

Title of Report:	Planning Committee Report – LA01/2022/0916/RM
Committee Report Submitted To:	Planning Committee
Date of Meeting:	27th March 2024
For Decision or For Information	For Decision – Referred by Alderman Fielding
To be discussed In Committee YES/NO	No
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

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

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: LA01/2022/0916/RM

Ward: Bann

App Type: Reserved Matters

Address: Lands 66m East of No. 31 Bellany Road, Articlave

Proposal: Proposed dwelling and detached garage

Con Area: N/A

Valid Date: 28th August 2022

Listed Building Grade: N/A

Agent: Moore Design

Applicant: Mr John Dillon

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

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

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

EXECUTIVE SUMMARY

- This application is for Reserved Matters in accordance with Policies CTY13 and CTY14 of PPS21.
- The application site is located within the rural area as identified within the Northern Area Plan (NAP) 2016. The site is located on land 66m East of No. 31 Bellany Road, Articlave.
- The proposal fails Policy CTY 13 of Planning Policy Statement 21 in that the proposal would be a prominent feature in the landscape, the design of the proposed dwelling is inappropriate for the site and it fails to blend with the landform.
- The proposal also fails Policy CTY14 in that, if permitted, the development would be a prominent feature in the landscape and would result in a detrimental change to the rural character of the area.
- DFI Roads were consulted on the application and raised no objection.
- There are no objections to the proposal.
- The application is recommended for Refusal.

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 conditions 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 and is not subject to any other zonings The site is located on land 66m east of No. 31 Bellany Road, Articlave.
- 2.2 The site is a section of a wider agricultural field which is accessed through an existing farm yard. The topography of the site rises steadily from the northwest to southeast and from the field entrance (west) to the northern corner. The site lies at a higher level than the Bellany Road which is located to the north west.

- 2.3 The northern section of the north western boundary, and the entirety of the north eastern boundary is defined by a hedgerow and sparse trees, while mature trees some 8+metres in height bound are located in a field to the south west. The remaining south eastern and south western boundaries are physically undefined and open to the wider field.

3 RELEVANT HISTORY

- 3.1 Panning Reference: LA01/2021/1147/O
Location: Lands 66m East of 31 Bellany Road, Articlave
Proposal: Proposed site for farm dwelling on lands 66m East of 31 Bellany Road, Articlave
Decision: Permission Granted 26.01.2022

4 THE APPLICATION

- 4.1 Application for Reserved Matters. Outline permission was approved on 26th January 2022 for a dwelling on a farm under Policy CTY 10.

5 PUBLICITY & CONSULTATIONS

- 5.1 **External**
Neighbours: There are no objections to the application
- 5.2 **Internal**
DFI Roads: No objection

6 MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
- 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

- 7.1 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.

7.2 Supplementary Planning Guidance

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

8 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The main considerations in the determination of this application relate to design and impact of rural character.

8.2 Principle of Development

- 8.3 Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One type of development is a dwelling on a farm in accordance with Policy CTY10.

8.4 The application site has outline planning permission which was approved under LA01/2021/1147/O on 26th January 2022. The outline permission is still extant and it is considered that the principle of development is acceptable on the site. The main considerations in the processing of this application are siting, design and access arrangements.

8.5 Policy CTY 13

8.6 Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design.

8.7 A new building will be unacceptable where:

(a) it is a prominent feature in the landscape; or

(b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or

(c) it relies primarily on the use of new landscaping for integration; or

(d) ancillary works do not integrate with their surroundings; or

(e) the design of the building is inappropriate for the site and its locality; or

(f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or

(g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

8.8 Policy CTY14: Rural Character

8.9 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.

8.10 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.

- 8.11 The determination of whether a new building integrates into the landscape is not a test of invisibility; rather it requires an assessment of the extent to which the development of the proposed site, including necessary site works, will blend in unobtrusively with its immediate and wider surroundings. This is a material consideration to the assessment of a Reserved Matters application, as per condition No. 2 of the outline approval.
- 8.12 The proposed dwelling is two storey with two large front projections at varying heights. At its highest point, the dwelling measures 8metres above FFL (to comply with the ridge height condition of the outline approval). The external materials are to be white render and stone cladding where indicated. The roof is proposed to be Rosemary clay tiles and the windows will be grey.
- 8.13 The one and a half storey, two car garage will be located to the rear of the dwelling and will be connected via a carport. It will measure 7.1metres by 8.7metres with a total height of 6.6metres above finished floor level. The orientation of the connected carport and garage extend the footprint of development across the contours of the site, requiring excessive cutting and contouring of the site.
- 8.14 Critical views of the dwelling will be achieved at the junction of the Cranagh and Bellany Road for some 70metres when travelling in a south westerly direction, and again directly in front of the site through the significant gap between Nos. 33 and 35 Bellany Road, which affords a clear view of the front elevation. On approach from the south, a dwelling on this site would be screened from views.

