the property, therefore reducing direct views into the objector's property. As indicated at Paragraph 8.18 DFI Roads consider the access arrangements to be acceptable.

9.0 CONCLUSION

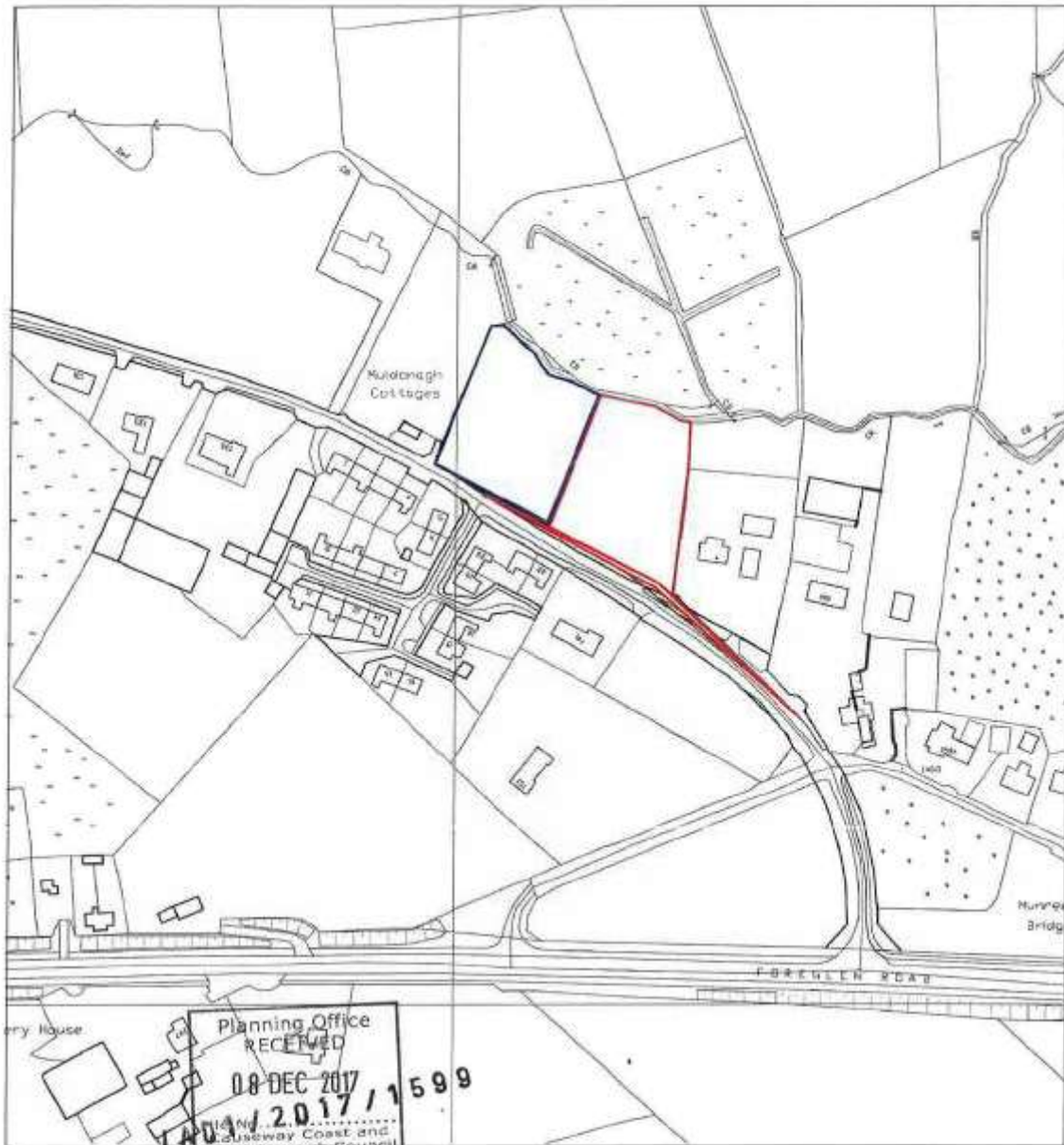
- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal does not accord with the principle of a dwelling in the countryside as set out by Policy CTY 1 of PPS 21. The proposal would not be considered an exception under Policy CTY 8 of PPS 21. A new dwelling would fail to integrate, have an adverse effect on rural character, and result in ribbon development. The proposal is contrary to Policies CTY13 and CTY 14 of PPS 21, and paragraphs 6.70 and 6.73 of the SPPS.

10 REFUSAL REASONS

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to the rural character of the countryside.
3. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape; the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape; result in a suburban style build-up of development when viewed with existing and approved buildings; not

respect the traditional pattern of settlement exhibited in that area; and would therefore result in a detrimental change to the rural character of the countryside.

Site Location Map



Revision Description	Date	Rev. No.	Issued by
County Coast and Glenborough Council			
Drawing Number			



Project: Lands at Muldonagh Road
 Location:
 Client:
 Drawing Title: OS_MAP
 Drawing No.:

Project No.: Scale @ A4: 1:2500
 Project Lead: Date Printed: 20-11-2017
 Drawn By: Current Rev.: 01/01_Revision
 Model No.: OSMAP
 Purpose: OUTLINE_PLANNING

Issued by: Checked by: Date:

