

Title of Report:	Planning Committee Report – LA01/2020/1235/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	26th May 2021
For Decision or For Information	For Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Senior Planning Officer

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:

	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

<u>App No:</u>	LA01/2020/1235/O	<u>Ward:</u>	Drumsum
<u>App Type:</u>	Outline Planning		
<u>Address:</u>	Site adjacent to No. 53 East Road, Drumsum		
<u>Proposal:</u>	Proposed infill site for dwelling between 51 & 53 East Road, Drumsum		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	18.11.2020
<u>Listed Building Grade:</u>	N/A		
Applicant:	Alex McDonald, 22 Rathmore Road, Limavady, BT49 0DF		
Agent:	AQB Architectural Workshop Ltd, as1 Ebrington Terrace, Waterside, Derry, BT47 6JS		
Objections:	0	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

Executive Summary

- Outline planning permission is sought for an infill dwelling under policy CTY8 of PPS21.
- The site is located within the countryside, outside of any defined settlement development limit as defined in the Northern Area Plan 2016.
- The principle of development is considered unacceptable in regard to the SPPS and PPS21 as there is no substantial and continuously built up frontage within the countryside at this location. The proposal would also have an adverse impact on rural character through the creation of ribbon development and would fail to satisfactorily integrate into the landscape.
- No overriding reasons have been forthcoming as to why the development is essential and cannot be facilitated within the development limit.
- DFI Roads, Environmental Health, DAERA- Water Management Unit, Northern Ireland Water have no concerns with the proposal.
- No objections have been received
- The application is recommended for Refusal in that it is contrary to the SPPS and Policies CTY1, CTY8, CTY13 and CTY14 of PPS21.

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

1.0 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.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located adjacent to and west of No. 53 East Rd, Drumsurn. The application site comprises a small roadside field, which is irregular in shape and falls gently from the road in a southern/south eastern direction. The roadside boundary is defined by a mix of post and wire fence with a 1.5m high hedge, and timber ranch fencing to the western section of the boundary. The timber ranch fence extends along the south western boundary with No.51. The southern boundary of the site is defined by a close boarded timber fence which is approximately 1.8-2m in height. The eastern boundary of the site is defined by a ranch fence, field date and gable wall of the outbuilding at No. 53, with a post and wire fence defining the remainder of the boundary. There are a number of mature trees within the southern (rear) portion of the site which are approximately 10-12m in height.
- 2.2 The application site is located within the rural area outside of any settlement as defined in the Northern Area Plan 2016, located approximately 1.5km North West of Drumsurn. The application site is not located within any environmental designations. The area is predominately agricultural in character with a number of single dwellings scattered throughout the area. Within the immediate vicinity of the application site there are three other dwellings. Two dwellings are located to the east of the site (Nos. 53 and 55), with a dwelling located to the rear of the application site (No. 51) which is accessed via a laneway to the west of the application site.

3.0 RELEVANT HISTORY

3.1 LA01/2020/0962/O - Site adjacent to No 53 East Road, Carrick West, Drumsurn - Proposed infill site for dwelling between No 51 & No 53 East Road, Carrick West, Drumsurn - Application Withdrawn 02.11.2020

B/2012/0155/O - Site Adjacent to 53 East Road, Carrick West, Drumsurn - Site for dwelling (infill site) - Permission Refused - 04.09.2012

Application B/2012/0155/O was refused planning permission due to the proposal resulting in ribbon development along East Rd as well as failing to integrate within the landscape, and would result in a suburban style build-up when read with other existing development in the immediate vicinity of the site.

Application LA01/2020/0962/O is the same site as the current application. It was recommended for refusal for the same reasons as outline below at section 10. The application was placed on a weekly list of contentious application and was not referred to the Planning Committee. The application was withdrawn prior to the refusal issuing.

4.0 THE APPLICATION

4.1 Outline Planning Permission is sought for a proposed infill dwelling. No plans relating to the scale and design of the dwelling have been submitted.

5.0 PUBLICITY & CONSULTATIONS

5.1 **External:**

Neighbours: There are no objections to the proposal.

5.2 **Internal:**

DFI Roads: No objections.

Environmental Health: No objections.

NI Water: No objections.

DAERA Water Management Unit: 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 (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)

PPS 2: Natural Heritage

PPS 3: Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

Supplementary Planning Guidance

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

Development Control Advice Note 15 Vehicular Access Standards

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The proposed dwelling must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: principle of development, integration and rural character, access and Habitat Regulations Assessment.

Principle of Development

- 8.2 The policies outlined in paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21 state that there are a range of types of development which are considered acceptable in principle in the countryside. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. The application was submitted as an infill dwelling and therefore falls to be assessed against Policy CTY 8.
- 8.3 Policy CTY 8 entitled Ribbon Development 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. The definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. This is reiterated by paragraph 6.73 of SPPS.