- 8.15 Drawing 02/1 indicates the existing and proposed landscaping for the site. While there is an existing hedge to the north western boundary, this is not enough to screen the views of the dwelling from this direction given the elevated and dominant nature of the dwelling.
- 8.16 The design of the dwelling is inappropriate for its rural setting as it is overly suburban in appearance, with no reference to the vertical emphasis and simple forms which characterise good rural design.
- 8.17 The use of materials as shown on Drawing 03/2 are not suitable for a rural dwelling. Whilst the use of render and stone cladding may be acceptable in a rural context, the overall arrangement, heavy use of stone and the window to wall ratio are reflective of suburban design. The proposed Rosemary Clay Tiles are not appropriate in the rural setting. While red roofs are not explicitly mentioned in Building on Tradition as being inappropriate for NI Countryside, they are principally an English design feature and simply look out of place in the Northern Ireland countryside.
- 8.18 The roof form gives the appearance of a hipped roof from certain vantage points and the colour of the proposed roof tiles would be out of character and would appear incongruous in the landscape. The two front projections dominate the front elevation and are made to feel more dominant with the excessive glazing and heavy stone cladding.
- 8.19 The fenestration throughout the design is generally horizontal, which is characteristic of suburban dwellings. The large balcony which wraps around the front and side of the dwelling exacerbates the horizontal rhythm and suburban appearance. Given the depth of the balcony, additional supports are required which contributes to overly cluttered design of the front elevation.
- 8.20 Given the size and scale of the dwelling, it was considered that the siting and design of the dwelling should be amended. The dwelling should be sited in a lower portion of the site and the orientation amended to be more sympathetic to the topography of the site, avoiding the need to cut into the landform. The

design should be simplified in line with the published guidance and the roof tiles amended to blue/black slate.

- 8.21 The agent was advised of the design concerns and asked to submit amended plans by 8th September 2023. A Planning Statement was received on 30th October 2023 from Lee Kennedy. The agent feels that the rising backdrop to the south east will absorb the site without any impact on visual amenity.
- 8.22 The agent describes this site as a discreet, rural location and is setback 120 metres from the roadside, behind an existing field boundary and it is clustered with existing farm buildings. The agent believes the dwelling will not be visible in the landscape as it will be visually absorbed in the landscape due to the changing topography and natural field boundary vegetation.
- 8.23 Further to the above, The Planning Statement considers the proposed roof as being appropriate for this dwelling considering the site's context, existing dwellings, settlement pattern, landscape, and the dwelling's height and mass together with its use of materials and finishes. The Planning Statement clarifies that the design and layout of this dwelling has adopted the traditional/contemporary rural Ulster farmhouse approach by using two front projection forms to break up the frontage of the building; and incorporates a number of different elements of varying heights to give the impression the building has been extended over the course of time. The agent identified one critical view from the roadside frontage onto Bellany Road and feels the roof element from this position does not provide the impression of a hipped roof. They raise existing hipped roofs in the area, namely No. 21 Bellany Road, its outbuildings and No. 50 Cranagh Road.
- 8.24 The Planning Statement refers to three planning applications which the agent feels is similar to the proposed dwelling:
- Planning Ref: LA01/2019/0617/RM – New chalet style dwelling with garage between No. 11 & 13 Benone Avenue, Limavady. While this design is similar to the proposed dwelling, the area in which the site is located has a suburban character due to the high density of dwellings and caravans. Due to this, the proposed suburban design would have been considered acceptable for this area.

- Planning Ref: LA01/2016/0971/F - Proposed replacement dwelling at No. 11 Mussenden Road, Castlerock. While not within a settlement, the area in which the site is located is fairly built up which gives a suburban appearance. The dwelling is located next door to a 5-storey apartment block. Given the existing suburban character, this is very different than the proposed dwelling.
- Planning Ref: LA01/2020/1172/F - Proposed two-storey replacement dwelling and courtyard garage at No. 92 Quilly Road, Coleraine. While this proposal is quite large in size and scale, the design is not similar to that of the proposed dwelling. The dwelling within the referenced planning application is commonly found in the rural area, albeit with modern returns.

8.25 The supporting information for the above planning application has been discussed. The corporate opinion of the Planning Department remains that the proposal is unacceptable for this site and the locality. While there was no siting condition on the outline approval, it is still a material consideration at Reserved Matters stage to assess the impact of the proposed location regarding among other considerations, integration and rural character. In this case, we consider that siting the proposed two storey dwelling at the highest part of the site is unacceptable given that it would appear unduly prominent from the critical view on Bellany Road.

8.26 Further unacceptable, is the overall design. Specifically: the roof which has a hipped roof appearance; the two dominant front projections; the amount of glazing and the use of materials, especially the red tile roof. Overall, the design presents an overtly suburban appearance, unacceptable for the countryside location. The proposal fails Policies CTY13 and CTY14 of PPS21.

8.27 Habitat Regulations Assessment

8.28 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.

