



Title of Report:	Planning Committee Report – LA01/2020/0975/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	27th September 2023
For Decision or For Information	For Decision - Referred Application by Cllr Beattie

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: LA01/2020/0975/F **Ward:** Kilrea

App Type: Outline

Address: Lands due south of 56 Lisnagrot Road, Kilrea

Proposal: Provision of 2 no infill detached dwellings with associated detached garages, shared access onto Lisnagrot Road & landscaping

Con Area: N/A **Valid Date:** 24.09.2020

Listed Building Grade: N/A

Agent: Manor Architects, 30a High Street, Moneymore

Applicant: Mr Barney Kielt, 59 Moneygran Road, Kilrea

Objections: 13 **Petitions of Objection:** 0

Support: 0 **Petitions of Support:** 1

EXECUTIVE SUMMARY

- This is a full planning application for two infill dwellings with associated detached garages, shared access and landscaping on lands due south of 56 Lisnagrot Road, Kilrea
- The site is located outside the settlement development limit of Kilrea.
- The proposal is not considered to be an exception under Policies CTY 1 and CTY 8 of PPS 21 and would result in the creation of ribbon development.
- The ancillary access works are not considered to integrate with their surroundings and is contrary to Policy CTY 13 of PPS 21.
- The proposal would result in a detrimental change to the rural character of the countryside.
- Thirteen (13) objections have been received in relation to the proposal. Three (3) of these are from separate addresses.
- One (1) petition of support has been received.
- 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 and guidance in sections 7 and 8 and resolves to **REFUSE** outline planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located on lands due south of 56 Lisnagrot Road, Kilrea.
- 2.2 The site comprises an area of agricultural land located at the roadside. There is an existing 1 1/2 storey dwelling, garage and outbuildings located directly north of the site. There is an existing single storey dwelling and garage located to the south of the site. There is existing timber fencing to the northern, eastern and southern boundaries. There is an existing hedgerow to the eastern boundary. There is existing mature vegetation including a hedgerow and trees to the western boundary at the roadside. The ground level of the site rises towards the eastern boundary.
- 2.3 The site is located within the countryside and is outside any defined settlement limit as defined within the Northern Area Plan 2016. It is not within any specific environmental designations.

3 RELEVANT HISTORY

There is no relevant planning history on this site.

4 THE APPLICATION

- 4.1 This is a full application for 2 no. infill dwellings with associated detached garages, shared access onto Lisnagrot Road & landscaping.

5 PUBLICITY & CONSULTATIONS

5.1 External

No letters of support were received on this application.

Thirteen (13) letters of objection have been received in relation to the application. Three (3) of these are from separate addresses. These are considered in detail in paragraph 8.16 of this Committee report.

5.2 Internal

Environmental Health: No objections

DFI Roads: No objections

NI Water: No objections

NIEA Water Management Unit: No objections

NIEA Natural Environment Division: No objections

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)

Planning Policy Statement 2 (PPS 2) – Natural Heritage

Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking

Planning Policy Statement 21 (PPS 21) – Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The proposal must be considered having regard to the NAP 2016, SPPS, and PPS policy documents specified above. The main considerations in the determination of this application relate to principle of development; integration and rural character; impact on natural heritage.

Principle of Development

- 8.2 Policy CTY 1 of Planning Policy Statement 21 (PPS 21) sets out the types of development which in principle are considered to be

acceptable in the countryside and that will contribute to the aims of sustainable development.

- 8.3 Policy CTY 8 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 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. For the purpose of this policy 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.
- 8.4 The site comprises an area of agricultural land. A 1½ storey dwelling and outbuildings at No. 56 Lisnagrot Road is located to the north of the site. A single storey dwelling and garage at No. 6 Drumimerick Road is located to the south of the site. The planning statement submitted (Doc 01) contends that there is a clear infill opportunity on this section of the Lisnagrot Road. It states that the two existing dwellings and outbuildings represent a built commitment and visual entity along this stretch of the Lisnagrot Road and fully meet the policy requirement of representing a substantial and continuously built-up frontage. The supporting statement makes reference to two appeal decisions where the PAC accepted the infilling of a gap between two dwellings and detached garages. Appeal 2016/A0146 (Appendix 1) accepts that a detached garage, though ancillary to the associated dwelling, is a building for the purposes of CTY 8 as it does not differentiate between the type, use or size of the building. Appeal 2019/A0198 (Appendix 1) considered that each building read as a separate entity with a road frontage.
- 8.5 A further supporting statement (Doc 04) was submitted by the agent on 20th April 2022. This supporting statement refers to the Planning Advice Note (PAN) on the “Implementation of Strategic Planning Policy on Development in the Countryside” published by the Department of Infrastructure Minister in August 2021. This PAN has since been withdrawn and is no longer a policy consideration. The supporting statement also refers to two planning applications relating to Policy CTY 8. Planning application LA09/2021/1507/O relates to an application which lies outside the Causeway Coast and Glens council area. Although outside of our district a review of the associated

