

Planning Committee Report LA01/2020/0467/F	24th March 2021
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>	LA01/2020/0467/F	<u>Ward:</u>	Greysteel
<u>App Type:</u>	Full		
<u>Address:</u>	South of & adjacent to 11 Sunvale Park Greysteel		
<u>Proposal:</u>	Proposed single storey dwelling with roof space accommodation		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	18.05.2020
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	AJD Architectural Design Services, 149 Whitehill Park, Limavady, BT49 0QQ		
<u>Applicant:</u>	Mr I Lapsley, 86 Shackelton Crescent, Ballykelly, BT49 9PT		
<u>Objections:</u>	0	<u>Petitions of Objection:</u>	0
<u>Support:</u>	1	<u>Petitions of Support:</u>	0

EXECUTIVE SUMMARY

- This is a full planning application for 1 no dwelling on lands South of & adjacent to 11 Sunvale Park, Greysteel.
- The site is located within the urban area within the settlement limit of Greysteel.
- The proposed development does not respect the surrounding character. The proposed dwelling will be set to the rear of no. 11 Sunvale, approximately 35m back from the Sunvale Road which is not reflective of surrounding development. The dwelling will also be set at a significantly higher ground level than the properties along Sunvale Park, with the proposed finished floor level approximately 2.77m higher than no. 11. The proposed location/position, finished floor level of the proposal is not appropriate to the character and topography of the area and fails criteria (a) of QD1 of PPS 7.
- The proposed location of the dwelling to the immediate rear of no. 11, at a considerably higher ground level will result in dominance and overlooking to surrounding properties. The application fails to meet criteria (h) of QD1 of PPS 7.
- Refusal is recommended

Drawings and additional information are available to view on the Planning Portal- <http://epicpublic.planningni.gov.uk/publicaccess/>

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** full planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located south of and adjacent to 11 Sunvale Park, Greysteel.
- 2.2 The site is the side and rear garden of no. 11 Sunvale Park. The eastern and western boundaries are defined by a timber fence. The northern boundary to the road is also defined by fencing. The rear/southern boundary is defined by mature hedgerow/trees.
- 2.3 The site is located within an existing residential area, within the defined development limit of Greysteel. Surrounding properties along Sunvale Park are modest semi-detached chalet bungalows with detached garages.

3 RELEVANT HISTORY

There is no planning history on the application site.

4 THE APPLICATION

- 4.1 This is a full application for 1 no dwelling on lands South of & adjacent to 11 Sunvale Park, Greysteel. The application was originally described as a “proposed storey and a half dwelling”. The application was listed on the contentious list to issue as a refusal week commencing 14.09.2020. The application was referred to the Planning Committee, and additional amended plans and an amended description was received on the 11.09.20. The amended plans have

been re-advertised and re-neighbour notified. The following report will consider the amended plans received via email on the 11.09.20 (date published 14.09.2020) which propose a “single storey dwelling with roof space accommodation”.

5 PUBLICITY & CONSULTATIONS

5.1 External

Advertising: Advertised in the Coleraine Chronicle on the 03.06.2020 and the 30.09.2020.

Neighbours: 4 neighbours were notified on the application.

No letters of objection were received on this application.

1 letter of support was received on the application from 11 Sunvale Park date published 14.09.2020.

5.2 Internal

Environmental Health provided a consultation response dated 29.05.20. In this response Environmental Health raised no objection and provided recommended informatives.

NI Water provided a consultation response dated 01.06.20. In this response NI Water raised no objection and provided informatives.

HED provided a consultation response dated 02.06.20. In this response HED raised no objection.

NIEA provided a consultation response dated 28.05.20. In this response NIEA raised no objections.

DFI Roads provided a consultation response 10.07.20. In this response DFI Roads raise 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:
- The 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 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

The Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking

Planning Policy Statement 7 (PPS 7) – Quality Residential Environments

Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas

DCAN 8 - Housing in Existing Urban Areas

Creating Places - Achieving quality in residential developments

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to scale, massing and design; impact on the character of the area; impact on archaeological, built heritage, and landscape features; open space and integration; neighbourhood facilities; accessibility and parking; impact on residential amenity; impact on crime and personal safety; HRA; other material considerations and representation.

Planning Policy

- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, and PPS policy documents specified above.

