

Planning Committee Report LA01/2021/0322/O	25 August 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> LA01/2021/0322/O	<u>Ward:</u> Bann
<u>App Type:</u> Outline	
<u>Address:</u> Lands between 35 & 37 Anticur Road Dunloy	
<u>Proposal:</u> Infill site for one dwelling and detached garage under PP21 CTY 8	
<u>Con Area:</u> N/A	<u>Valid Date:</u> 19.03.2021
<u>Listed Building Grade:</u> N/A	
Agent: Gerard Mc Peake Architectural Ltd	
Applicant: Mr and Mrs Gerard Kennedy	
Objections: 0	Petitions of Objection: 0
Support: 0	Petitions of Support: 0

EXECUTIVE SUMMARY

- Outline planning permission is sought for an infill site for a dwelling and detached garage.
- The site is not located within any settlement development limit as defined in the Northern Area Plan 2016 and is not subject to any specific designations.
- The principle of development is considered unacceptable having regard to Policy CTY 8 as the site is not within a substantial and built up frontage of a line of 3 or more buildings along a road frontage without accompanying development to the rear.
- The proposal fails Policy CTY 13 as it would be a prominent feature in the landscape and would fail to integrate into the surrounding area.
- The proposal fails CTY 14 in that if a dwelling were to be approved it would be a prominent feature in the landscape and would be detrimental to the rural character of the area by adding to the linear form of ribbon development along this road resulting in a suburban style build-up of development when viewed with existing buildings.
- DFI Roads, NI Water and DAERA (Water Management Unit), Environmental Health were consulted on the application and raise no objection.
- There are no objections to the proposal.
- The application is recommended for Refusal.

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 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 The application site is located within the rural area as identified within the Northern Area Plan (NAP) 2016. The site is located on land between No's 35 and 37 Anticur Road, Ballymoney.
- 2.2 The site comprises a triangular shaped plot than is located on a slight corner of the road. The plot appears to be part of the garden belonging to No. 35 and the grass has been removed. The site itself is relatively flat, however the surrounding area falls slightly towards the north. The site is quite open and exposed to the surrounding countryside.
- 2.3 The northern boundary of the site abuts the Anticur Road and is defined by a wooden post and rail fence with hedging approximately 1 metre in height. The south eastern boundary abuts No. 37 and is defined by a post and wire fence. The south western boundary abuts No. 35, the southern section is defined by an approximately 1 metre concrete wall whilst the remainder of the boundary is defined by a post and wire fence and trees, some 3 metres in height.

1 RELEVANT HISTORY

Planning reference: D/2004/0708/O

Location Land approx. 160m west of 38 Anticur Road, Dunloy

Proposal: Site for two storey dwelling and detached domestic garage. Approved 18.11.2004

Planning reference: D/2005/0253/F
Location: Opposite 38 Anticur Road, Dunloy
Proposal: Erection of one-and-a-half storey dwelling & detached double domestic garage.
Application Withdrawn 29.01.2003

Planning reference: D/2004/0516/O
Location: Opposite 38 Anticur Road, Dunloy
Proposal: Site for two storey dwelling and domestic garage
Approved 10.06.2005

Planning reference: D/2005/0641/F
Location: 160m West of 38 Anticur Road, Dunloy
Proposal: Two storey dwelling and detached domestic garage
Refused 08.11.2005

2 THE APPLICATION

- 2.1 Outline planning permission is sought for an infill dwelling and garage.

3 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There are no objections to the application.

5.2 Internal

Environmental Health Department: No objection

NI Water: No objections

DFI Roads: No objection

DAERA Water Management Unit: No objection

DFI Rivers: No objection.

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 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relates to: the principle of development; design; integration and character, and access.

Access

8.2 Planning Policy Statement 3 relates to vehicular and pedestrian access, transport assessment, and the protection of transport routes, and parking. 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:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

8.3 DFI Roads were consulted on the proposal and responded with no concerns.

Principle of Development

8.4 The principle of development must be considered having regard to the SPPS and PPS policy documents.

8.5 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.

Policy CTY8

8.6 Policy CTY 8 states that planning permission will be refused for a building, which creates or adds to a ribbon of development. It does however state that 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 considerations. Policy CTY 8 defines a substantial and built up frontage as including a line of three (3) or more buildings along a road frontage without accompanying

development to the rear. A building has a frontage to the road if the plot in which it stands abuts or shares a boundary with the road.

- 8.7 The dwellings along this stretch of the Anticur Road consist of No's 35, 37 and 39 Anticur Road. It is accepted that No's 35 and 37 have a frontage to the road as their plots abut and share a boundary with the Anticur Road. No. 39's plot however is set back from the road and to the rear of No. 37 Anticur Road. No. 39 has an access to the road only. Therefore No. 39 Anticur Road does not have a direct frontage to the road and cannot be included in the assessment of a substantial and continuous built up frontage. It is acknowledged that No's 35 and 37 have garages on their plots however they are located to the rear of the dwellings - Policy CTY8 clearly indicates that a built up frontage is a line of three (3) or more buildings along a road frontage without accompanying development to the rear. The new Implementation of Strategic Planning Policy on Development in the Countryside Planning Advice Note published by DfI states that it is not the intention of Policy CTY 8 to consider unsubstantial ancillary buildings such as a domestic garage as a "building" which contributes to the assessment of a substantially and continuously built up frontage. The only buildings that can be considered as part of this policy are No's 35 and 37 Anticur Road. It is therefore considered the development along this laneway is not continuous nor substantial and the proposal fails this test of CTY8.
- 8.8 The case officer contacted the agent via email on 23rd June 2021 indicating that the principle of development was considered to be unacceptable. The agent responded via email on 24th June 2021 with supporting information. The agent stated that when travelling in both directions along the Anitcur Road, that the proposal will infill the gap that exists between No's 35 and 37 Anticur Road. The agent raised a previous application that was approved at the Council's Planning Committee, reference: LA01/2019/1300/O, and a further application which was refused by Causeway Coast and Glens Borough Council and subsequently overturned by the Planning Appeal Commission (PAC). In particular appeal: 2017/A0147. The agent believes these applications set a clear precedent for approval for this type of application.
- 8.9 Planning ref: LA01/2019/1300/O (for 2 dwellings at lands 30m west of 5 Presbytery Lane, Dunloy) is different to this application in a number of ways. First of all, there was no dispute that the application site was not within a continuous and substantial development. The issue on this application with regards to CTY 8 was that the gap was too large to accommodate a more than a maximum of two dwellings. The issue in

