



<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2021/0634/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>24<sup>th</sup> January 2024</b>
<b>For Decision or For Information</b>	<b>For Decision – Council Interest Item</b>
<b>To be discussed In Committee YES/NO</b>	<b>NO</b>

<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Senior Planning Officer

<b>Budgetary Considerations</b>	
Cost of Proposal	Nil
Included in Current Year Estimates	<b>N/A</b>
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

<b>Legal Considerations</b>	
Input of Legal Services Required	<b>NO</b>
Legal Opinion Obtained	<b>NO</b>

<b>Screening Requirements</b>	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:** LA01/2021/0634/F                      **Ward:** Coolessan

**App Type:** Full

**Address:** Adjacent to 29 Roe Mill Road, Limavady

**Proposal:** Proposed Refurbishment of Existing Barn, Reinstatement of First Floor & Roof (following demolition works as building was at risk of imminent collapse and was presenting a significant risk to pedestrians and vehicles on adjacent footpath and road) to Provide 2 No. Apartments (1 No. apartment as ancillary to the main dwelling and 1 No. apartment as a self contained unit, for separate rental) with the Essential Characteristics of the Barn Retained & Enhanced, installation of septic tank with soakaway & to include All Associated Works.

**Con Area:** N/A

**Valid Date:** 26.05.2021

**Listed Building Grade:** B2

**Target Date:** 08.09.2021

**Agent:** Bell Architects Ltd, 65 Main Street, Ballymoney, BT53 6AN

**Applicant:** The Callan Family, The Hermitage, 29 Roe Mill Road, Limavady, BT49 9BE

**Objections:** 5                      **Petitions of Objection:** 0

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

## Executive Summary

- Full Planning Permission is sought for the proposed refurbishment of existing barn, reinstatement of first floor & roof (following demolition works as building was at risk of imminent collapse and was presenting a significant risk to pedestrians and vehicles on adjacent footpath and road) to Provide 2 No. Apartments (1 No. apartment as ancillary to the main dwelling and 1 No. apartment as a self contained unit, for separate rental) with the Essential Characteristics of the Barn Retained & Enhanced, installation of septic tank with soakaway & to include All Associated Works.
- The site is located within the development limits of Limavady as defined in the Northern Area Plan 2016.
- The building subject to this application is a Listed Building and a Listed Building Consent Application accompanies this full application under application LA01/2021/0761/LBC.
- The proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, massing, design, landscaping and hard surfaced areas.
- The design and layout of the dwellings will not adversely harm neighbouring residential amenity.
- The principle of development has been assessed against Policies QD 1, LC 1 & EXT 1.
- The proposal is satisfactory in terms of natural heritage.
- The access and parking are considered acceptable and DfI Roads raises no objection.
- 5 letters of objection to this development have been received.
- No consultee has raised any concerns with this development.
- The proposal is considered to comply with all relevant planning policies including the Northern Area Plan, SPPS, PPS2, PPS3, PPS6, PPS 7, Addendum to PPS 7 – Safeguarding the Character of Established Residential Areas, Addendum to PPS 7 – Residential Extensions and Alterations and PPS 12
- Approval is recommended.

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

## **1 RECOMMENDATION**

- 1.0 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 application site is located adjacent to 29 Roemill Rd, Limavady, known as the Hermitage. The application site relates to the existing roadside red brick barn/outbuilding, which are associated with the dwelling at No. 29. The building subject of the application was a two-storey red brick building with natural slate roof and an archway providing historical access to an internal courtyard. The building has been partially demolished with the roof and first floor removed. The subject building, Dwelling (No. 29) and a number of outbuildings are listed as Grade B2 Listed Buildings (HB02/13/003).
- 2.2 The entrance to the proposed site is located at the northern end of the site and is defined by two large square red brick pillars with sandstone copings. The boundary wall between the pillars and the subject building has been removed. The proposed entrance currently serves as the existing access to No. 29. At the southern end of the site is a flat roofed garage, which is of a more modern construction and is not listed. The internal courtyard between the subject building and the dwelling at No. 29 forms the western portion of site.
- 2.3 The application site is located within the settlement limit of Limavady Town as defined in the Northern Area Plan 2016. The area is predominantly residential in character with residential development abutting the application site to the north, south and western boundaries and on the opposite side the road. The site

is located to the western side of the settlement with the historical gardens of the associated dwelling at No. 29 (Hermitage) defining the settlement limit to the west. The application site lies a short distance outside of the designated Roe Park Local Landscape Policy Area.

