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| Title of Report: | Planning Committee Report – LA01/2023/0804/F |
| Committee Report Submitted To: | Planning Committee |
| Date of Meeting: | 25th September 2024 |
| For Decision or For Information | For Decision – Referred Application by Alderman Mark Fielding |

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|--|--|
| Linkage to Council Strategy (2021-25) | |
| Strategic Theme | Cohesive Leadership |
| Outcome | Council has agreed policies and procedures and decision making is consistent with them |
| Lead Officer | Development Management and Enforcement Manager |

| | |
|------------------------------------|-----|
| Budgetary Considerations | |
| Cost of Proposal | Nil |
| Included in Current Year Estimates | N/A |
| Capital/Revenue | N/A |
| Code | N/A |
| Staffing Costs | N/A |

| | | | |
|-------------------------------|--|-----|-------|
| Screening Requirements | Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals. | | |
| | Screening Completed: | N/A | Date: |

| | | | |
|--|------------------------------|-----|-------|
| Section 75 Screening | | | |
| | 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: LA01/2023/0804/F **Ward:** Causeway

App Type: Full

Address: 90 Ballyreagh Road, Portstewart, BT55 7PT

Proposal: Demolition of existing one and a half storey semi-detached dwelling and three outbuildings, construction of a new two storey semi-detached dwelling, new entrance gates and pillars and associated site works (amended design)

Con Area: N/A **Valid Date:** 09.08.2023

Listed Building Grade: N/A

Agent: Des Ewing Residential Architects, The Studio, 13 Bangor Road, Hollywood, BT18 0NU

Applicant: Richard McCann, 56 Lurgan Road, Lurgan, BT67 0LX

Objections: 3 – from 1no. property **Petitions of Objection:** 0

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

EXECUTIVE SUMMARY

- Full planning sought for the demolition of the existing one and a half storey semi-detached dwelling and three outbuildings and the construction of a new two storey semi-detached dwelling, new entrance gates and pillars and associated site works.
- The proposal is contrary to Planning Policy Statement 21, Sustainable Development in the Countryside, Policy CTY 1, CTY 3, CTY13 and CTY 14; in that it is not of an appropriate design.
- Refusal is recommended.

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

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** full planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located within the rural area as identified within the Northern Area Plan (NAP) 2016. The site is located between No's 88 and 92 Ballyreagh Road, Portstewart. To the east of the site are another pair of semi detached dwellings, whereas to the west is a detached dwelling. Further to the south west is the Quarryhill development.
- 2.2 The site comprises a storey and a half, semi-detached dwelling externally finished in dashed render, with a hipped roof finished in flat brown roof tiles. The topography of the site rises slowly from the northwest towards the south east. Boundaries to the front of the dwelling are defined by a low wall, while the boundaries defining the rear garden consist of 2metre high close board wooden fencing.

3 RELEVANT HISTORY

- 3.1 Reference: LA01/2021/0017/F
Location: 86 Ballyreagh Road, Portstewart
Proposal: Demolition of existing semi-detached dwelling and detached garage and construction of a replacement semi detached

dwelling with ancillary garden store, garden room and associated site works.

Decision: Permission Granted 10.08.2023

3.2 Reference: LA01/2017/1186/F

Location: 88 Ballyreagh Road, Portstewart

Proposal: One and half storey extension to rear of dwelling to provide kitchen/dining, living, utility, WC, en-suite, stairwell and boiler house on ground floor and 2 no. bedrooms and en-suite on first floor. Also remove front dormer and replace with velux cabrio balcony roof windows/units. Replace existing slates with new slates (Amended plans).

Decision: Permission Granted 21.11.2017

3.3 Reference: LA01/2018/1383/NMC

Location: 88 Ballyreagh Road, Portstewart

Proposal: Existing external walls to dwelling and front boundary wall to be plastered and finished in smooth render and painted. New walls to extension to be also finished in smooth render and painted.

Decision: Permission Granted 18.12.2018

4 THE APPLICATION

4.1 This is a full application for a replacement dwelling located at No. 90 Ballyreagh Road, Portrush.

5 PUBLICITY & CONSULTATIONS

5.1 External

Ten (10) neighbouring properties were notified. Three (3) letters of objection have been received from one (1) property. The key issues are:

- Procedural issues.
- Out of character for the area
- Loss of privacy/Overlooking
- Dominance
- Integration
- Size and scale of proposal too bulky
- Previous refusals in the area of similar design

- Objection to supporting statement

5.2 Internal

Council Environmental Health Section – Content
Northern Ireland Water - Content
NIEA – Content
DFI Roads – Content
Historic Environment Division – Content
Northern Ireland Electricity - Content

6 MATERIAL CONSIDERATIONS

6.1 Section 45(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.

6.7 RELEVANT POLICIES & GUIDANCE

- 6.8 The application has been assessed against the following planning policy and guidance:
Regional Development Strategy 2035.
Northern Area Plan 2016.
Strategic Planning Policy Statement.
PPS2: Natural Heritage
PPS 3: Access, Movement and Parking.
PPS 6: Planning, Archaeology and the Built Heritage
PPS 21: Sustainable Development in the Countryside.
Building on Tradition: A sustainable Design guide for Northern Ireland.