this current application is that the application site is not located within a continuous and substantial frontage. Therefore, consideration of the applications relate to different circumstances.

- 8.10 Moving on to the appeal ref: 2017/A0147 - original planning application ref: LA01/2016/1445/O (for 2 semi-detached dwellings at land adjacent to 142 Tullaghans Road, Dunloy). This application was refused due to the site being located on the edge of a settlement limit and the creation of ribbon development. The Planning Appeals Commission, when assessing this site, agreed with the refusal reasons in that the site was contrary to CTY 8 and CTY14. However, in that particular case due to the existing pattern of development and existing vegetation, the commissioner concluded that while the proposal would offend policy, if constructed would have no detriment to rural character and would not be visually apparent. Appeal 2017/A0147 and its material considerations are different to the material considerations of this current application, primarily due to the specific context of the sites. It is considered that little weight can be given to the previous appeal in relation to this application.
- 8.11 In the circumstances the proposed development does not meet with the policy criteria for an infill dwelling in accordance with Policy CTY 8 as the application site is not a gap site within a substantial and continuously built up frontage.

Integration

- 8.12 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.

8.13 Paragraph 5.58 states the determination of whether a new building integrates into the landscape is not a test of invisibility; rather it requires an assessment of the extent to which the development of the proposed site will blend in unobtrusively with its immediate and wider surroundings.

8.14 The site itself is relatively flat, however the surrounding area falls slightly towards the north. The site therefore lies at a slightly higher terrain than the existing road. Taking the topography changes into consideration and given that the application site is located at the corner of the Anticur Road, the site appears prominent when approaching the corner in both directions. Furthermore, the site lacks long established natural boundaries and would rely primarily on the use of new landscaping for integration due to the nature of the site.

8.15 The agent was made aware of the concerns listed above, and within their email dated 24th June 2021 stated that the dwellings on either side of the site are two storey. This proposal is for a single storey dwelling which they considered to have a significantly less visual impact than the existing dwellings. The agent confirmed the proposal does not aim to remove any existing hedging to achieve the access and the existing vegetation to the north is being retained. Therefore the agent has concluded that integration should not be an issue with this development.

8.16 While the comments made by the agent have been taken into consideration, it is still considered that due to the slightly elevated nature of the site, the lack of substantial boundaries and its generally open character, that a dwelling on this site would be a prominent feature in the landscape and would fail to integrate into the surrounding area. The proposal is therefore contrary to Policy CTY13 of PPS21.

Impact on Rural Character

8.17 Policy CTY14 of PPS21 states planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

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.

8.18 As assessed above, given the surrounding topography of the land and site being located at a corner, it is considered a dwelling would be a prominent feature in the landscape.

8.19 Policy CTY14 points out that a ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development if they have a common frontage or they are visually linked. Notwithstanding the lack of a continuous and substantial frontage, it is considered the infilling of this gap would be detrimental to the rural character of the area and would add to the linear form of ribbon development along this road.

8.20 The proposal is therefore contrary to Policy CTY 14 in that if approved the proposal would be a prominent feature in the landscape and would cause suburban style build-up of development when viewed with existing buildings and would result in ribbon development.

Habitats Regulation Assessment

8.21 The potential impact of 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.

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, including the SPPS. The proposal does not accord with the principle of a dwelling in the countryside as set out by Policy CTY 1 of PPS 21 including having regard to personal and domestic circumstances. It fails to meet the policy requirements for an infill dwelling in the countryside, as outlined in Policy CTY 8 as the application site is not a gap site located within an otherwise substantial and continuously built up frontage. The proposal is additionally contrary Polices CTY13 and CTY14 of Planning Policy Statement 21, in that it would be a prominent feature in the landscape, would fail to integrate into the surrounding area and it would be detrimental to the rural character of the area by adding to the linear form of ribbon development along this road resulting in a suburban style build-up of development when viewed with existing buildings. Refusal is recommended.

10 Refusal reasons

- 10.1 The proposal is contrary to the Strategic Planning Policy Statement Para 6.73 and Policy CTY 1 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.
- 10.2 The proposal is contrary to the Strategic Planning Policy Statement Para 6.70 and Policy CTY 8 of Planning Policy Statement 21, in that it fails to meet with the provisions for an infill dwelling as the application site is not a gap site located within an otherwise substantial and continuously built up frontage.
- 10.3 The proposal is contrary to the Strategic Planning Policy Statement Para 6.70 and Policy CTY 13 of Planning Policy Statement 21, in that it would be a prominent feature in the landscape and would fail to integrate into the surrounding area.
- 10.4 This proposal is contrary to the Strategic Planning Policy Statement Para 6.70 and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if a dwelling were to be approved it would be a prominent feature in the landscape and would be detrimental to the rural character of the

area by adding to the linear form of ribbon development along Anticur Road resulting in a suburban style build-up of development when viewed with existing buildings.

Site Location