### **3.0 RELEVANT HISTORY**

B/1976/0231 - Roe Hill Road, Limavady- Shop – Permission Refused 30.06.1975

B/1976/0231 - The Hermitage, Roe Hill Road, Limavady- Improvements To Hermitage And Conversion Of Rear Annex To Dwelling– Permission Granted 06.10.1976

LA01/2021/0761/LBC - Adjacent to 29 Roe Mill Road Limavady - Proposed Refurbishment of Existing Barn, Reinstatement of First Floor & Roof (following demolition works as building was at risk of imminent collapse and was presenting a significant risk to pedestrians and vehicles on adjacent footpath and road) to Provide 2 No. Apartments (1 No. apartment as ancillary to the main dwelling and 1 No. apartment as a self contained unit, for separate rental) with the Essential Characteristics of the Barn Retained & Enhanced, installation of septic tank with soakaway & to include All Associated Works. – Current Application

### **4.0 THE APPLICATION**

- 4.1 Full planning permission is sought for the proposed refurbishment of the existing barn, reinstatement of first floor & roof (following demolition works as building was at risk of imminent collapse and was presenting a significant risk to pedestrians and vehicles on adjacent footpath and road) to provide 2 No. apartments (1 No. apartment as ancillary to the main dwelling at no 29 and 1 No. apartment as a self contained unit, for separate rental) with the essential characteristics of the barn retained & enhanced, installation of septic tank with soakaway & to include all associated works.

## 5.0 PUBLICITY & CONSULTATIONS

### External

5.1 **Advertising:** 09.06.2021, 14.07.2021, 06.10.2021, 11.05.2022, 08.03.2023 and 01.11.2023.

**Neighbours:** five letters of objection from 3 addresses have been received to this proposal, which raise the following points.

- Will the walls of the existing garage which form the boundary between the application site and No. 31 Roemill Rd be removed.
- Will remainder of barn be demolished.
- Will the building be rebuilt with the original brick and slate and what bond of brickwork will be used.
- Will there be doors and windows where there were previously none.
- Why is a septic tank proposed.
- Object to living room windows at first floor and the level of personal intrusion that will occur. Occupants of flats can look into living room, bedrooms and front and side gardens.
- Existing building had no windows onto Roemill Rd and therefore no overlooking of Roemill Rd or objectors property
- Can living and kitchen areas be moved to the ground floor.
- Concerns regarding location of proposed car parking to service the apartments. Will this result in a loss of on-street parking which objectors have exercised since living in their premises due to visibility splays required for access. Can parking be provided near to the existing access to No. 29 or within the grounds to allow access via main access.
- Proposal is not in keeping with the residential area of Roemill Road.

### Internal

5.2 **DFI Roads** – No objections

**Environmental Health** – No objections

**NI Water** – No capacity to connect to foul network

**DAERA Natural Environment** – Further Information required  
**DAERA Natural Environment** – No objections  
**Shared Environmental Services** – (informal consultation) - No objections.

## **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)

Planning Policy Statement 2: Natural Heritage



Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 6: Planning Archaeology and the Built Heritage

Planning Policy Statement 7: Quality Residential Environments

PPS 7 Addendum: Residential Extensions and Alterations

PPS 7 Addendum: Safeguarding the Character of Established Residential Areas

DCAN 8 - Housing in Existing Urban Areas

DCAN 15 - Vehicular Access Standards

Parking Standards

Creating Places

## **8.0 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to, the principle of development, NI Water, access and parking, Natural heritage and Habitat Regulations Assessment.

### **Principle of development**

8.2 Policy BH 7 of PPS6 outlines that it will normally be acceptable to permit the change of use of a listed building where this secures its upkeep and survival and the character and architectural or historic interest of the building would be preserved or enhanced.

8.3 While a change of use to a listed Building may be encouraged to safeguard its survival, the policy amplification text goes on to outline that the proposed use must be compatible with the existing building in that it respects the features and characteristics of the building and also be appropriate to the surrounding area. In assessing the appropriateness of a

proposed use, the proposal will also be assessed against other relevant planning policies.

- 8.4 As the proposal relates to the provision of both ancillary and independent residential accommodation, the application is assessed against the relevant planning policies within the SPPS, PPS7 and Addendum to PPS 7 – Residential Extensions and Alterations.
- 8.5 Initially, the proposal related to two independent units of accommodation. However, this was considered contrary to Policy QD1 of PPS 7 due to a lack amenity provision for the proposed units as well as detrimental impacts on the residential amenity of the existing dwelling at No. 29 Roemill Rd (due to a lack of separation and overlooking/loss of privacy). The scheme was subsequently altered to provide two units of ancillary accommodation. However, due to the excessive level of accommodation proposed and lack of dependence on the main dwelling this was also considered contrary to Policy EXT1 of the Addendum to PPS7. The proposal was further amended to the current proposal which relates to the provision of one unit of ancillary accommodation and one independent unit of accommodation. Each will be considered in turn.