7.0 CONSIDERATIONS & ASSESSMENT

PPS2: Natural Heritage

- 7.1 Policy NH5 states planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:
- priority habitats;
 - priority species;
 - active peatland;
 - ancient and long-established woodland;
 - features of earth science conservation importance;
 - features of the landscape which are of major importance for wild flora and fauna;
 - rare or threatened native species;
 - wetlands (includes river corridors); or
 - other natural heritage features worthy of protection.
- 7.2 A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.
- 7.3 The building to be replaced is a storey and a half semidetached dwelling. While the dwelling is unoccupied, it appears to be

watertight and there were no signs of openings. Given this, a Bio-Diversity checklist was not requested.

- 7.4 Overall, it is considered the proposal would not have an unacceptable adverse impact on, or damage to known priority habitats or species to comply with Policy NH5.

PPS6: PPS 6: Planning, Archaeology and the Built Heritage

- 7.5 Policy BH2; The Protection of Archaeological Remains of Local Importance and their Setting states that development proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings will only be permitted where the Department considers the importance of the proposed development or other material considerations outweigh the value of the remains in question.

- 7.6 The Development falls within the consultation zone of LDY003:080 (Occupation Site) and LDY003:009 (Holy Well). Historic Environment Division (Historic Monuments) were consulted on the proposal and on the basis of the information provided, is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. This is due to the scale and nature of the proposed development.

PPS 3: Policy AMP 2 - Access to Public Roads

- 7.7 Planning Policy Statement 3 relates to vehicular and pedestrian access, transport assessment, and the protection of transport routes, and parking. 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.

- 7.8 The proposal includes using the existing access. DFI Roads were consulted and requested amended visibility splays; however as per the 'Standing Advice for Causeway Coast and Glens Borough Council Planning' paragraph 4.7 states that for a single replacement

dwelling, where a recently occupied opportunity proposes to use an existing unaltered access to the public road, does not compromise the existing parking provision/standard and is not within 12metres of the middle of a carriageway of a first-class or second class road; or not within 9metres of the middle of the carriageway of any other road – that the Council has the right to determine whether the proposal complies with the standing advice and therefore, comment from DFI Roads is not needed.

- 7.9 The dwelling to be replaced shows signs of recent occupation, there will be no intensification of the access and the development is not within 9metres of the carriageway. Therefore, it is considered the proposal complies with the Standing Advice, and amended plans are not required.

PPS 21: Sustainable Development in the Countryside

- 7.10 Taking into account the transitional arrangements of the SPPS, retained PPS 21 provides the relevant policy context for the proposal. Supplementary guidance on PPS 21 is contained in document 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.

Policy CTY 1

- 7.11 Policy CTY 1 of PPS21 identifies a number of instances when an individual dwelling house will be granted permission. These include a dwelling to be replaced in accordance with Policy CTY 3.

Policy CTY3

- 7.12 This policy states that planning permission will be granted where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum, all external structural walls are substantially intact.
- 7.13 It was evident on the site inspection that the building exhibited essential characteristics of a dwelling and showed signs of recent occupation.

- 7.14 Proposals for a replacement dwelling will only be permitted where a number of criteria are met. One of the criteria under CTY3 is that the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits. For the purposes of this policy 'curtilage' will mean the immediate, usually defined and enclosed area surrounding an existing or former dwelling house.
- 7.15 The siting of the proposed dwelling can be seen on the proposed block plan – Drawing 04/1 and is within the established curtilage of the existing building.
- 7.16 CTY3 further requires that the overall size of the new dwelling should allow it to integrate into the surrounding area and it should not have a visual impact significantly greater than the existing. Paragraph 5.15 states proposals to replace existing semi-detached will generally only be acceptable if replaced in situ with the proposed new dwelling remaining attached to the other elements of the existing development. The proposed dwelling is replacing a semi-detached dwelling and has been proposed to be a one and a half storey semi-detached dwelling measuring 7.5metres in height to meet the ridge of the semi-detached dwelling at No. 88 Ballyreagh Road. It will have a frontage of 10.7metres while No. 88 has a frontage of 9.5metres. The proposed dwelling is of a similar size and scale when viewed from public vantage points and would not be read as significantly greater than the existing dwelling.
- 7.17 Thirdly, the design of the replacement dwelling should be of high quality appropriate to its rural setting and have regard to local distinctiveness. There are concerns that the proposed design is not appropriate given the character and context of its locality. The proposed dwelling is a storey and a half, semi-detached dwelling with a flat roof dormer style front projection finished in glazing. The proposal includes flat roof rear returns finished in metal cladding. The plans appear to indicate that proposed roof colour will be a different shade/colour of brown than No. 86 next door. The dwelling incorporates a front terrace and a rear terrace area, as well as

