

Title of Report:	Planning Committee Report – LA01/2020/1295/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	24th November 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:

No: LA01/2021/1295/F **Ward:** Garvagh

App Type: Full

Address: 36 Ballyrogan Road, Garvagh

Proposal: Construction of new garage and retention of Borehole Pumphouse, Extension and alterations of curtilage for domestic use associated with the dwelling

Con Area: N/A

Valid Date: 02/11/2020

Listed Building Grade: N/A

Agent: N/A

Applicant: John O’Kane, 36 Ballyrogan Road, Garvagh, BT51 5EZ

Objections: 0 **Petitions of Objection:** 0

Support: 0 **Petitions of Support:** 0

EXECUTIVE SUMMARY

- Full planning permission is sought for the construction of a new garage, the retention of an existing borehole pumphouse, and the extension and alterations of the site curtilage for domestic use associated with the dwelling at 36 Ballyrogan Road, west of Garvagh.
- The site is located outside of any settlement limits as defined in the Northern Area Plan 2016. The site is located west of the defined settlement limits of Garvagh.
- The proposed garage measures approximately 5.8m in height and 2.95m in eaves height, with the proposed width and length measuring approximately 15.65m and 7.7m, respectively. The retrospective borehole pumphouse measures approximately 2.6m in height and 2.1m in eaves height, with the proposed width and length measuring approximately 4.2m and 3.3m, respectively. The proposed curtilage extension essentially involves the amalgamation of two separate pieces of land which are dissected by a lane.
- When assessed against Policy EXT 1, the proposed curtilage extension and garage are both considered to be unacceptable and are also considered unacceptable under Policy CTY 14. The proposal is considered to be detrimental to the rural character.
- The retention of the existing borehole pumphouse element is considered acceptable under Policy EXT 1.
- 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, guidance and consideration in sections 7 and 8 and resolves to **REFUSE** planning permission for the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located at 36 Ballyrogan Road, outside of any defined settlement limits. The application site contains a one and a half storey dwelling finished in render. The front and rear of the site contains grass amenity areas and gravel covered amenity areas. The boundaries of the site are defined by vegetation and, post and wire fencing. There is an equestrian building located outside of the existing residential curtilage to the south.
- 2.2 The site is located in a rural area that is characterised by dispersed pockets of development, all containing a dwelling each.

3 RELEVANT HISTORY

- 3.1 LA01/2016/1157/F - 36 Ballyrogan Road Garvagh Coleraine - Proposed change of house and garage type with repositioning of dwelling and garage with increased curtilage, approved under extant planning approval C/2005/1272/F. Revocation of previous planning approval and removal of existing strip foundation laid under planning approval C/2005/1272/F – Permission Granted.
- 3.2 LA01/2018/0926/F - 70m South of 36 Ballyrogan Road Garvagh BT51 5EZ - Retrospective Erection of Equestrian building to include tack room and stables for two horses and horsebox storage under Planning Policy Statement PPS 8 Open Space, Sport and Outdoor Recreation. Policy OS3 Outdoor Recreation in the Countryside, Paragraph 5.33 Equestrian Uses - Permission Granted
- 3.3 LA01/2018/0906/F - 34 Ballyrogan Road Garvagh BT51 5EZ - Domestic Store/Shed – Permission Granted

4 THE APPLICATION

- 4.1 Full planning permission is sought for the construction of a new garage, the retention of an existing borehole pumphouse, and the extension and alterations of the site curtilage for domestic use associated with the dwelling at 36 Ballyrogan Road, west of Garvagh.

Habitats Regulation Assessment

- 4.2 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.

5 PUBLICITY & CONSULTATIONS

5.1 External

There were no letters of support and no letters of objection received for this application.

5.2 Internal

DFI Roads – no objection

DFI Rivers – no objection

HED – 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:

- 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)

Addendum to Planning Policy Statement 7 – Residential extensions and Alterations

Planning Policy Statement 21 – Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the planning history, extension of curtilage, retrospective development, new development, and other issues.

