

Title of Report:	Planning Committee Report – LA01/2022/0960/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	28th June 2023
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:

No: LA01/2022/0960/F Ward: Ballymoney

App Type: Full

Address: Site 33m North West of No. 3 Drumack Hollow, off Craigs Road, Rasharkin

Proposal: Proposed 2 Storey Infill Dwelling and Double Garage

Con Area: N/A Valid Date: 07.09.2022

Listed Building Grade: N/A

Agent: Moore Design Market Court 63 New Row, Coleraine, BT52 1EJ

Applicant: Scotts Homes (NI) Ltd, 80 Ballycraigagh Road, Ballymena

Objections: 0 Petitions of Objection: 0

Support: 0 Petitions of Support: 0

Drawings and additional information are available to view on the Planning Portal- <https://planningregister.planningsystemni.gov.uk>

EXECUTIVE SUMMARY

- Full planning permission is sought for a proposed 2 storey infill dwelling and double 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 CTY8 as the proposal 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.
- The proposal also fails to comply with CTY14 as approving a dwelling would be detrimental to the rural character of the area by creating a ribbon of development.
- DFI Roads, NI Water and NIEA (Water Management Unit), Environmental Health were consulted on the application and raise no objection.
- The proposal is contrary to the relevant planning policies including the Northern Area Plan, SPPS, and PPS 21.
- The application is recommended for refusal.
- Reasons for Referral by the elected member are attached to this report.

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 33metres north west of No. 3 Drumack Hollow, Rasharkin.
- 2.2 The site is a rectangular plot of land between two dwellings currently under construction (at the time of the site visit). The topography of the site falls slightly towards the south eastern boundary. The north eastern and south western boundaries are physically undefined while the south eastern and north western boundaries are defined by mature vegetation.
- 2.3 The site is accessed via an existing laneway that also served No. 1, 3, 4 and 5 Drumack Hollow, and foundations for another dwelling.

3 RELEVANT HISTORY

Planning Reference: D/2008/0214/F

Location: 160m South West of 381 Craigs Road, Rasharkin

Proposal: New Dwelling and Garage

Decision: Permission Granted 04.08.2008

Planning Reference: D/2006/0359/RM

Location: 300m west of 372 Craigs Road, Rasharkin

Proposal: Site for two storey dwelling & garage

Decision: Permission Granted 25.10.2006

Planning Reference: D/2006/0362/RM

Location: 350m West of 372 Craigs Road, Rasharkin

Proposal: Proposed dwelling and garage

Decision: Permission Granted 21.112006

Planning Reference: D/2006/0115/RM
Location: Site 200m West of 372 Craigs Road, Rasharkin
Proposal: Proposed dwelling and garage
Decision: Permission Granted 22.08.2006

Planning Reference: D/2005/0117/F
Location: 160m South West of 381 Craigs Road, Rasharkin
Proposal: New Dwelling and Garage
Decision: Permission Granted 20.09.2005

Planning Reference: D/2005/0117/F
Location: 160m South West of 381 Craigs Road, Rasharkin
Proposal: New Dwelling and Garage
Decision: Permission Granted 20.09.2005

Planning Reference: D/2004/0128/O
Location: 350m West of 372 Craigs Road, Rasharkin
Proposal: Proposed dwelling and garage
Decision: Permission Granted 25.10.2004

Planning Reference: D/2003/0444/O
Location: 300m west of 372 Craigs Road, Rasharkin
Proposal: Site for two storey dwelling & garage
Decision: Permission Granted 15.01.2004

Planning Reference: D/2002/0639/F
Location: 120m South of 384 Craigs Road, Rasharkin
Proposal: Erection of two storey dwelling and detached garage.
Decision: Permission Granted 22.05.2003

Planning Reference: D/2002/0037/O
Proposal: 200M West of 372 Craigs Road, Rasharkin
Location: Site of dwelling & garage
Decision: Permission Granted 22.04.2002

Planning Reference: D/2000/0442/O
Location: Craigs Road Rasharkin (Opposite No 381)
Proposal: Site for dwelling and garage
Decision: Permission Granted 10.04.2001

4 THE APPLICATION

- 4.1 Full planning permission is sought for a proposed 2 storey infill dwelling and double garage.

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

External

Neighbours: Twelve (12) neighbouring properties were notified. No letters of representation have been made.

Internal

Environmental Health: has no objection to the proposal

NI Water: has no objection to the proposal

DFI Roads: has no objection to the proposal

DAERA WMU: has no objection to the proposal

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 both 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 application has been assessed against the following planning policy and guidance:

Regional Development Strategy 2035.

Northern Area Plan 2016.

Strategic Planning Policy Statement.

PPS 3: Access, Movement and Parking.