#### Self-Contained Apartment Unit

- 8.6 The proposed self-contained unit will provide a three bedroom apartment with first floor living/kitchen/dining space, bathroom and WC facilities.
- 8.7 Policy QD1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.
- 8.8 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;***

The application site is located along the western side of Roemill Rd. The immediate surrounding area is defined largely by residential development. Although there are a number of non-residential developments within close proximity to the site including a primary school, a church and graveyard and recreational grounds. The dwellings along Roemill Rd comprise a mix of single and two storey dwellings and a mix of detached, semi-detached and terraced properties and include a range of architectural style and finishes.

The development proposes to refurbish the existing building to reinstate it to its original form through the reconstruction of the first floor walls and roof. The existing barn is a listed building and is part of a larger grouping of buildings at the site which includes the main dwelling (No. 29) and other outbuildings which are also listed, contributing to a courtyard formation, with the subject building fronting directly onto Roemill Rd.

The building will be reconstructed using the original brick and slate which was removed during the demolition process, with any additional materials to be sympathetic to the properties of the original. The proposal will replicate the dimensions, apertures, and architectural detailing of the original building.

The proposal will therefore respect the character of the site in that the proposal will restore the building to its original condition and contribute to the maintenance and setting of the historic grouping at this location. The proposal will have minimal visual impact on the streetscape along Roemill Rd.

The residential use of the building in this location is reflective of the surrounding character. While the proposal may result in an intensification of residential use at the application site, it is an acceptable use in principle. The use of the building for residential use will provide a viable means of restoring and maintaining the building and one which is most compatible with

the surroundings. As will be discussed further below, it is considered that the proposal will not have any unacceptable impacts.

The Planning Department is content that through the planning process, the development represents an appropriate development for the area, with conscious effort made to respect its surroundings.

***(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;***

There are no archaeological sites or monuments identified within the vicinity of the application site.

As outlined above, the subject building within the application site is a Listed Building (HB02/13/003) and forms part of the existing complex at this location which include the main dwelling (No. 29 – the Hermitage) and other associated outbuildings. The proposal seeks to reinstate the building to its original form and secure its upkeep and retention through converting the use to residential use. The proposal seeks to reuse original building materials previously removed from the building to retain its original character and appearance. The proposed reinstatement of the building secures its upkeep and preserves the historic setting of the building and associated grouping. The assessment of the proposed alterations to the listed building and the impact of the proposal on the setting of the listed building is considered in further detail within associated application LA01/2021/0761/LBC.

Historic Environment Division (HED) – Historic Buildings has been consulted on the proposal and have no objection to the proposed reinstatement and proposed use of the building.

***(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;***

As the proposed development relates to one self contained unit and one ancillary unit there is no requirement to provide public open space and therefore Policy OS2 of PPS8 is not engaged.

The self-contained unit provides for an area of private amenity space to the southern gable of the building in the area which is currently occupied by the non-listed garage, which will be demolished. The proposed amenity space will be accessed directly from the self-contained unit without the need to access the private courtyard to the rear of No. 29. The existing 2.2m high wall along the road frontage is to be retained with a pedestrian access provided onto the footpath. The retention of the wall will provide enclosure and screening to the amenity space providing satisfactory levels of privacy for potential occupants. The amenity space provides 79m<sup>2</sup> of usable space which is considered satisfactory when considered against the guidance within Creating Places which advises on an average provision of 70m<sup>2</sup>.

***(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;***

Given the scale and location of the proposed development, there is no need for the provision of neighbourhood facilities for this specific scheme. Limavady Town Centre is located less than 500m from the application site and is readily accessible and will cater for most local facilities and services of future occupants. In addition, there are recreational facilities close to the application site and schools are located within walking/cycling distance of the site.

***(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;***

The application site is located to the western edge of Limavady Town and less than 500m from the designated town centre as defined by the Northern Area Plan. Roemill Rd benefits from a public footpath and traffic calming measures. The application site is located on the towns bus route with stops located within 450-500m of the site.

***(f) adequate and appropriate provision is made for parking;***

The proposal provides for 4 car parking spaces for the development within the established curtilage of No. 29. This provides adequate levels of parking when assessed against the requirements for parking as set out within 'Creating Places' and 'Parking Standards' documents.

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

The design of the proposed development is considered acceptable given that the proposal relates to the reinstatement of the listed building to its former appearance. The proposed development will re-use the former brickwork and natural slate, which was set aside during the demolition process. These materials are to be used primarily on the street frontage elevations, with any new/additional materials to be used on the rear/inward facing elevations.