8.29 Access

8.30 Planning Policy Statement 3 relates to vehicular and pedestrian access, transport assessment, and the protection of transport routes, and parking. Policy AMP2 states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

8.31 DFI Roads were consulted on the proposal and responded with no concerns subject to 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.

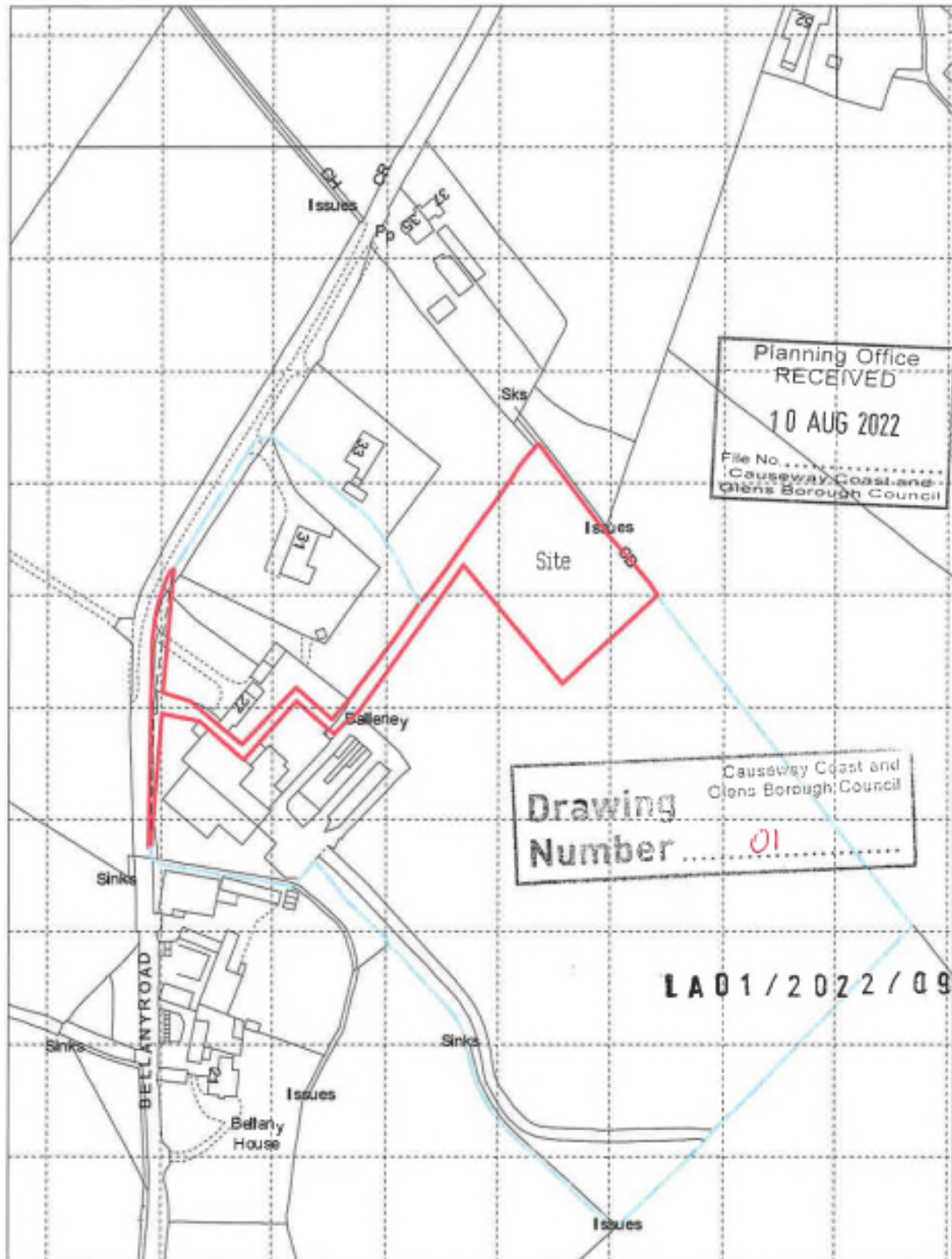
9.2 The proposal is contrary to Policies CTY13 and CTY14 as the proposed building would be a prominent feature in the landscape, would fail to integrate, the design is inappropriate for the site and if permitted would result in a detrimental change to the rural character of the area.

10 REFUSAL REASONS

1. The proposal is contrary to paragraph 6.70 of the SPPS and to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape, the design of the proposed building is inappropriate for the site and its locality, the proposed building fails to blend with the landform.
2. The proposal is contrary to paragraph 6.70 of the SPPS and Policy CTY 14 of Planning Policy Statement 21, Sustainable

Development in the Countryside, in that, if permitted, the development would be a prominent feature in the landscape and would result in a detrimental change to the rural character of the area.

Site Location Plan



Location Plan for Site Located 66m. East
of 31 Bellany Road, Articlave, Coleraine.



scale 1:2500
drawing no. 01