PPS 21: Sustainable Development in the Countryside.

Supplementary Planning Guidance

Building on Tradition: A sustainable Design guide for Northern Ireland.

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, visual integration, rural character, and access.
- 8.2 The principle of development must be considered having regard to the SPPS and PPS policy documents.

Planning Policy

- 8.3 Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.
- 8.4 Policy CTY1 indicates that the development of a small gap site within an otherwise substantial and built up frontage is such a form of acceptable development in accordance with Policy CTY8.

Principle of Development

- 8.5 CTY 8 states that planning permission will be refused for a building which creates or adds to ribbon 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 in terms of size, scale, siting and plot size and meets other planning and environmental considerations. Policy CTY8 defines a substantial and continuously built up frontage as including a line of three (3) or more buildings along a road frontage without accompanying development to the rear.
- 8.6 This site is located at the top of a laneway accessed from Craigs Road. This laneway is known as Drumack Hollow and has several houses located at various points along it. As this lane passes the application site, it terminates with an access to a dwelling (No. 3 Drumack Hollow) which is located to the southeast of the proposed site.
- 8.7 No.3 Drumack Hollow is accessed from the lane. It is only this access point that this dwelling shares with the lane. It has a frontage (eastern boundary) onto an agricultural field with its north-western boundary shared with the application site. Therefore, it does not have a frontage to the lane so there is no building to the south of the site to create a potential gap or infill site.

- 8.8 Policy requires that to allow a gap site to exist, there must be a continuous and built up frontage. To achieve this there must be at least 3 or more buildings along a road frontage. Notwithstanding No.3 Drumack Hollow has no frontage to the lane, there is a need to consider if there are buildings to the north that have a frontage to the lane.
- 8.9 The 2 buildings to the north are also dwellings; No. 4 & No.5 Drumack Hollow. These dwellings are accessed off a shared access point from the lane, with that access continuing to the north west where it accesses the dwelling at No.5. As the access point is the only point where No.5 shares a frontage with the lane, this dwelling has no frontage with the lane.
- 8.10 While No.4 Drumack Hollow is accessed from the lane, it has a very small frontage with the lane as its front garden extends to the lane. This frontage is considered acceptable for the purposes of Policy CTY 8. However, this is the only building/dwelling which has a frontage to the lane. As there is only one building along this frontage, it is not a continuous and built up frontage as required in CTY8. Therefore, there is no gap site.
- 8.11 The agent was contacted regarding this concern and submitted a document by MKA Planning for consideration (Document 01 dated 23rd January). In this document the agent argues that all three dwellings (No's 3, 4 and 5 Drumack Hollow) should be included within this assessment as per Appeal Ref: 2020/A0043. This appeal decision is not comparable as it is stated at Para. 9 of that appeal that "*the Council accepts that there is a substantial and continuously built up frontage at this location*". It is already set out that 2 dwellings do not have frontages for the purposes of CTY 8 in the assessment of this application.
- 8.12 MKA Planning argues further appeal decisions in support of the application site (Document 01). These are appeal references, 2017/A0109, 2019/A0093, 2021/A0094 & 2014/A0152 – the primary argument put forward is that the Commissioners in these appeals make reference to main and subordinate buildings, and determine that within the Policy there is no distinction. As the main dwellings at No.3 & No.5 do not have frontages, neither do the garages. Furthermore, the garage at No.4 is set to the rear of the dwelling and only has a frontage onto the access given the

arrangement of this plot, and its relationship to the lane. Therefore, those appeals are not comparable in the assessment of this application.

8.13 A more relevant appeal is Appeal Ref: 2021/A0115 which endorses the approach in the consideration of this application as the Commissioner states that an access point does not constitute a frontage for the purposes of CTY 8.

8.14 There is no continuous and built up frontage as there is only one dwelling and further assessment against the other policy tests set out in CTY 8 is not possible as there are no frontages to consider or compare in this regard.

8.15 The principle of development cannot be established as there is not a substantial and continuously built up frontage along the lane as required by policy and therefore no gap site exists to potentially infill. The proposal fails to meet the policy requirements of CTY 8 of PPS 21.

Visual integration and Rural Character

8.16 The application site falls slightly towards the south eastern boundary which is defined by mature vegetation. The site itself is located some 215metres from the Craigs Road. There is mature intervening vegetation between the site the public road which will screen views of the dwelling.

8.17 The proposed dwelling will measure 8.7metres above finished floor level of 0.2metres, will have a gable depth of 8.9metres and will have an overall frontage of 14metres. Whilst it is noted that the proposed design is significant, the dwellings within the immediate area, namely 1, 3 and 4 Drumack Hollow are of similar size, scale and design.