The proposal seeks to reinstate the building to original its original form and dimensions and makes use of the original door and window openings, including those which have been previously bricked up. Doors and windows are to be hardwood timber and the newly proposed rooflights are to be conservation style.

The Planning Department in association with HED is satisfied that the design of the development is acceptable for the location and is sympathetic to character and heritage of the associated dwelling and outbuildings at the location. This issue is considered in further detail in the accompanying application LA01/2021/0761/LBC. The proposal is also acceptable when

assessed against the wider character and streetscape evident along Roemill Rd.

***(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;***

Given the primary land use within the immediate vicinity is residential, there is no significant conflict between existing and proposed land uses in terms of acceptable uses. Given the siting of the application site, the only likely source of conflict is the relationship between the proposed apartment/self contained unit and those properties which are adjacent and opposite the application site through potential loss of amenity.

Paragraphs 7.13 of Creating Places outline that the protection of the privacy of the occupants of residential properties is an important element of the quality of a residential environment and is a key consideration where new development is proposed adjacent to existing properties.

Objections have been received from adjacent residential properties at Nos. 92 and 94 Roemill Rd, which are sited on the opposite side of Roemill Road from the application site. The objections raise concerns relating to a loss of privacy to their properties along Roemill Rd. The objections highlight opposition to the location of living room and kitchen spaces and windows at first floor and the level of personal intrusion that will occur giving rise to views into the front of their dwellings and front and side garden areas.

Creating Places provides guidance on maintaining satisfactory privacy/ amenity to properties outlining recommended separation between properties. It is noted that the guidance largely refers to the rear of properties and private amenity area when considering privacy and amenity. Within the urban area it is generally considered that areas to the front of dwellings are not regarded as private amenity areas, given the public views attainable to front gardens and elevations from public roads and footpaths.

The proposed apartment/self-contained unit is located on the opposite side of Roemill Rd which has a footpath along both sides. There is a separation distance of 15m from the front façade of the proposed apartment/self-contained unit and the front elevation of the dwellings at Nos. 92 and 94.

While the internal arrangement may not be typical of most dwellings in the vicinity, consideration of the layout needs to be weighed against the proposed reinstatement and preservation of a listed building. In assessing proposals relating to the change of use of a listed building, consideration of the proposal relative to the existing building is required. The redevelopment proposed the larger living spaces at first floor in order to minimise the need for the removal or alteration of internal walls to the building. The smaller bedrooms and bathrooms can be more readily accommodated on the ground floor with less intervention required. Paragraph 6.8 of PPS6 outlines that while proposals will be considered against other relevant policies, a flexible approach may be required to secure a buildings survival.

In weighing the benefits of the proposal against the comments of the objectors, the Planning Department is satisfied that the proposal will not have an unacceptable adverse impact on the privacy of the dwellings. This is due to the separation between properties and the fact that the proposal overlooks the front and side gardens of the dwellings, of which public views are attainable from the general public when travelling along Roemill Rd. Both properties have private amenity spaces to the rear which can be used without any adverse impact from the proposed development.

The dwelling to the immediate south of the application site (No. 31) will not be adversely impacted by the proposed development. The existing garage walls will be retained along the site boundaries which will screen views from the application site at ground floor level. There is one small first floor window on the southern gable of the proposed apartment which serves a bedroom. The window is a small circular window and is sited at a high level on the gable of the building and will be finished in opaque glazing. Therefore, there will be no overlooking into the curtilage of No.31.



The proposed apartment/self-contained unit will back onto the private courtyard/amenity space for the dwelling at No. 29 Roemill Rd. While the apartment/self-contained unit backs onto the courtyard without any separation, the proposed apartment/self-contained unit has been designed so that it can be accessed from the Roemill Rd and can access its own independent private amenity area directly from the apartment/unit without the need to use the courtyard. Additionally, all ground and first floor door and windows on the rear façade of the apartment/self-contained unit are to be finished in obscure glazing. The use of obscure glazing to habitable rooms such as living rooms, kitchens and bedrooms is not normally considered an acceptable form of mitigating overlooking and would not generally contribute to a quality residential environment. However, the first-floor kitchen/living/dining rooms and bedroom have window openings to the roadside façade which will be finished in clear glass which will allow for a suitable outlook from these rooms. One ground floor bedroom is proposed to be finished in obscure glazing, and while not normally acceptable, it is considered that when balanced with the benefit of securing the retention and upkeep of the listed building while maintaining the amenity of No. 29, it can be accommodated in this instance.

Overall, the Planning Department is satisfied that the proposal will not result in significant adverse impacts on the residential amenity of adjacent residential properties through loss of privacy.