Planning Policy

- 8.2 The site is located outside of any settlement development limits as defined in the Northern Area Plan 2016. The site is situated to the west of Garvagh.
- 8.3 The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.

- 8.4 Paragraphs 4.1 – 4.40 of the SPPS outline the general principles for planning with paragraphs 4.23 – 4.30 identifying the need for good design and positive place-making.
- 8.5 The SPPS promotes sustainable development throughout the planning system. The guiding principle for planning authorities is that sustainable development should be permitted, having regards to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.
- 8.6 The proposal is for a new garage, the retention of a borehole pump house, and extension and alterations of the existing residential curtilage for domestic use associated with the dwelling. The new garage is finished in smooth render, natural slate roof tiles, hardwood timber door and uPVC windows and rainwater goods. The retrospective borehole pumphouse is finished in smooth render, with a corrugated tin roof and a metal door. The proposal is situated along a shared private laneway which constitutes a public viewpoint/vantage point for the purposes of considering planning policy.
- 8.7 Policy EXT 1 of the PPS 7 Addendum sets out the assessment for considering this proposal and states that permission will be granted for a proposal to extend or alter residential property where all of the following criteria are met:
- The scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;
 - The proposal does not unduly affect the privacy or amenity of neighbouring residents;
 - The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and
 - Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

8.8 Policy CTY 14 of Planning Policy Statement 21 provides guidance in relation to proposals that involve rural character. Policy CTY 14 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.

Planning History

8.9 The subject dwelling was granted under LA01/2016/1157/F, which was to reposition the dwelling and garage from another field, with an increase in curtilage, from a previous approval where a material start had been made. This approval was subject to a Section 76 Planning Agreement.

8.10 Under that approval, permission was granted for a triple garage to the rear of the proposed dwelling. That garage measures similar to the garage currently under consideration, having a footprint similar to the approved dwelling. As the garage formed part of planning approval LA01/2016/1157/F, and development has commenced on site, the triple garage approved can be constructed at any time. This proposal seeks to locate a further triple garage on a field opposite the applicant's dwelling, and extend the curtilage to include this field.

8.11 Planning application LA01/2018/0926/F approved an equestrian building to the south of the application site which has been constructed on land which is now subject to the extension of curtilage and would bring that building within the proposed curtilage.

Extension of Curtilage

- 8.12 The proposal seeks permission to extend the existing curtilage into a field opposite the applicant's dwelling. While policy does not dictate curtilage size, there is a need to consider any proposed increase to a site curtilage, its arrangement and any potential impact that might have.
- 8.13 The applicant states that No. 34 has a larger site curtilage. However, this is not the sole consideration, as each application must be based on its own merits. No.34 has a defined curtilage which consists of a front and rear amenity space with a dwelling, within an established curtilage. However, the curtilage extension proposed in the subject application (No.36 Ballyrogan Road), includes two separate land areas dissected by a lane, which would be a less common and more unusual arrangement, and would appear quite jarring.
- 8.14 Given the existing site curtilage is not restrictive, and there is already an approval for a triple garage, it is unclear why a curtilage extension would be necessary to accommodate this further garage. Furthermore, the curtilage extension would include an equestrian building, the proposed triple garage, while there is also an approval for a triple garage and the applicant's dwelling which would result in a pepper potting effect of development within this area.
- 8.15 The proposed curtilage extension essentially involves the amalgamation of two separate pieces of land which are dissected by a lane. This proposal, if permitted, would create an arrangement which would detrimentally impact the character and appearance of the site, as it would read as two distinct separate pieces of land within one curtilage. Paragraph 24 of the Addendum to PPS7 states that residential developments which require the use of land outside of the established curtilage of the property, can result in a detrimental change to rural character.
- 8.16 If a further outbuilding is required, a revised, reduced proposal could be accommodated within the existing curtilage without the need to extend the existing curtilage.