Scale, Massing, Design and Impact on the Character of the Area

- 8.3 Planning Policy Statement 7 (PPS 7) - Policy QD 1, notes that all proposals for residential development will be expected to conform to the following criteria: (a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas and (g) the design of the development draws upon the best local traditions of form, materials and detailing.
- 8.4 The amended plans and description now propose a single storey dwelling with roof space accommodation. The dwelling will have a ridge height of approximately 7.1m measured from the front elevation where there is an under-build proposed. The ridge height from the rear is approximately 6.3m. The dwelling will be approximately 11.3m in length with a 9m gable depth. The dwelling has skylights to the front elevation and a rear dormer. The dwelling will be finished in smooth render. The dwelling is set to the rear of no.11 Sunvale Park.
- 8.5 The character of the area along Sunvale Park is modest scaled semi-detached single storey dwellings with attic rooms fronting onto Sunvale Park. There is an established character along this street with a clear building line, orientation, plot size, design, siting and layout. All dwellings are positioned on the lowest part of the site and have a

visual frontage onto the road. There is no development to the immediate rear of the surrounding dwellings.

- 8.6 DCAN 8 para 4.10 notes any proposals for housing development within established residential areas must be based on a sound understanding of the characteristics of the existing residential environment. 4.11 New development should respect the architectural, streetscape and landscape character of the area, and follow the established character in terms of the set-backs of properties from the street. Para 5.7 notes fundamental requirement for successful backland development is for the backland plot to be of sufficient depth to accommodate new housing...Backland development on plot depths of less than 80m is unlikely to be acceptable, except where the existing urban grain is very urban in character, and where careful design can overcome concerns of overlooking and day lighting.
- 8.7 The proposed development does not respect the surrounding character. The proposed dwelling will be set to the rear of no. 11 Sunvale, approximately 35m back from the Sunvale Road which is not reflective of surrounding development. The dwelling will also be set at a significantly higher ground level than the properties along Sunvale Park, with the proposed finished floor level approximately 2.77m higher than no. 11. To achieve a dwelling at this location significant cutting into the land is proposed with almost a 3m cut proposed. The proposed dwelling has two primary rooms, a kitchen and an office on the rear elevation. Each of these rooms are served by only one window which looks out over the limited private amenity space and onto the retaining structures and embankments of approximately 3m in height. The retaining structures surround the dwelling on three sides. This fails to provide a quality residential environment. The plot depth of the site is approximately 57m which is considerably lower than the 80m recommended in DCAN 8. Considering the established character of the area, with existing dwellings along Sunvale having an established building site, orientation, set back distance from the road and layout, to introduce a dwelling at this location is totally out of character and would not respect the surrounding context. The development would not follow the established character of the area in terms of the set-back from the street, topography and siting.
- 8.8 In terms of the design the dwelling has been reduced in height from the previous proposal by approximately 1m at the rear and 1.8m at the front. Surrounding development along Sunvale Park are semi-detached modest single storey dwellings with attic rooms. The

amended plans have reduced the design to a single storey dwelling will roof space accommodation. While the amended design is more reflective of the design along Sunvale Park, the dwelling is still considered to be unacceptable for the reasons highlighted in this report.

- 8.9 The proposed dwellings location/position and finished floor level are inappropriate to the character and topography of the area and fails criteria (a).

Impact on Archaeological, Built Heritage, and Landscape Features

- 8.10 PPS 7 – Policy QD 1, notes that all proposals for residential development will be expected to conform to the following criteria: (b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development.
- 8.11 The site is located with a consultation zone for an archaeological site and monument. HED were consulted on the application and raised no objections. The applications meets criteria (b) of this planning policy.

Open space and Integration,

- 8.12 PPS 7 – Policy QD 1, notes that all proposals for residential development will be expected to conform to the following criteria: (c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;
- 8.13 Concerns were raised on the previous plans with the lack of amenity space provided. The amended design will provide approximately 68 square metres private amenity space to the rear of the dwelling, with additional space provided to the sides and front garden area. This is marginally below the 70sq as recommended in creating places and considered sufficient amenity space in numeric terms.

- 8.14 The quantity of amenity space provided is considered acceptable, but the quality of this amenity space must also be a consideration. Given the topography of the site the development proposes significant cutting in and the rear amenity area will be bounded by retaining walls to the west and south, with retaining walls and embankments to the east. The presence of retaining structures of over 2m in height on three sides fails to create a quality residential environment in this setting. To the rear boundary the existing trees will be removed with new trees planted on top of the proposed retaining structure. The existing vegetation to the eastern boundary will be retained. New trees are to be planted to the northern boundary and along the access lane. While the proposed planting will soften the visual impact of the development, the application fails to meet criteria (c) of this planning policy.