***(i) the development is designed to deter crime and promote personal safety***

The design and layout of the proposed development as an enclosed courtyard ensures that there are no concerns arising in relation to crime and personal safety. The proposed layout ensures that amenity spaces are secure are enclosed by appropriate boundary treatments, ensuring safe environs to the occupiers of individual dwellings.

**Impact on the character of the surrounding area**

8.9 Policy LC 1 states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) 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.***

8.10 This proposal will provide one independent unit of accommodation and one ancillary unit of accommodation through the reinstatement/refurbishment of an existing listed building. The proposal is in line with Paragraph 2.5 of the addendum to PPS7 which advocates providing additional housing in established residential areas through the sympathetic re-use of existing buildings as opposed to demolition and re-development.

8.11 The proposed site is located within an area where the main land use is residential, although there are also schools and churches located within the vicinity of the application site. Dwellings within the area are a mix of single and two storey with a mix of detached, semi-detached and terraced properties, with a variety of architectural styles. The density levels of the surrounding housing/housing developments along Roemill Rd is higher than in other parts of the town. The proposed redevelopment of the application site will provide accommodation at a similar density to that found in the wider vicinity of the application site.

The proposal respects the pattern of development along the Roemill Rd in that it uses the existing building on site, maintains the pre-existing streetscape and character along this part of Roemill Rd and will ultimately ensures the upkeep and retention of a listed building.

8.12 The proposed independent apartment/ self-contained unit meets with the internal space requirements as set out in Annex A of the policy.

#### Ancillary Apartment

8.13 Apartment 1 has been identified for the provision of ancillary accommodation. The apartment provides one bedroom accommodation with a kitchen/living/dining space and a bathroom and WC facilities. This unit falls to be determined under the addendum to PPS7 – Residential Extensions and Alterations.

8.14 Policy EXT1 of the addendum to PPS7 states that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- (a) 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;
- (b) the proposal does not unduly affect the privacy or amenity of neighbouring residents;
- (c) 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
- (d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

8.15 Paragraph 2.10 of the Addendum outlines that where an extension to the existing house is not practicable and it is proposed to convert and extend an existing outbuilding, planning permission will normally depend on the development providing a modest scale of accommodation. Paragraph 2.10 also goes on to states that the construction of a separate building, as self-contained accommodation, within the curtilage of an existing dwelling house will not be acceptable, unless a separate dwelling would be granted permission in its own right.

8.16 The proposal provides the self-contained unit of ancillary accommodation within the refurbished barn building along

Roemill Rd. The building is part of an important local grouping of listed buildings. The building, within which the ancillary accommodation will be accommodated, was constructed from red brick and natural slate to match the dwelling (No.29) and other outbuildings. The redevelopment of the site will result in the building being restored to its original form by re-using the original materials removed during the demolition process. The proposal will not result in an increase in the footprint of any building on site and will therefore respect the scale and character of the dwelling and associated buildings. The main dwelling has an area of approximately 4500 square feet. The proposed ancillary apartment has area of approximately 1050 square feet which is an area less than 25% of main dwelling. The proposal provides for one bedroom and while it provides its own kitchen and living space, it can still be regarded as being ancillary to the main dwelling and can be conditioned accordingly.

8.17 Given the status of the dwelling and associated group of outbuildings, including the subject building, the Planning Department considers that the location of the ancillary accommodation within the refurbished building would be less harmful to the dwelling than a new build extension and would better protect its character and appearance. The proposal was initially proposed as a separate unit of accommodation but was found to be unacceptable given that there was no dedicated amenity space for the unit and would result in loss of amenity to No. 29. However, as the applicant has confirmed that the unit is to be occupied by family members, there will be no detrimental impact on the amenity of either property. When weighing up the merits of the proposal, it is considered that the location of the ancillary accommodation within the barn, while not normally acceptable, will assist in the upkeep and survival of the listed building and will not result in unacceptable amenity impacts on the occupants of the main dwelling or the ancillary accommodation.

8.18 The proposal will provide for car parking within the curtilage of No. 29 to the northern end of the courtyard. Occupants of the ancillary unit of accommodation will be able to use the existing amenity space within the adjacent courtyard. The proposed

refurbishment of the building will not result in the loss any trees or landscape features.

8.19 Objections have been received from neighbouring properties regarding a loss of privacy from the proposed development due to the location of living accommodation at first floor level. As outlined above at Paragraph 8.8. the outlook from the proposed development is onto the public road and towards the front of the opposing dwellings, which will already be subject to a level of overlooking from vehicles and pedestrians passing their properties. The ancillary apartment/self-contained unit proposes one window at first floor level from which views are attainable, but which is located approximately 15m from the front elevation of Nos. 92 and 94. There are no views from the proposed development to the private amenity spaces of the opposing dwellings. The Planning Department is satisfied that there will be no unacceptable loss of amenity to adjacent residential properties.