8.18 The proposed garage will be located to the north of the dwelling measuring 6.7metres by 7.1metres with a total height of 4.7metres above finished floor level. It is considered the size of the garage is modest and it will integrate into the landscape and with the existing buildings.

8.19 Drawing 02 date stamped 6th September 2022 indicates the existing and proposed landscaping. It is considered necessary to condition the existing vegetation to be retained if the application was approved. It is considered given the distance from the public road, existing mature vegetation in and around the site, and the existing two storey dwellings that the proposed dwelling would integrate into the wider landscape and would not be a prominent feature in the landscape, especially when viewed from the private laneway.

8.20 Overall it is considered that the dwelling would visually integrate into the surrounding landscape, and with the existing buildings in accordance with Policy CTY13 of PPS21.

CTY14

8.21 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.

8.22 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.

8.23 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 built up frontage, it is considered the infilling of this gap will be detrimental to the rural character of the area and would add to the ribbon development.

- 8.24 As the proposed design is similar to that within the immediate area, it will not be a prominent feature in the landscape and will not be out of character to the area.
- 8.25 If approved the proposal would add to ribbon development along this laneway and is contrary to criterion (d) of CTY 14. This will change and further erode the rural character of the area and does not comply with Policy CTY 14 of PPS 21.

Access

- 8.26 DFI Roads was consulted and it raises no objection to the proposal subject to several conditions.

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 the SPPS.
- 9.2 The proposal fails to meet the principle policy requirements under CTY1 for dwelling in the countryside as the proposal does not meet the criteria for an infill dwelling under CTY8.
- 9.3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that if a dwelling were to be approved it would add to ribbon development along this laneway and in turn have a detrimental change to, or further erode the rural character of an area in accordance with Policy CTY 14 of PPS 21.

10 Refusal Reasons

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement 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.

2. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement 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 a substantial and continuously built-up frontage.

3. 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 a proposed dwelling on this site would create ribbon development and if approved would cause a detrimental change to the rural character of the area.

APPENDIX 1

From: Mark Fielding <>

Sent: 31 March 2023 12:17

To: Oliver McMullan <>; Denise Dickson <>; Planning <Planning@causewaycoastandglens.gov.uk>

Subject: LA01/2022/0960/F

LA01/2022/0960/F - Infill Dwelling at Drumack Hollow, Craigs Road, Rasharkin

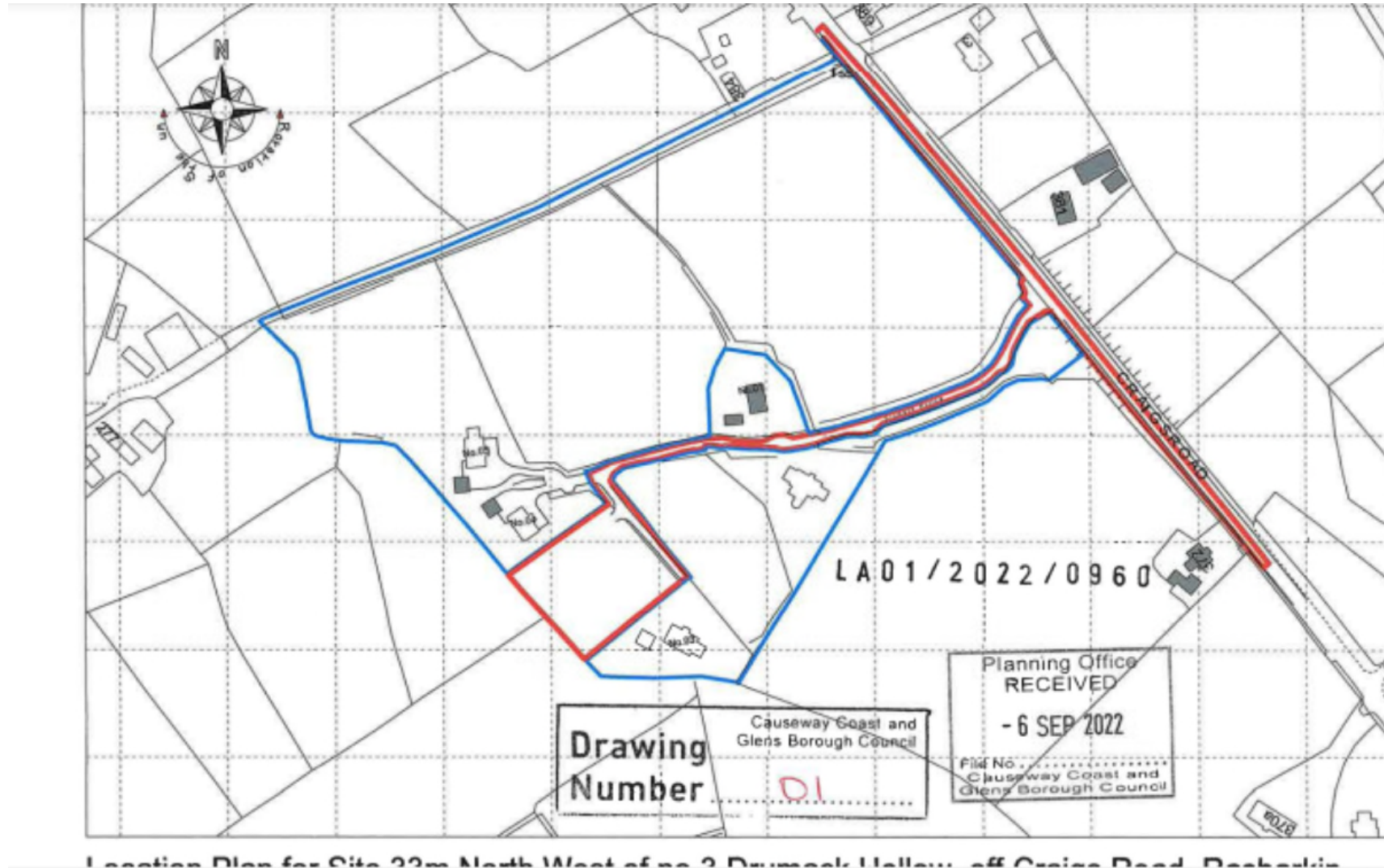
I wish to refer the above application to the Planning Committee for the following reason - all material Planning considerations have not been fully considered.