Neighbourhood Facilities

- 8.15 PPS 7 – Policy QD 1, notes that all proposals for residential development will be expected to conform to the following criteria: (d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development.
- 8.16 Given the scale and nature of the development for a single residential dwelling, neighbourhood facilities are not required. The proposal is located within the Settlement Development Limit for Greysteel and the dwelling will make use of existing facilities located within Greysteel.

Accessibility and Parking

- 8.17 PPS 7 - Policy QD 1, notes that all proposals for residential development will be expected to conform to the following criteria: (e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures and (f) Adequate and appropriate provision is made for parking.
- 8.18 The proposed dwelling is located within the development limit of Greysteel, will support walking and cycling and will be located near

public transport links. The dwelling will provide in-curtilage parking space. DFI Roads were consulted on the application and in their consultation response dated 10.07.20 raised no objections. The application meets criteria (e) and (f) of this policy.

- 8.19 PPS 3- Policy AMP 2 notes that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where, such access will not prejudice road safety or significantly inconvenience the flow of traffic.
- 8.20 This proposal will not prejudice road safety. DFI Roads were consulted in relation to this application and raised no objections. The application meets Policy AMP 2 of PPS 3.

Impact on Residential Amenity

- 8.21 PPS 7 - Policy QD 1, notes that all proposals for residential development will be expected to conform to the following criteria: (h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.
- 8.22 The proposed dwelling will be located to the rear of no. 11 Sunvale Park. The land level rises steeply to the rear of no. 11 and cutting in is proposed to achieve a dwelling on this site. The proposed finished floor level of the dwelling is 46.20. The finished floor level of no. 11 is 43.43, which is reflective of surrounding development along Sunvale Park. The proposed finished floor level is approximately 2.77m higher than the finished floor level of no.11. The location of the dwelling is out of character and will be set at a higher level than the properties to the north along Sunvale Park. Concerns were raised on the previous plans in regards to potential overlooking and dominance to no. 11 Sunvale Park. The amended plans have reduced the potential for overlooking to no.11 by amending the design and removing the large glazed front projection and slightly re-orientating the dwelling. However first floor bedroom windows are proposed within each gable which will overlook from an elevated position, adjacent properties and amenity space to the west and east. In addition, the location of a dwelling on this site to the immediate rear of no. 11, only 6m from their rear amenity, at a considerably higher ground level will have a

domineering effect on no.11, and result in general disturbance from noise from traffic movements and the use of circulation space. The application fails to meet criteria (h) of this policy.

Impact on crime and personal safety

- 8.23 PPS 7 - Policy QD 1, notes that all proposals for residential development will be expected to conform to the following criteria: (i) the development is designed to deter crime and promote personal safety.
- 8.24 The proposed dwelling will not lead to the creation of areas where anti-social behaviour may be encouraged. The amenity area of the dwelling will be private and enclosed and the proposal meets criteria (i) of this policy.

Other Material Considerations

- 8.25 Para 3.8 of the SPPS notes, Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.
- 8.26 In an email dated 13/09/2020 the applicant noted; “The main reason for wanting to build a home at 11 Sunvale Park behind Sherrie’s (My wife) parents is for caring responsibilities for her mother and father. Living closer to her parents will enable Sherrie to assist her parents at any time of the day to increase their health & wellbeing.”
- 8.27 As assessed in this report the application fails PPS 7, Policy QD 1 criteria (a) and Addendum to Planning Policy Statement 7, Safeguarding the Character of Established Residential Areas, Policy LC 1, criteria (b) in that the development does not respects the surrounding context, is inappropriate to the character of the area and topography of the site, and fails to create a quality residential

environment. The proposal is also contrary to PPS 7, Policy QD 1 criteria (h) in that it will result in dominance and overlooking to adjacent properties.