8.20 The Planning Department is satisfied that the proposal is considered to comply with PPS7, addendum to PPS7 in and in turn, policy BH7 of PPS6. The proposal also falls to be considered under BH8 of PPS6 regarding extensions and alterations of listed buildings. This is considered in detail within the associated Listed Building Consent application LA01/2021/0761/LBC.

### **NI Water**

8.21 NI Water advise that there is a public foul sewer within 20m of the proposed development boundary which cannot adequately service the development due to the receiving foul sewerage network having reached capacity. The public system cannot presently serve this development proposal without significant risk of environmental harm and public dis-amenity including pollution, flooding and detrimental impact on existing properties.

8.22 Revised plans were submitted which propose the installation of a septic tank within the curtilage of No. 29 to serve both units, with discharge of treated waste proposed via soakaway, also within

the curtilage. Environmental Health and DAERA Water Management Unit were consulted on the revised foul disposal details and offer no objections. Water Management Unit has advised that a condition requiring that Consent to Discharge approval is obtained prior to the commencement of development.

8.23 The Planning Department is satisfied that as an alternative means of sewage disposal can be provided, there will be no unacceptable adverse environmental or amenity impacts.

### **Access and Parking**

8.24 The proposed development will utilise the existing vehicular access to the northern end of the application site, which serves the existing property at No. 29. As outlined above at Paragraph 8.7, adequate car parking has been provided for the proposed development. DFI Roads has been consulted on the proposal and offer no objections. The proposal meets with Policies AMP2 and AMP7 of PPS3.

### **Natural Heritage and Habitats Regulations Assessment**

8.25 Shared Environmental Services were informally consulted to establish if there was a need to carry out an appropriate assessment for potential impact on the River Roe and Tributaries SAC/ASSI due to the proposed use of the septic tank and associated soakaway for the disposal of foul sewage.

8.26 SES advised that formal consultation was not required as the proposal is located approximately 300+ metres east of the River Roe & Tributaries SAC with no risk of direct habitat loss, fragmentation or disturbance. Due to the location, scale and nature of proposal, it is considered unlikely that there could be any effects on the designated site due to a lack of environmental pollution pathways. The proposal meets with Paragraphs 6.176 and 6.183 of the SPPS and Policies NH1 and NH3 of PPS2.

8.27 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation 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 of any European site.

8.28 Within the initial consultation response from DAERA, Natural Environment Division advised that that the buildings on site may support roosting bats, requesting that a Bat Roosting Potential Survey should be carried out to determine the likelihood of bats using the structure for shelter.

8.29 Subsequent to this request, officials provided DAERA NED with photographs of the building which identified that the building had been largely demolished, with the roof, upper walls and rear ground floor façade removed. NED were asked to clarify their position regarding the need for a Bat Roost Potential Survey given the significant demolition works that had occurred. No response to this request was received from NED.

8.30 Given the demolition works carried out on the building prior to the submission of this application, officials are satisfied that a Bat Roost Potential survey is not required as any pre-existing roost potential is likely to have been removed with the extent of demolition carried out. It is considered that the proposal meets with Paragraphs 6.180 and 6.192 of the SPPS and Policies NH2 and NH5 of PPS2.

### **Representations**

8.31 Many of the issues raised within the letters of representation have been addressed within the assessment above. However, for clarity these issues will be addressed again below.

- Will the walls of the existing garage which form the boundary between the application site and No. 31 Roemill Rd be removed.

The submitted site layout plan indicates that the external walls of the workshop/store are to be retained. Retention of the walls will

protect the residential amenity/privacy of the occupants of No. 31.

- Will remainder of barn be demolished.

The proposal seeks to retain the remaining ground floor walls of the barn. Stabilisation measures have been provided which will allow for the structure to be retained and provide a solid base to facilitate the reconstruction of the first floor and roof.

- Will the building be rebuilt with the original brick and slate and what bond of brickwork will be used.

Materials removed from the building during the removal of the roof and first floor walls have been set aside and it is intended to reuse these materials where suitable. Any additional materials needed are required to be similar in character to the original materials. The proposed brick boundary wall is to be rebuilt to replicate the historic Common brick bond/pattern of historic boundary walls. The proposed brick walls to the outbuilding shall replicate Flemish brick bond/pattern of the historic building walls.

- Will there be doors and windows where there were previously none.