Retrospective development

- 8.17 The proposal includes retrospective approval for a borehole pump house. This pump house incorporates a mono-pitch roof and

measures approximately 2.6m in height and 2.1m in eaves height, with the proposed width and length measuring approximately 4.2m and 3.3m, respectively. The proposed borehole pump house reads as subordinate, and as the proposed materials and design are acceptable. If approved, this would be for domestic use only but is currently situated outside the existing residential curtilage. This element provides a private utility to the dwelling and usually any domestic development associated with a residential use must be situated within the residential curtilage and be designed as part of the overall layout to produce an integrated rural group of buildings as per paragraph A13 of the Addendum to PPS 7. As this element of the proposal does not have a direct impact on the character and appearance of the area given the size, nature and use, along with the site's context, it would be considered acceptable at this location. A small curtilage extension to bring this building within a revised curtilage, could be accepted, and on balance would meet criterion (a).

New development

- 8.18 Within the proposed curtilage extension there is a proposed garage. The proposed garage incorporates a pitched roof to match the existing roof profile of the dwelling. The proposed materials are to match the existing dwelling. It measures approximately 15.65 metres long and 7.7 metres wide, and a height of 5.8 metres. This is a similar footprint to the garage approved which measures approximately 15.6 metres long and 7.65 metres wide. By comparison, the main element of the approved dwelling (not including the small side projection (family room) measures 13 metres long and 8 metres wide. The proposal is therefore considered relatively large in size, particular in terms of its footprint which is akin to a rural dwelling. Furthermore, if approved, this would result in an increased curtilage extending into a further field, 2 garages of a similar large size, and an equestrian building.
- 8.19 The proposed garage is considered unacceptable as it would be sited in an inappropriate location within an increased curtilage extension and would result in detracting from the appearance and character of the surrounding area. It is contrary to paragraph A13 of the Addendum to PPS 7 which states that ancillary buildings should be designed as part of the overall layout to result in an integrated rural group of buildings. The siting of the proposed garage would result in it being separated from the existing dwelling via a boundary hedge and separate laneway, as shown on Drawing No.03. This is considered unacceptable and contrary to criterion (a). Furthermore, as the

extension of curtilage is unacceptable as set out in Paras 8.12 – 8.16, the ancillary works of a curtilage extension, along with a further building would be contrary to criterion (e) of Policy CTY 14.

- 8.20 When assessed against other policy considerations of EXT1, the proposal will not unduly affect the privacy or amenity of neighbouring residents. The proposal will not result in an unacceptable impact to environmental quality or tree loss, and sufficient parking and amenity remains. The proposal is considered to comply with criteria (b), (c) and (d) of the Policy.

Other Issues

- 8.21 The applicant submitted an email 03/06/2021 and as a result was afforded the opportunity to revise the current application. However the applicant indicated they wished to proceed as submitted.
- 8.22 The applicant raised a comparison with development in Bridge Street in Kilrea. These are existing properties within a different character and context, and are distinguishable to the proposal submitted. In any event, each application must be assessed on its own merits. The proposal has been assessed as a domestic garage within an extended curtilage. As the proposal does not meet Policy EXT 1 as set out in the report, refusal is recommended.

9 CONCLUSION

- 9.1 The proposal is considered to be unacceptable having regard to Policy EXT 1 of Addendum to Planning Policy Statement 7 and Policy CTY 14 of Planning Policy Statement 21. While the pump house element is on balance, acceptable, the proposed curtilage extension is considered to detrimentally impact the rural character of the area and the proposed garage is considered to be unacceptable. Refusal is recommended.

10 Refusal Reasons

1. The proposal is contrary to criterion (a) of Policy EXT 1 of the Addendum to Planning Policy Statement 7 – Residential Alterations and Extensions, in that the proposal if permitted, would result in development that would detract from the character and appearance of the existing property and the character of surrounding area.

2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal if permitted, would result in a detrimental change and damage rural character.

Site location Map



