



Planning Committee Report LA01/2018/0467/F	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>	LA01/2018/0467/F	<u>Ward:</u> Portstewart
<u>App Type:</u>	Full Planning	
<u>Address:</u>	1-3 West Park, Portstewart,	
<u>Proposal:</u>	Proposed development of a single detached dwelling and 2no.semi-detached dwellings	
<u>Con Area:</u>	N/A	<u>Valid Date:</u> 19.04.2018
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>
Agent: Healy McKeown Architects		
Applicant: Fergal McIntyre		
Objections: 6	Petitions of Objection: 0	
Support: 1	Petitions of Support: 0	

Executive summary

- The proposal is for three dwellings in the settlement limit of Portstewart.
- Six letters of objection and one letter of support have been received.
- Refusal is recommended for the following reasons:
- The proposed development overlooks the private amenity space of No. 9 & 11 Strand Road.
- DFI Roads has recommended that the scheme is refused based on road safety, access and car parking concerns.

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

1 RECOMMENDATION

- 1.0 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.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site is located at 1-3 West Park, Portstewart. On the site is single-storey detached bungalow at No. 3, West Park and the adjacent site at No. 1 West Park consists of a vacant site. The topography of the site is relatively flat.
- 2.2 The rear boundary consists of approximately a 1.5m high wall. No. 3 West Park has an existing single-storey bungalow which has a rendered finish and a red tiled hipped roof. There is an existing paved area at the front of the site and the boundary treatment consists of approximately a 1m high wall. There is an existing driveway and garage on site which provides ample car parking provision. The boundary treatment at the side boundaries consists of fencing and a wall. There is an existing gravel and paved area at the rear of No. 3 West Park and the boundary treatment consists of approximately a 1.5m high wall.
- 2.3 The area is of a mixed use and is characterised by a variety of house types such as single-storey bungalows and two-storey detached and semi-detached dwellings. The site falls within the development limit of Portstewart as designated under the NAP 2016. The site is located adjacent to an area of archaeological potential and a housing zoning. The site does not fall within any protected designations.

3.0 RELEVANT HISTORY

C/2012/0350/F- 1 West Park, Portstewart, BT55 7NA- Proposed replacement dwelling and garage- Approval granted: 27.06.2013.

C/2013/0367/F- 1 West Park, Portstewart, BT55 7NA- New one and a half storey dwelling as a replacement for existing bungalow- Approval granted: 30.10.2014.

C/2014/0478/F- 1 West Park, Portstewart, BT55 7NA- New one and a half storey dwelling as a replacement for existing bungalow- Approval granted: 30.03.2015.

There are similar permissions in the immediate context for the proposed replacement of dwellings with semi-detached properties which consists of the following:

C/2006/0684/F- No. 9 West Park, Portstewart- Replacement with semi-detached dwellings- Approval granted: 10.01.2007.

4.0 THE APPLICATION

- 4.1 The scheme is for the proposed development of a single detached dwelling and 2no. semi-detached dwellings. External walls will be finished with a render and timber cladding in the front facade and a stone finish in the gable elevation of the detached property. Each of the dwellings propose a contemporary style.

Habitat Regulations Assessment

- 4.2 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

5.0 PUBLICITY & CONSULTATIONS

External:

One letter of support was received with this application which raised the following points:

- 1) The report by Brendan Carey indicates that the development is not likely to cause danger or prejudice the convenience of road users due to modest traffic volumes and speeds.
- 2) The scheme will improve visibility splays and will result in a betterment for the wider street as a whole and a significant road safety improvement.
- 3) The required visibility is achievable by looking over the 0.95m wall to the rear of No. 11 Strand Road and is lower than the key object height dimension of 1.05m as per DCAN 15.
- 4) The report by Brendan Carey is a valid reason to refute the recommendation of DFI Roads
- 5) The scheme will create modern dwellings which are badly needed in the area which will improve regeneration.

Six letters of objection have been received with this application. No specific planning concerns have been raised with these objections.

Internal:

DFI Roads: Object to the proposal.

Historic Environment Division- HED Historic Monuments-
No objections

Environmental Health: No objections.

NI Water: No objections.

6.0 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

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) 2015

A Planning Strategy for Rural Northern Ireland

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 7: Quality Residential Environments

Planning Policy Statement 7 Addendum: Safeguarding the Character of Established Residential Areas

DCAN 8- Housing in Existing Urban Areas

Creating Places- Achieving Quality in Residential Developments

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The site is located within Portstewart settlement development limit as defined in the Northern Area Plan 2016. The main planning considerations for this application relate to layout, visual amenity, impact on residential amenity in terms of overlooking, road safety and car parking matters and the impact on the character of the immediate area.

Principle of Development

- 8.2 The principle of development must be considered having regard to the Northern Area Plan, the SPPS and PPS policy and guidance documents before mentioned. Paragraph 3.8 of the SPPS asserts a presumption in favour of sustainable development which accords with an up-to-date development plan unless the proposed development will cause demonstrable harm to interests of acknowledged importance.
- 8.3 The concept of the detached two-storey dwelling at No. 1 West Park, has been established as being acceptable under the previous permissions. The proposed detached dwelling will be located in a similar position as was previously approved. The proposed semi-detached dwellings propose to replace an existing single-storey detached bungalow on site. The concept of semi-detached dwellings has been established previously within the street at No. 9 West Park.