The proposal will use the original apertures of the building, although it is noted that some of the original openings had been blocked up previously. The only new openings relate to the installation of skylights within the roof of the barn.

- Why is a septic tank proposed.

A septic tank is proposed due to there being no capacity within the existing NI Water network to accommodate the additional units. Consent to Discharge is required for the installation of a septic tank and should be obtained prior to the commencement of development.

- Object to living room windows at first floor and the level of personal intrusion that will occur. Occupants of flats can look into living room, bedrooms and front and side gardens. The existing



building had no windows onto Roemill Rd and therefore no overlooking of Roemill Rd or objectors property

As considered above at Paragraph 8.8 and 8.19, the application site is in an urban environment which the objectors properties fronting onto the public road and footpath. The proposed units are sited on the opposite side of the road and footpaths with approximately 15m separation between opposing front facades. The Planning Department is satisfied that the proposal will not result in an unacceptable loss of privacy due to views from the proposed development being mainly to the front and side of the properties. There will be no views into the private amenity spaces to the rear of the neighbouring properties.

- Can living and kitchen areas be moved to the ground floor.

The proposal takes account of the historic fabric of the building and seeks to reinstate the building as close to its original form as possible. Therefore, the proposal has located the larger living/kitchen/dining areas to the first floor to minimise the need to alter the existing ground floor of the building which may adversely alter the character and appearance of the building. The Planning Department is content that locating the living/kitchen/dining areas on the first floor will not have an unacceptable impact on residential amenity.

- Concerns regarding location of proposed car parking to service the apartments. Will this result in a loss of on-street parking, which the objectors have exercised since living in their premises, due to visibility splays required for access. Can parking be provided near to the existing access to No. 29 or within the grounds to allow access via main access.

The application was amended during the processing of the application to provide dedicated car parking within the curtilage of No. 29. The proposal will not result in a loss of on-street parking in the vicinity of the site.

- The proposal is not in keeping with the residential area of Roemill Road.

The area is mainly residential in nature. However, there are several non-residential uses in the local area. Apartment accommodation may not be commonplace along this part of Roemill Rd. However, the proposal will reinstate the building to its original form and will ensure the retention and upkeep of a listed building.

## **9.0 CONCLUSION**

9.1 The proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposed layout, scale and design is considered acceptable in regard to the site topography and surrounding context. It is considered that there will be no unacceptable impacts on existing dwellings from overlooking, loss of light or overshadowing. Satisfactory amenity, access, parking and sewage arrangements have been demonstrated. The proposed development will assist in the preservation and upkeep of a locally important listed building. Approval is recommended.

## **10.0 CONDITIONS AND INFORMATIVES**

### **Conditions**

1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011.

2. No development shall take place within the approved site until the vehicular access, including visibility splays and any forward sight distance, has been provided in accordance with Drawing No. 09 Rev 06. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

3. The access gradient to the development hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

4. No other development hereby permitted shall be carried out until all structural stabilisation measures outlined within the Structural Stabilisation Proposals (Doc 02) have been fully implemented upon the existing structure.

Reason: To ensure stabilisation and retention of the historic building and to facilitate reinstatement of first floor and roof structure.

5. No development shall take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999 by DAERA.

Reason: To ensure protection to the aquatic environment.

6. The ancillary accommodation (apartment 1) hereby permitted shall not be occupied at any time other than for the purposes ancillary to the residential use of the dwelling known as No. 29 Roemill Rd, Limavady.

Reason: To prevent the creation of additional dwelling units.

7. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no extensions, buildings, structure, hard surface, gate pillars or enclosure shall be erected other than those expressly authorised by this permission.

Reason: To preserve the amenity of existing residential units.

8. None of the existing building fabric shall be disassembled or removed beyond the extent as shown on Drawing 11 Rev 01 date stamped 23/02/22.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011.

9. No unit hereby approved shall be capable of occupation until the development as detailed in the approved drawings 01 Rev 03, 02 Rev 02, 03 Rev 02, 04 Rev 02, 05 Rev 02, 06 Rev 04, 07 Rev 04, 08 Rev 03, 09 Rev 06, 10 Rev 01, 11 Rev 01, 12 Rev 01, 13, 14 Rev 02, 15 Rev 01, 17 and Structural Stabilisation Proposals (Doc 02) are carried out in full to the specification shown.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011 and to ensure the scheme respects the setting of listed buildings.

10. The self-contained apartment (Apartment 2) shall not be capable of occupation until the door and windows openings on the western (rear) elevation as identified on drawing 14 Rev 02 have been finished in obscure glazing and which shall be permanently retained thereafter.

Reason: To preserve the residential amenity of adjacent residential property.