drawings would indicate that the arrangement of buildings associated with this application are not directly comparable to this current application. Planning application LA01/2020/1159/O was approved for an infill dwelling in April 2021. In this case, an outbuilding was accepted as one of the 3 buildings included to meet the CTY 8 policy test. The site plan indicates that the outbuilding is located at the roadside along the same building line as the dwelling at No. 2 Laragh Road. Therefore, the building would be considered to have its own frontage along the road. This is not comparable to the current application as the outbuildings are located behind the rear building line of the associated dwellings and do not form part of the frontage for the purposes of the policy.

- 8.6 The dwelling at No. 56 has a frontage onto the Lisnagrot Road. There is a garage and outbuildings located to the rear of No. 56. These buildings are set back behind the dwelling and do not have their own frontage onto the road, therefore are not considered to form part of a substantial and continuously built up frontage. The dwelling at No 6 Drumimerick Road is located at the junction of Lisnagrot Road and Drumimerick Road. The garden of this dwelling extends to the Lisnagrot Road and the gable wall of the dwelling faces onto the road. This dwelling is also considered to have a frontage onto Lisnagrot Road. There is a detached garage to the rear of No. 6 Drumimerick Road. Given the positioning of the garage behind the rear building line and its physical separation from the road, it is not considered to have a frontage onto the Lisnagrot Road. The ancillary buildings do not read as a separate entity with a road frontage. As there are only two buildings with a frontage onto the road, the application site is not considered to be located within a continuous and substantially built-up frontage for the purposes of this policy.
- 8.7 There are appeal decisions which support this position. Appeal 2019/A0075 (Appendix 1) refers to ancillary garages positioned behind the rear building line of their associated dwellings. The decision states that the positioning of the garages to the rear of the plots behind their respective dwellings ensures that they do not form part of a line of three buildings. Instead they read as ancillary and subordinate buildings which do not contribute to a substantial and continuously built-up frontage. Appeal 2016/A0005 (Appendix 1) makes a reference to an outbuilding and states that, despite its slightly higher ridge height, reads as being subordinate to and part of the dwelling given its overall design and position relative to the dwelling. It does not present as being a separate building along a road frontage.

In the case of the current application, the garages and outbuildings are located behind the rear building line of their associated dwellings and therefore read as ancillary and subordinate buildings which do not contribute to the substantial and continuously built-up frontage.

- 8.8 The frontage length of No. 56 Lisnagrot Road is 42m. No. 6 Druminerick Road has a frontage length of 22m onto the Lisnagrot Road. This gives an average of 32m. The gap between buildings measures approximately 98m, therefore this site could accommodate no more than 2 dwellings. Notwithstanding this, the application site is not located within a substantial and continuously built-up frontage therefore it is not considered to be an exception under Policy CTY 8.

Integration of buildings

- 8.9 The proposal is for two 1½ storey dwellings with detached garages. A paired access is proposed to serve the dwellings. The dwellings are similar in design and layout. The proposed dwellings have a ridge height of 6.5m from finished floor level, gable depth of 11m and frontage length of 13m. There is a single storey sunroom to the side, single storey rear return and small front porch. Proposed finishes include smooth painted render walls, grey/black flat profile concrete roof tiles & black PVC rainwater goods. The scale, massing and design of the buildings is similar to other dwellings in the area, including No. 56 Lisnagrot Road which is located to the north of the site. The gable depth of 11m is significant for a rural dwelling, however given the location of dwellings between the 2 existing dwellings and that views will be limited to along the site frontage, this will help to lessen the appearance of the gables. There is a small sunroom proposed which will help break up the deep gables. The ground levels of the application site rise gently from the western (roadside) boundary to the rear eastern boundary. The proposed dwellings have a finished floor level in keeping with the dwellings to the north and south of the site.
- 8.10 The application site comprises a roadside site which is located between 2 existing dwellings. Views of the site are limited travelling in both directions on Lisnagrot Road due to the existing roadside development and intervening vegetation. The existing trees along the frontage of the site have been removed, with the exception of a cluster of trees to the south-west corner of the site. These are to be retained as part of the proposal. Although the removal of trees opens up views