- 8.4 The application site is located at the immediate roadside along East Rd. To the east of the application site are the dwellings at Nos. 53 and 55, which both sit at the roadside and have a frontage onto East Rd. Both of these properties have ancillary buildings which are set behind the dwellings. To the west of the application site is a laneway which serves as access to No. 51 and other lands. The dwelling at No. 51 sits to the rear of the application site. The curtilage of No. 51 does not extend to East Rd, terminating approximately 25m back from the road edge where it accesses onto the laneway. As the curtilage of No. 51 does not have a common frontage onto East Rd, it cannot be taken to form part of a substantial and continuously built up frontage along East Road. This assessment of what constitutes a common frontage is consistent with that of the Planning Appeals Commission who have a settled position on what defines a common frontage, as outlined within appeal 2019/A0250.
- 8.5 As there is no development with a common frontage to the western side of the application site, there is no substantial and continuously built up frontage at this location. Therefore, as there is no built up frontage present, there is no gap in which to infill, and as such the proposal fails to comply with the policy requirements of the SPPS and CTY8. Additionally, as there is no gap site at this location, a dwelling on the application site would further add to the linear pattern of development along the roadside at this location adding to ribbon development at this location, which is detrimental to rural character and contrary to Paragraph 6.70 of the SPPS and Policies CTY8 and CTY14 of PPS21.
- 8.6 Additionally, as no overriding reason has been forthcoming as to why the development is essential in this location the development is contrary to Policy CTY1 of PPS21.

Integration and Rural Character

- 8.7 Both the SPPS and PPS21 outline that all development in the countryside is required to integrate into its setting, respect rural character and be appropriately designed.
- 8.8 Policy CTY13 of PPS21 states that 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.
- 8.9 Policy CTY14 of PPS21 states that a new building will be unacceptable where:
- (a) it is unduly prominent in the landscape; or
 - (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
 - (c) it does not respect the traditional pattern of settlement exhibited in that area; or
 - (d) it creates or adds to a ribbon of development (see Policy CTY 8); or
 - (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.
- 8.10 The application site at present is only partly defined by a hedge along the roadside boundary, which will be required to be removed to provide the required access, leaving clear views into the application site. There are some mature trees to the rear of the site which will provide a backdrop for the development, however from the public viewpoints along East Rd and Terrydoo Rd, the most critical views would see the application site open and lacking a suitable degree of enclosure. The lack of natural boundaries would result in a dwelling not being able to suitably

integrate into the landscape and would be contrary to Policy CTY13.

- 8.11 As this is an outline application no details have been provided as to the intended scale and design of the dwelling. The prevailing character along East Rd is single storey/chalet bungalows. The dwellings in the immediate vicinity of the application site are modest sized dwellings, therefore it would be anticipated that a dwelling of a similar scale would be proposed. Given the surrounding context anything other than a modestly sized dwelling of similar scale to the adjacent dwellings would appear as a prominent and dominant feature. This however does not overcome the sites inability to provide a satisfactory level of integration for the dwelling as outlined above.
- 8.12 As outlined at Paragraph 8.5 above, a dwelling on the application site would further add to the linear pattern of development along the roadside at this location adding to ribbon development at this location, which is detrimental to rural character and contrary to Paragraph 6.70 of the SPPS and Policies CTY8 and CTY14 of PPS21.
- 8.13 In addition to adding to ribbon development, a dwelling on the application site would add to the existing built-up form at this location. When approaching towards East Rd along the Terrydoo Rd, the three dwellings are visually linked, with no notable gap evident between the dwellings at Nos. 51 and 53. Likewise on approach along East Rd there is an awareness of an already built up form. Another dwelling at this location would further add to the built up form and would result in a suburban style build up at this location which would further erode the rural character of the area, again contrary to CTY14.

Access

- 8.14 Access is proposed via a new access directly onto the East Rd. DFI Roads have been consulted on the proposal and have no objections. The proposal therefore complies with Policy AMP2 of PPS3 in that it will not prejudice road safety.

Habitats Regulations Assessment

- 8.15 There are no identifiable watercourses within or immediately adjacent the application site therefore there are no identified hydrological links to a designated site which could be

detrimentally impacted upon by development on the proposed site.

- 8.16 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 or conservation objectives of any European site.

9.0 CONCLUSION

- 9.1 The application site fails to meet with the principle planning policies as there is no substantial and continuously built up frontage within the rural area at this location, and consequently no gap to infill as there are not the required amount of buildings within the countryside to form a built up frontage. The proposal does not meet with any of the permissive circumstances for development in the countryside, and no over-riding reasons have been provided as to why development is necessary at this location. The application proposal will add to ribbon development along East Road and result in a sub-urban style build-up of development at this location. The site lacks a sufficient level of screening and integration in order to allow a dwelling to integrate satisfactorily. The proposal is subsequently contrary to Paragraphs 6.70, and 6.73 of the SPPS and Policies CTY1, CTY8, CTY13 and CTY14 of PPS2. Refusal is recommended.

10.0 REFUSAL REASONS

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS), Paragraph 6.73, and Planning Policy Statement 21, Policy CTY 1 in that there are no overriding reasons why the development is essential and could not be located in 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 there is no substantial and continuously built up frontage at this location; there is no small gap which can

accommodate a maximum of two dwellings, and the proposal would, if permitted, result in the addition of ribbon development along East Road.

3. The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration, 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 result in a suburban style build-up of development when viewed with existing and approved buildings; the building would, if permitted add to a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.

Location Map