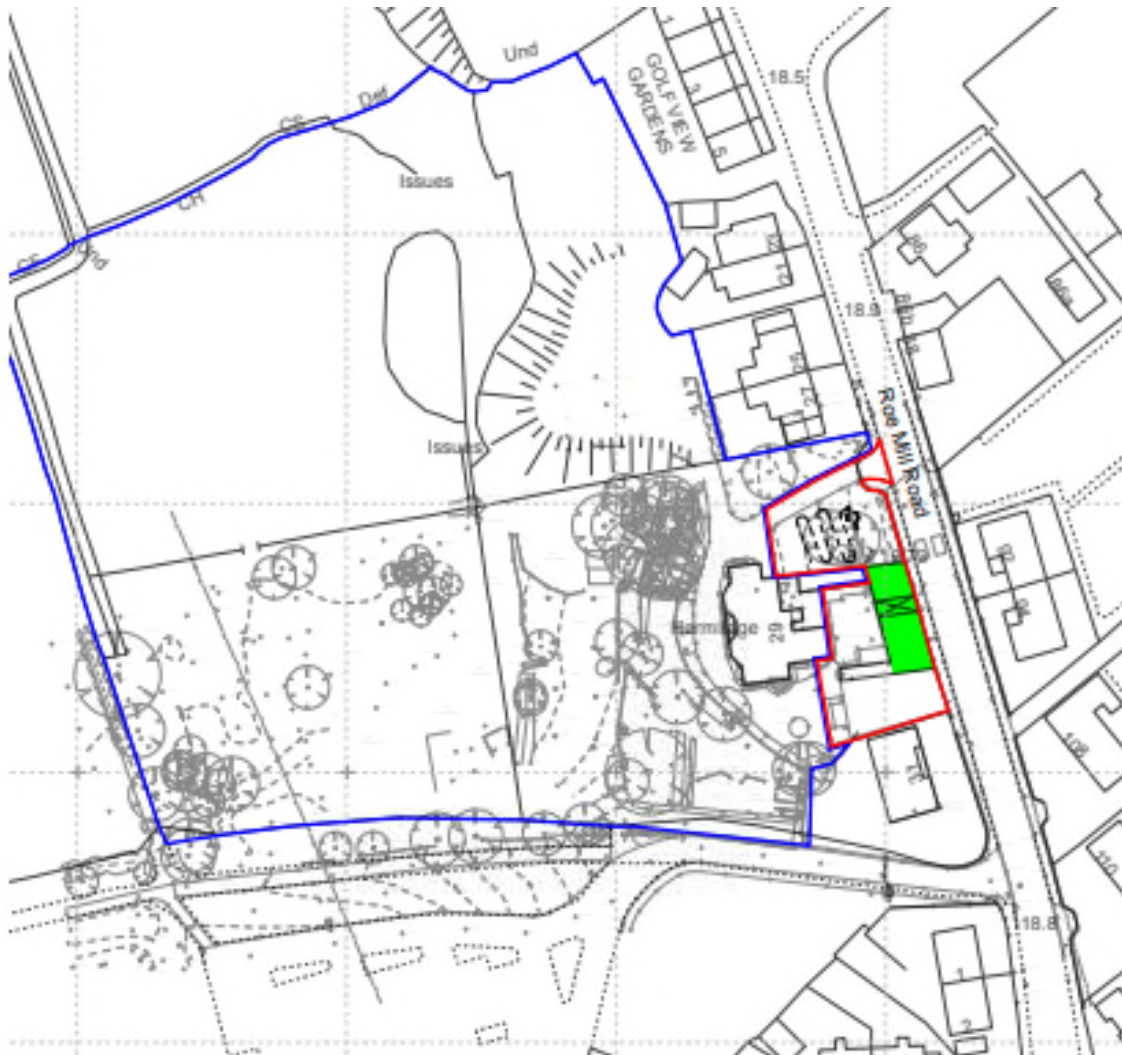
11. If, during the proposed development, any ground contamination is encountered then all works on the site shall cease. Causeway Coast and Glens Borough Council Environmental Health Department shall be informed and sufficient information to assess potential risks arising from the former use of the land shall be submitted to the Planning Authority in consultation with the Environmental Health Department. Any necessary mitigation / remediation measures shall be clearly specified. The above work should be undertaken by a suitably competent person/s and in accordance with current government guidance.

Reason: In the interest of public health.

### **Informatives**

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent sites 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 <https://planningregister.planningsystemni.gov.uk/simple-search>.
6. This full planning permission should be read in conjunction with the Listed Building Consent LA01/2021/0761/LBC.

# Site Location Map



# Site Layout Plan