of the site frontage, views of the site are restricted to approaching the site frontage in both directions. There is an existing hedgerow to the eastern (rear) boundary of the site which is to be retained and enhanced with additional native species hedging. A new native species hedgerow is proposed to remaining boundaries with native species trees to be planted to the northern and western boundaries to enhance screening. The existing buildings and boundary vegetation provide a degree of enclosure. Given the location of the site between existing dwellings, surrounding topography and existing vegetation, the proposed dwellings could integrate on this site providing additional planting is carried out as shown in the submitted drawings.

- 8.11 The extent of the visibility splays proposed means that a significant portion of the existing hedgerow to the field (approximately 80 metres), opposite the application site, will need to be removed to facilitate these splays. Paragraph 5.73 of Policy CTY 13 states that the traditional field pattern should be preserved and roadside and field boundary hedges and stone walls retained or reinstated following any access works. The visibility splays proposed under this application will cut across the existing field boundary and the hedgerow removed. It is proposed to create a new field boundary approximately 5 metres to the rear of the bend in the road. This will create an artificial field boundary with a wide roadside verge which is out of character in this locality which has narrow rural roads and well defined, established roadside boundaries. Therefore, the ancillary access works will fail to integrate with the surroundings.

Impact on Rural Character

- 8.12 The proposal does not represent an exception to Policy CTY 8 as it is not located within a substantial and continuously built-up frontage. The proposal will create a ribbon of development by extending road frontage development along the public road. The proposed development, if permitted, would cause a detrimental change to the rural character of this area. As such, the proposal is contrary to Policy CTY 14.

Access

- 8.13 The proposed development involves the construction of a new paired access onto the public road. The proposal does not involve access to

a protected route and therefore does not conflict with Policy AMP 3. DfI Roads was consulted and have no objections to the proposal following submission of amendments.

Impact on Natural Heritage

- 8.14 The proposed site is located on agricultural land and is surrounded by mature vegetation including trees and hedgerows. Some of the mature vegetation along the roadside boundary has already been removed. Approximately 80 metres of hedgerow on the opposite side of the Lisnagrot Road will need to be removed to facilitate the required visibility splays. While compensatory planting is proposed, the extent of hedgerow removal is significant.
- 8.15 Initially, the proposal was considered to be contrary to Policy NH 5 of PPS 2, Natural Heritage, in that no information was submitted to demonstrate that the proposal would not have an adverse impact on protected or priority habitats or species.
- 8.16 A biodiversity checklist was submitted following the application being placed on the contentious list. NIEA Natural Environment Division was consulted and advised that, on the basis of the information provided, they have no concerns with the proposed development. This is subject to a condition requiring all existing trees to be retained to be protected by appropriate fencing, prior to commencement of development. The proposal is considered to comply with Policy NH 5 of PPS 2 Natural Heritage.

Habitats Regulation Assessment

- 8.17 The potential impact 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.

Representations

8.18 Thirteen (13) letters of objection have been received in relation to the proposal. 3 of these are from separate addresses. The issues raised are as follows;

- the development would endanger the safety of road users
- visibility splays are inadequate
- the proposed development is not in keeping with the overall character of the area
- adverse impact on wildlife from removal of trees along the front of the site
- concerns with accessibility to soakaway which is located within the site
- potential for noise nuisance to proposed dwellings due to keeping of dogs in outdoor kennels
- poultry houses in close proximity to proposed development
- no precedent of infill development in this area

8.19 In response to these concerns Officials note the following;

- The proposal involves the construction of a new access to the public road. Following receipt of amended plans, DfI Roads have no objections to the proposal. It is not considered that the development would prejudice the safety of road users or significantly inconvenience the flow of traffic.
- Environmental Health have been consulted on the proposal and have been made aware of content of objection letters regarding noise and odour. Environmental Health have not raised any objections.
- The proposal has been assessed in terms of integration and rural character and it is considered that the proposal would have an adverse impact on rural character as it would create a ribbon of development along this part of the road.
- The issues regarding location of soakaways/land ownership is considered to be a civil matter.
- The applicant has indicated the extent of land ownership on the location map and has served notice on relevant landowners where necessary.

