

Title of Report:	Planning Committee Report – LA01/2020/1330/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	24th March 2022
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	Development Management and Enforcement Manager

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:

App No: LA01/2020/1330/F Ward: Portstewart

App Type: Full Planning

Address: 38 Seafield Park, Portstewart.

Proposal: Replacement dwelling house.

Con Area: N/A

Valid Date: 9.12.2020

Listed Building Grade: N/A

Target Date:

Applicant: Mr James Walker. 6b Brocklamont Road, Ballymena, BT42 1AS

Agent: HERE Architects, 4-6 Linenhall Street, Ballymoney, BT53 6DP

Objections: 13 Petitions of Objection: 0

Support: 1 Petitions of Support: 0

Executive Summary

- This proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and all other material considerations.
- The site is located within the settlement development limit of Portstewart. The site is not subject to any specific zonings or designations as set out in the Northern Area Plan 2016.
- 13 objectors and 20 objections and 1 letter of support were received.
- The proposal is visually acceptable at this location and will not adversely harm neighbouring residential or visual amenity.
- The proposed development has satisfactory access and parking.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS 7, PPS 7 Add and PPS 3.
- Approval is recommended.

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 **APPROVE** planning permission subject to the conditions set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site is located within the settlement development limit of Portstewart and comprises an empty corner plot which formerly accommodated a two-storey dwelling, detached garage, associated driveway and amenity areas and is located at the junction of Seafield Park and Seafield Drive North. The front elevation of the former dwelling was orientated toward Seafield Park. Seafield Park rises steeply from west to east with an attractive view of the sea and headland looking west.
- 2.2 Immediately adjacent the site to the north, at 20 Seaview Drive, is a two-storey detached, hipped roof dwelling with detached garage and associated driveway/ amenity areas. Immediately opposite to the east, at 36 Seafield Park, is a detached single storey dwelling with integral garage and associated driveway/ amenity areas. Opposite the site to the south, at 33 Seafield Park, is a detached single storey dwelling, with single storey garage and associated driveway/ amenity areas. To the immediate west of the site, at 37 Prospect Road, is a detached two storey dwelling with integral garage, associated driveway/ amenity areas.
- 2.3 The site is not subject to any specific zonings or designations as set out in the Northern Area Plan 2016. The application proposes a two-storey detached replacement dwelling with garage, driveway, and amenity areas.

3.0 RELEVANT HISTORY

LA01/2019/0404/F. 38 Seafield Park, Portstewart.
Replacement dwelling house. Permission Refused.

4.0 THE APPLICATION

4.1 Full permission is sought to construct a two-storey replacement dwelling. Amendments to the scheme have been made during the processing of the application.

Habitats Regulations Assessment

4.15 The application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

4.16 There are no hydrological links to protected sites or evidence of protected species within the immediate surrounding area. The potential impact of the proposal on any 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 designations.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

20 objections from 13 objectors and one letter of support have been received in respect of the proposal.

5.2 Summaries of the objections are provided below.

- Unacceptable mass, scale, dominance, excessive footprint
- Not in keeping with established building line.
- Proposed balcony unduly affects private amenity, single storey element extends beyond established building line, adversely affects the character of Seafield Park, the

original dwelling's gable was inline with that of 37 Prospect Road.

- Proposed dwelling too tall and significantly larger than previous dwelling on site.
- Development is coming closer to a neighbouring dwelling, does not respect Seafield Park established building line, the balcony will adversely affect private amenity, no other balconies in Seafield Park.
- Unacceptable orientation, scale/ massing, dominance, and impact to character. Ridge 0.42m higher than immediately adjacent dwelling, unacceptable overlooking, does not respect building line.
- Inappropriate scale, first floor north facing windows unduly impact private amenity and should be frosted or raised.

Support

A single letter of support from a neighbouring property considers final iteration of proposal will have not adversely affect their amenity.

5.2 Internal:

DFI Roads: No objection

Environmental Health: No objection

Historic Environment Division: No objection.

NIW: No objection

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 3 - Access, Movement and Parking

PPS7- Quality Residential Environments

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

Supplementary Planning Guidance

Development Control Advice Note 15 Vehicular Access Standards

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The site is located within the settlement development limit of Portstewart and comprises an empty corner plot which formerly accommodated a two-storey dwelling, detached garage,

associated driveway and amenity areas and is located at the junction of Seafield Park and Seaview Drive North. The site is not subject to any specific zonings or designations as set out in the Northern Area Plan 2016.

- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to potential impact to surrounding amenity and suitability of design, scale and massing.

The Strategic Planning Policy Statement for NI 2015 (SPPS)

- 8.3 The Paragraph 1.10 states that a transitional period will operate until such a time as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the documents identified at paragraph 1.13, together with the SPPS. Any relevant supplementary and best practice guidance will also continue to apply.

The policy provisions of Planning Policy Statement 7 -Quality Residential Environments and Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas are assessed.

Planning Policy Statement 7 - Quality Residential Development

- 8.4 Policy QD 1 Quality in New Residential Development notes that all proposals for residential development will be expected to conform to all of 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;

- 8.5 The site is located within a long-established residential area. The immediate area surrounding the site is primarily defined with single and two storey detached residential dwellings circa 1970 however this development is interspersed with contemporary dwellings, split level dwellings, dwellings with balconies and in a variety of

external finishes. The residential development to the immediate west of the site, along the eastern side of Prospect Road, is primarily defined with detached two storey dwellings much older than the circa 1970 residential development found on Seafield Park and Seaview drive north.

- 8.6 To be expected in a coastal location with potential access to a sea view, large windows, corner windows and large areas of external glazing are a common feature in many of the dwellings. The proposal generally follows the development pattern along Seaview Drive N by maintaining the gap between the site and 20 Seaview Drive N and the proposed dwelling.
- 8.7 The mass of the proposal is considered acceptable. The varying lengths of the rear returns, two gables and use of cladding effectively breaks up the massing of the southern elevation. Similarly, the varying lengths and heights of elements of the proposal effectively breaks up the massing of the rear elevation. The appearance of the front elevation is typical of a two-storey dwelling.
- 8.8 The proposed footprint is approximately 133 sqm. The footprint of the previous dwelling on the site was approximately 112 sqm. The proposed increase in footprint represents less than 20 % over the previous dwelling. The increase in the footprint is not considered to be excessive or conspicuous within the streetscape given the marginal increase, separation distance afforded to neighbouring dwellings and the adequate provision of amenity. There does not appear to be an established building line along this stretch of Seafield Park. Several dwellings come much closer to their boundaries with the footpath/ road than others. In any case, the proposed dwelling will be orientated fronting Seaview Drive N therefore it should align with the development along the western side of Seaview Drive N, which it does.
- 8.9 The northern elevation has the potential to appear dominant to the residents of 20 Seaview Drive N as the rear return has not been stepped in from the gable and is 13m long. However it is considered acceptable in this case given the previous relationship of 20 with the dwelling that formerly occupied the site and the fact that the elevation has been moved farther from the party boundary with 20. The inclusion of cladding further mitigates visual impact of

the northern elevation. The proposed dwelling is of an acceptable scale. The proposed ridge level is slightly below the previous dwelling.

8.10 In terms of the design the proposal is considered acceptable. It has contemporary elements but it largely traditional in built form. Large areas of external glazing are commonly found in the surrounding area and although there is a predominance of mid-century dwellings these are interspersed with contemporary/ nontraditional dwellings. In Seaview Drive N alone there is an eclectic mix of design and finish. The proposed dwelling will not be unduly prominent in the streetscape by virtue of design, massing, scale, or materials.

8.11 In general the design of the dwelling respects the existing topography with relatively little cutting or filling. The ancillary works, including the provision of hard surfacing, is of an acceptable scale and appearance and will not appear unduly prominent or unduly affect the amenity of neighbouring residents.

8.12 In summary, the proposal is considered acceptable in terms of the context of the site, character of the area, and in terms of layout, scale, massing and the appearance of buildings or hard surfacing.

(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;

8.13 There are no landscape, archaeological, built heritage or landscape features of any significance within the vicinity of the site therefore the proposal meets criteria (b).

(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;

8.14 The dwelling will have hard surfaces providing a driveway and patio. A private garden, which measures 115 sqm area is located to the rear of the dwelling. The rear garden area is above the 70 sqm recommended in guidance document creating places. The amenity space provided is considered adequate.

8.15 The site boundaries with the street will be defined with 0.9m garden walls. The landscaped areas will be laid in lawn, in keeping with the open aspect of many of the dwellings in the surrounding area. Given its urban location and the prevalence of gardens with minimal planting in the area, the boundary treatments and planting, or lack thereof, is considered acceptable. The application meets criteria (c) of this planning policy.

(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 one single dwelling the need to provide local neighbourhood facilities is not relevant.