Yours,

Alderman Mark Fielding

Alderman Mark Fielding

Site Location





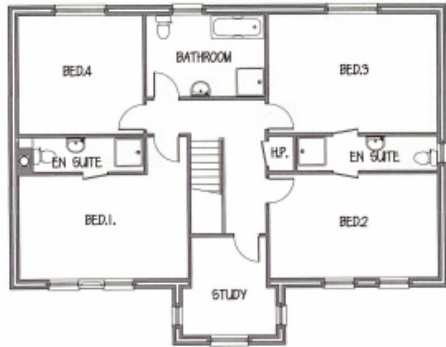
Front Elevation



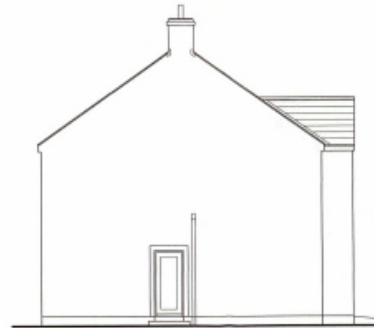
Side Elevation



Rear Elevation



First Floor Plan



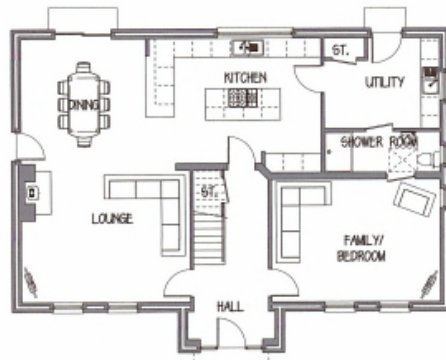
Side Elevation



Rear Elevation



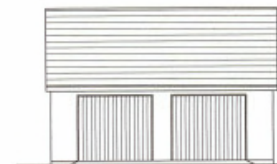
Side Elevation



Ground Floor Plan

EXTERNAL FINISHES
 ROOF - FLAT BLACK TILES
 PARASOLS - BLACK
 WINDOWS - GREY
 WALLS - WHITE ROUGHCAST
 REVEALS - BUFF COLOUR

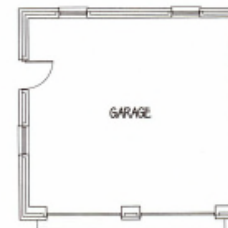
LA01/2022/0960



Front Elevation



Side Elevation



Garage Plan

Note:
 External finishes to
 match covering.
 Check list on Site Plan

job no. 27-22
 drawing PA-C2
 scale 1:100 @ A2
 August 2022

client:
 Best Homes (NI) Ltd.
 project:
 Proposed Infill Dwelling 33m
 North West of No.3 Drumsch Hollow,
 off Craigh Road, Rusharkin.



Market Court,
 63 New Row, Coleraine, BT52 8J

Tel & Fax: 028 70350969
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 Members of the Chartered Institute
 of Architectural Technicians
 Associate Member of the Chartered
 Institute of Building

Drawing
 Number 03

Planning Office
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 - 6 SEP 2022

File No. CAUSEWAY COAST and
 GLENS BOROUGH COUNCIL