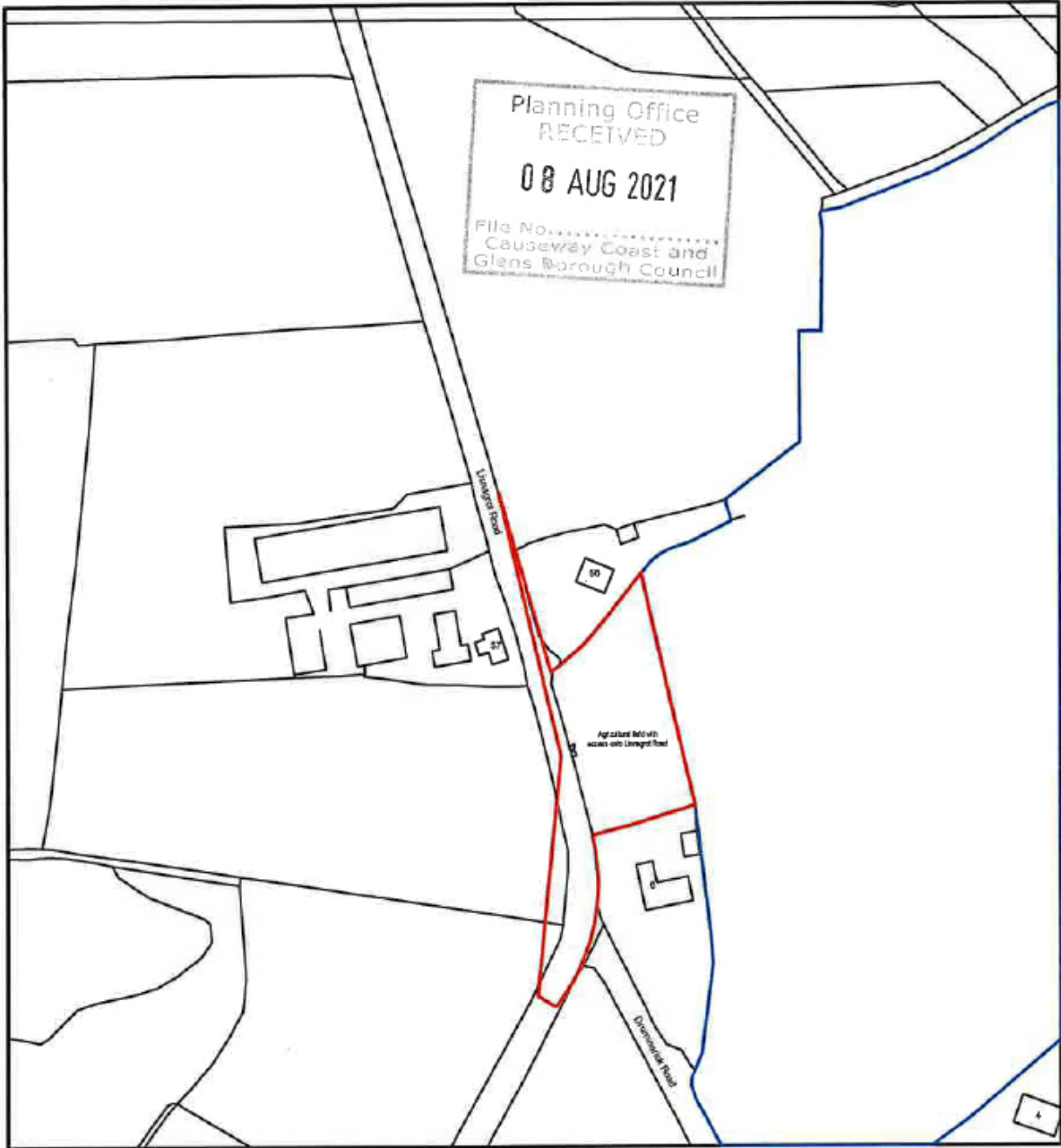
9 CONCLUSION

- 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 and PPS 21. The proposal is not considered to be an exception under Policies CTY 1 and CTY 8 and would result in the creation of ribbon development along this part of the Lisnagrot Road. Ancillary access works would fail to integrate and the proposal would result in a detrimental change to the rural character of the area. Refusal is recommended.