(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;

8.17 The dwelling proposed is located within the defined development limit of Portstewart, will support walking and cycling and will be located near to public transport links within the town. . The application meets criteria (e) of this policy.

(f) Adequate and appropriate provision is made for parking;

8.20 The dwelling proposes a front driveway and will provide in-curtilage parking space for up to four vehicles. The parking/turning provision is almost identical to that provided to the former dwelling on the site. DFI Roads were consulted and have no objection to the final iteration of the proposal.

(g) The design of the development draws upon the best local traditions of form, materials and detailing;

8.21 Although the proposed dwelling features contemporary finishes and some contemporary elements it is, as a whole, largely vernacular in design. The front elevation appears typical for that of a two storey dwelling. As previously mentioned, although there is a prevalence of mid-century dwellings in the immediate area, these are interspersed with contemporary dwellings.

8.22 In terms of design and materials, that the proposed dwelling will not appear conspicuous in the streetscape and will not adversely affect visual amenity.

(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.

8.23 The first-floor windows on the western (rear) elevation will not unduly affect surrounding private amenity. There is no issue with the ensuite window given the proposed use of the room and the inclusion of obscure glazing. Similarly, the corner window to the master suite is acceptable given the proposed use of the room as a bedroom and the fact that back to back relationship of the proposed dwelling to neighbouring dwellings on Prospect Road has been maintained. The corner window and balcony to the living area is also considered acceptable given the almost 30m distance to the rear of 37 Prospect Road. Any impact to 37 Prospect Road will be further mitigated by the vegetation to the rear of that dwelling. The first-floor windows on the southern elevation, and the potential for overlooking from the balcony looking south is acceptable considering the significant separation distances and the non-private nature (front gardens) of areas that will be viewable from the windows and balcony.

8.24 The first floor windows and the views from the balcony on the eastern (front) elevation are acceptable considering the separation distance to other development, 36 Seafeld Park in particular, the non-private nature (front gardens) of areas that will be viewable from the windows and balcony. Aside from Velux, which due to their location will not provide any overlooking, there are no windows on the first floor of the northern elevation.

8.25 The proposed windows and balcony will not affect the amenity of 35 Prospect Road any more than the previous dwelling.

8.26 The two storey rear return will fill in much of the gap between the dwelling and the proposed garage. This will have an effect on the sunlight received to the rear amenity at 20 Seaview Drive N. However, the impact of this is mitigated by the increase in separation between the dwellings from the previous dwelling on the site and is considered acceptable. The proposal will not have an adverse effect on any other dwelling in terms of overshadowing or loss of light. It is considered that none of the proposed windows or balcony will unduly affect private amenity of surrounding residents in terms of overlooking or perception of overlooking due to adequate separation distances, urban context of the site and the location of the proposed windows/ balcony. The application meets criteria (h) of this policy.

(i) The development is designed to deter crime and promote personal safety.

8.27 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 the proposal meets criteria (i) of this policy.

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

8.28 Policy LC 1 Protecting Local Character, Environmental Quality and Residential Amenity

In established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

(a) The proposed density is not significantly higher than that found in the established residential area;

(b) The pattern of development is in keeping with the overall character and environmental quality of the established residential area; and

(c) All dwelling units and apartments are built to a size not less than those set out in Annex A.

8.29 As concluded under the assessment of PPS 7 the application meets criteria (a) to (i) of PPS 7. The dwelling is of an appropriate scale and massing for the site and will not create a higher density. The proposed development emulates the pattern of development and character of the area. The dwelling is sympathetic to the character of this area and is of an appropriate size. The proposal meets Policy LC 1.

Access and Parking

8.30 PPS3- Access, movement and parking

Policy AMP2 states 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.

8.31 The associated access does not propose access to a protected route. The proposed access arrangements will not prejudice road safety or significantly inconvenience the flow of traffic. The access and parking arrangements are considered acceptable. DFI Roads have no objections in this regard.

9 CONCLUSION

9.1 The proposal is considered acceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal is sympathetic to surrounding properties in terms of scale, mass and form. The proposal does not cause unacceptable damage to the character of the surrounding area and is considered appropriate to the character and topography of the site in terms of layout, scale, proportions, landscaping and hard surfaced areas. The proposal will not create unacceptable conflict with adjacent land uses. Approval is recommended.

10 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <http://epicpublic.planningni.gov.uk/publicaccess/>.

Site Location



Block Plan