Design and Local Character

- 8.4 Planning Policy Statement 7 expects the design and layout of residential development to be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas planning policy does not support housing development which would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

- 8.5 The proposed semi-detached dwellings are of a contemporary design, with a slight front projection and a pitched roof. The scheme is acceptable in terms of materials which are in keeping with existing dwellings in the immediate context. The rear elevations are acceptable and the visual aspects of the rear elevations will be restricted.
- 8.6 The scale, layout of the detached dwelling is similar to that as previously approved. The contemporary nature of the scheme is determined acceptable in the immediate context. The scale and massing of the dwellings is similar to previous schemes and surrounding approved schemes in the immediate streetscape.
- 8.7 The proposal involves the use of hard landscaping to the most of the site fronts to provide incurtilage car parking. The levels of hard standing required and parking across the front of the properties is not in keeping with the character of the area. The character is defined with small front garden with low walls and parking to the side or on street. The agent is proposing some planting to the the detached property and to the end semi detached. Wall detailing is provided where possible. The openness of the frontages combined with the extent of the hardstanding would be detrimental to the streetscape and wholly out of character in the immediate context.
- 8.8 No 9 West Park has open and hard surfacing to the front of the properties to allow in curtilage car parking. This arrangement is dominant in the street scape and not in keeping with the character. However, taking into consideration the previous approval at No 9 and the attempt to provide some soft landscaping where possible the front layout is not considered to be so detrimental to warrant a refusal.

Amenity considerations

- 8.9 Private amenity space has been incorporated into the design of the scheme and the proposed detached dwelling will provide 112.24 sq. metres of side and rear amenity space. The proposed semi-detached dwellings will propose 62sqm and 64.10sq metres of private rear amenity space. Though below the required amenity space of 70m², the amenity provision is

above the minimum standards of 40 sq. metres and is therefore acceptable.

- 8.10 The gable windows of the proposed detached dwelling at first floor level facing towards No. 9 and 11 Strand Road consist of landing windows, an obscure en-suite and one living room window. The landing window and en-suite will not cause any major overlooking concerns to the properties at No. 9 and 11 Strand Road. However the proposed living room window proposed in the gable elevation at first floor level will overlook the private rear amenity space of No. 11 Strand Road which is unacceptable. The first floor window is just over 1m from the boundary with No. 11 Strand Road and views will also be available of the rear amenity space to No. 9 Strand Road.
- 8.11 The ground floor windows in the gable facing towards No. 9 and 11 Strand Road will face towards 1.8m high fencing. The gable elevation facing towards the proposed semi-detached dwellings at first floor level proposes a high level kitchen windows and a hall window. These windows not give raise to any major overlooking concerns. The windows proposed in the rear elevation and the front elevation of the detached property are acceptable and will not cause overlooking concerns.
- 8.12 The proposed windows of the semi-detached properties will not give raise to any overlooking concerns as they will face towards the street and the rear amenity space. There are no existing dwellings located directly behind the proposed semi-detached dwellings. There is adequate separation distances between the proposed detached dwelling and semi-detached dwellings that will not give raise to any overshadowing concerns.
- 8.13 The proposal fails to meet with policy criteria with Policy QD1 of PPS7 in that the proposal would have an unacceptable adverse effect on existing properties in terms of overlooking.

Road safety and car parking matters

- 8.14 PPS 3, DCAN 15 - Vehicular Access Standards, Parking Standards are central considerations with this proposed development. DFI Roads has recommended that the scheme should be refused on 5 separate occasions. The agent has submitted amended plans and information but to date amended

plans and additional information from a private roads consultant (Carey Consulting) and MRA Transport Planning have not addressed DFI Roads concerns.

- 8.15 DFI Roads have raised the following concerns in reference to the development: The introduction of an additional property and additional access is not acceptable; the principle of narrowing an existing public road in order to benefit a private developer is not acceptable; the lack of minimum standard visibility splays; on street visitor car parking is affected and reduced by the scheme; access widths and lengths of driveways are not to standard; the access layouts means there are 7 points of conflict between vehicles emerging from the proposed dwellings and pedestrians, cyclists and road vehicles. This will result in increased risk to road safety.
- 8.16 DFI Roads advise that the proposal fails to meet DCAN 15 in that: the existing driveways are sub-standard. The proposal will introduce an additional sub-standard access where the minimum required 33m splay is not available. The traffic volume would be increased over the existing situation, therefore with increased risk.
- 8.17 The required parking spaces are not available for the proposed dwellings. DFI Roads has confirmed that the level of car parking provided is not acceptable. Furthermore, due to the additional access, the proposal would affect visitor parking on the opposite side of the street in an unsafe manner. Therefore, on balance, DFI Roads cannot recommend approval of an additional sub-standard access by accepting visibility splays with a lower dimension than the minimum standard required in DCAN15. The scheme is considered unacceptable as it would prejudice the safety and convenience of road users and is contrary to PPS3, Policy AMP2 and guidance within DCAN15.

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 scheme does not provide a quality residential scheme in that it will cause overlooking of existing properties and fails to provide adequate car parking or safe movement of traffic. The proposal does not accord with the

policy as outlined in Policy QD1 of PPS7, within the SPPS and the guidance as outlined under Creating Places. Refusal is recommended

10.0 Refusal Reasons

1. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since a visibility splay of 2.4 metres x 33.0 metres cannot be provided, at the proposed access adjacent to No. 5 West Park, in accordance with the standards contained in the Department's Development Control Advice Note 15.

2. The proposal is contrary to paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland and Policy QD1 of Planning Policy Statement 7 (Quality Residential Environments), in that the development as proposed fails to provide a quality residential environment by being contrary to criteria (e), (f), (h) and (l) of Policy QD1.

Site Location Plan



Site Plan