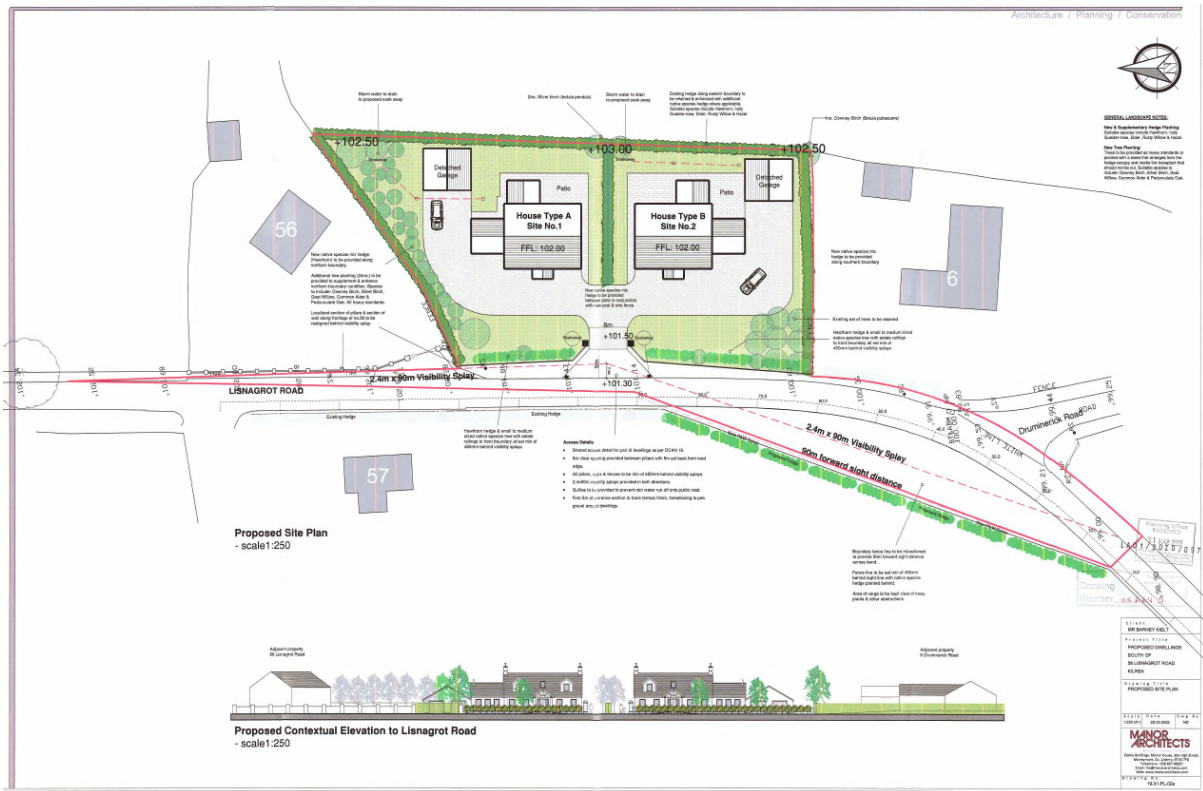
10 Refusal Reasons

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 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 for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site is not considered to be an exception under CTY 8 and the proposal would, if permitted, result in the creation of ribbon development along Lisnagrot Road.
3. The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy for Northern Ireland (SPPS) and part (d) of Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the ancillary access works do not integrate with the surroundings.
4. The proposal is contrary to Paragraph 6.77 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a dwelling on this site would create a ribbon of development along this part of Lisnagrot Road and would result in a detrimental change to the rural character of the countryside.

Site Location Map



Site Block Plan



Annex A

Sent: 25 March 2022 15:05

To: Planning <Planning@causewaycoastandglens.gov.uk>

Subject: Planning deferral

Ref: LA/2020/0975/F

Good afternoon,

Could I request that the above planning application be deferred to the planning committee for decision?

The agent believes that the proposal is in line with the spirit of CTY 8 and CTY21 in that approval would see the sustainable rural development of a small gap site capable of accommodating no more than 2 dwellings. The site is on a line of 4 buildings (2 dwelling houses and 2 associated garages). The site is integrated, would sustain a rural farming community and the dwellings are modest and in keeping with the area. Furthermore, the access is a paired access and does not cause a ribbon of development and I don't believe the infilling would detract from the rural character or nature of the area.

Kind regards,

Councillor Orla Beattie