- 8.28 In accordance with the SPPS the application should be refused unless material considerations indicate otherwise. The material considerations presented in this application relate to the applicant needing a dwelling at this location to assist in providing care for their parents at 11 Sunvale. The applicants current address as per the P1 form is 86 Shackleton Crescent, which is approximately 3.9m from the site, approximately an 8 minute car journey. The applicant indicated in their email that they still work and provide care around their working hours. This would suggest that they are not providing full term, care on an all-day basis. The applicant lives nearby, only an 8 minute car journey away from their parents which is not considered an excessive distance to travel. In addition, it has not been demonstrated that alternative residential properties elsewhere in Greysteel have been considered. The material considerations presented do not overcome the refusal reasons set out in this report.

Habitats Regulation Assessment

- 8.29 The potential impact this proposal on Special Areas of Conservation, Special Protection Areas 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, conservation objectives or status of any of these sites.

Representations

- 8.30 One letter of representation has been received in support of the application from a family member at 11 Sunvale Park. The current occupancy of the existing dwelling does not overcome the policy objections to the proposed development.

9 CONCLUSION

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material

considerations including Planning Policy Statement 7, Policy QD 1 criteria (a) and (c) and Addendum to Planning Policy Statement 7, Safeguarding the Character of Established Residential Areas, Policy LC 1, criteria (b) in that the development does not respect the surrounding context, is inappropriate to the character of the area and topography of the site, and fails to create a quality residential environment. The proposal is also contrary to Planning Policy Statement 7, Policy QD 1 criteria (h) in that it will result in dominance to no. 11 Sunvale Park and overlooking to existing residential properties. Refusal is recommended.

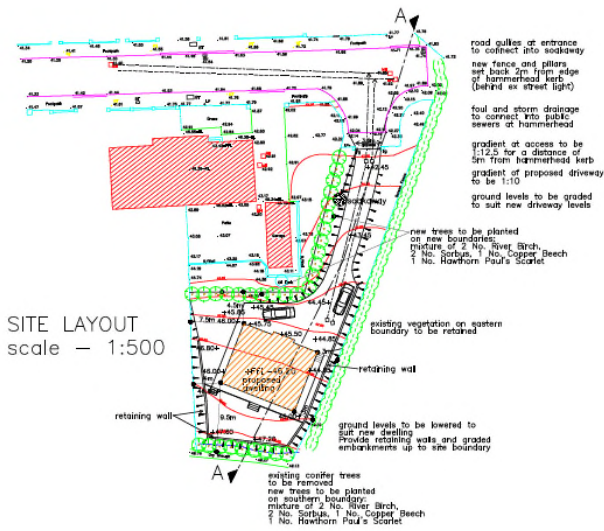
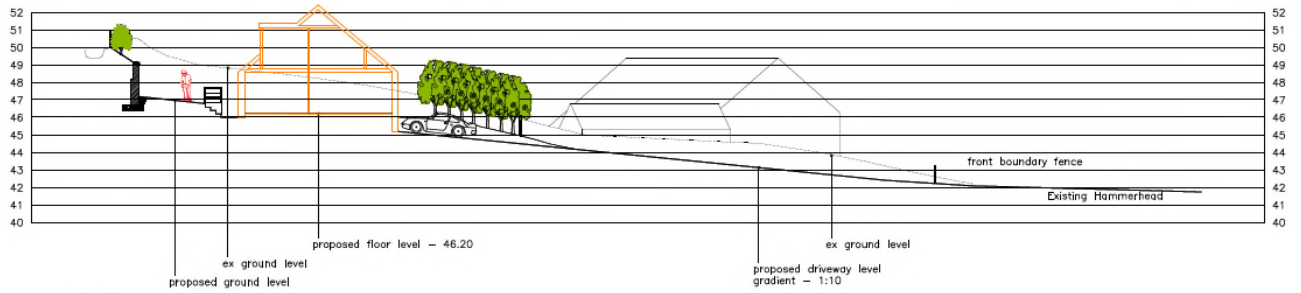
10 Reasons for Refusal

1. The proposal is contrary to Planning Policy Statement 7, Policy QD 1 criteria (a) (c) and (h) and the Addendum to Planning Policy Statement 7, Safeguarding the Character of Established Residential Areas, Policy LC 1, criteria (b) in that the development does not respect the surrounding context, is inappropriate to the character of the area and topography of the site, and fails to create a quality residential environment and will result in dominance and overlooking to existing residential properties.

Site location Map



Site Block Plan



A3 - 1:500

Mr. I. LAPSLEY	
Proposed dwelling at Sunvale Park, Greysteel	
Site Section @ 1:200 Site Layout @ 1:500	
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