external stairs that is accessed from the front of the dwelling. The rear terrace contains 1.8metre screen walls, finished in metal cladding and there will be a wall along the western elevation that uses the same slate as the roof and appears to mimic a hipped roof. The front elevation hosts a large amount of glazing and an outdoor terrace, enclosed with a clear glass surround.

- 7.18 The overall design of the dwelling is considered to be out of character and inappropriate for this location. All 4 semi-dwellings along this road are of a similar design, and any replacement must be sympathetic and respect this existing context. The proposed streetscape can be seen on Drawing 04/1 – it is considered the proposal is not in keeping with what exists along this road.
- 7.19 LA01/2021/0017/F for No. 86 Ballyreagh Road submitted similar plans to the original scheme of this proposal, which were subject to the same concerns, the proposal was subsequently amended to be in keeping with the surrounding area.
- 7.20 The fourth criteria states that all necessary services are available or can be provided without significant adverse impact on the environment. The Council's Environmental Health Section were consulted - responding with no objections. It is considered that services are available or can be provided without significantly impacting upon the environment.
- 7.21 Lastly, the criteria states that access to the public road will not prejudice public safety. It is considered that as the dwelling to be replaced is currently occupied, there will be no intensification of the access. It is considered the proposal complies with the Standing Advice.
- 7.22 It is considered the design of the proposed replacement dwelling is not appropriate to its setting and does not regard local distinctiveness. Amended designs were requested and due to be submitted on 20th March 2024, however these were not forthcoming.

Policy CTY 13

- 7.23 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. 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.

Policy CTY14

- 7.24 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. 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.

- 7.25 The Justification and Amplification of CTY13 states that one of the main criteria against which the degree of visual impact will be

considered includes the suitability of the design of the building for the site and its locality, including its form, scale and massing. The most successful rural designs are those which are based upon simple shapes and forms of traditional buildings. It is however acknowledged that there will also be opportunities for contemporary or innovative design which results in the provision of high quality more environmentally friendly buildings provided the overall design and orientation are acceptable.

- 7.26 The existing dwellings within the immediate area are storey and a half, semi-detached dwellings, and a one and a half storey detached dwelling. All the semi detached dwellings are modest in size, scale and design. They're finished with hipped roofs, and either render or dashed render, one includes stone cladding. Some extend further back into their narrow plot to provide more living space. The detached dwelling to the west of the site, No. 92 Ballyreagh Road, is considered to be a modern adaptation of a traditional rural dwelling. No. 92 includes a pointed front return finished in glazing with a front, first floor terrace which is overhung by the existing roof. Apart from the front projection, the remainder of the dwelling is simple in form and design, externally finished in smooth render.
- 7.27 While modern adaptations of rural dwellings are welcomed, this particular proposal fails to respect the character and context of the area. The photomontages submitted show how the dwelling would look in the streetscape. From these visuals, it clarifies that the proposed design would be out of character to what exists within this rural area.
- 7.28 The proposal therefore fails criterion (e) of CTY13 in that the design of the building is inappropriate for the site and its locality; and also fails CTY14 in that the proposal would have a cause a detrimental impact on the character of the area.

Residential Amenity

- 7.29 The objection letters received from No. 92 Ballyreagh Road raise issues of overlooking and dominance. Given the proposed first floor living and terrace areas of the proposed design, the Planning

Authority share these concerns regarding overlooking. There are two first floor terraces proposed, one to the rear and one to the front which also wraps around to the side. The degree of overlooking is excessive particularly from the wrap around terrace to the front and side.

- 7.30 Whilst the design seeks to mitigate the overlooking from the rear terrace, with the inclusion of high level walls, this adds to the scale and massing of the building, and its jarring relationship with the neighbouring properties. The proposed first floor living arrangement also exacerbates the impact on neighbouring amenity, increasing the degree of overlooking and impact of noise and general disturbance.
- 7.31 Environmental Health were consulted on the proposal and responded stating they have considered the objection letters, however, their comments from the previous response dated 13th September 2023 remain valid and the Environmental Health Department have no concerns with the proposed development.

Habitat Regulations Assessment

- 7.32 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 CONCLUSION

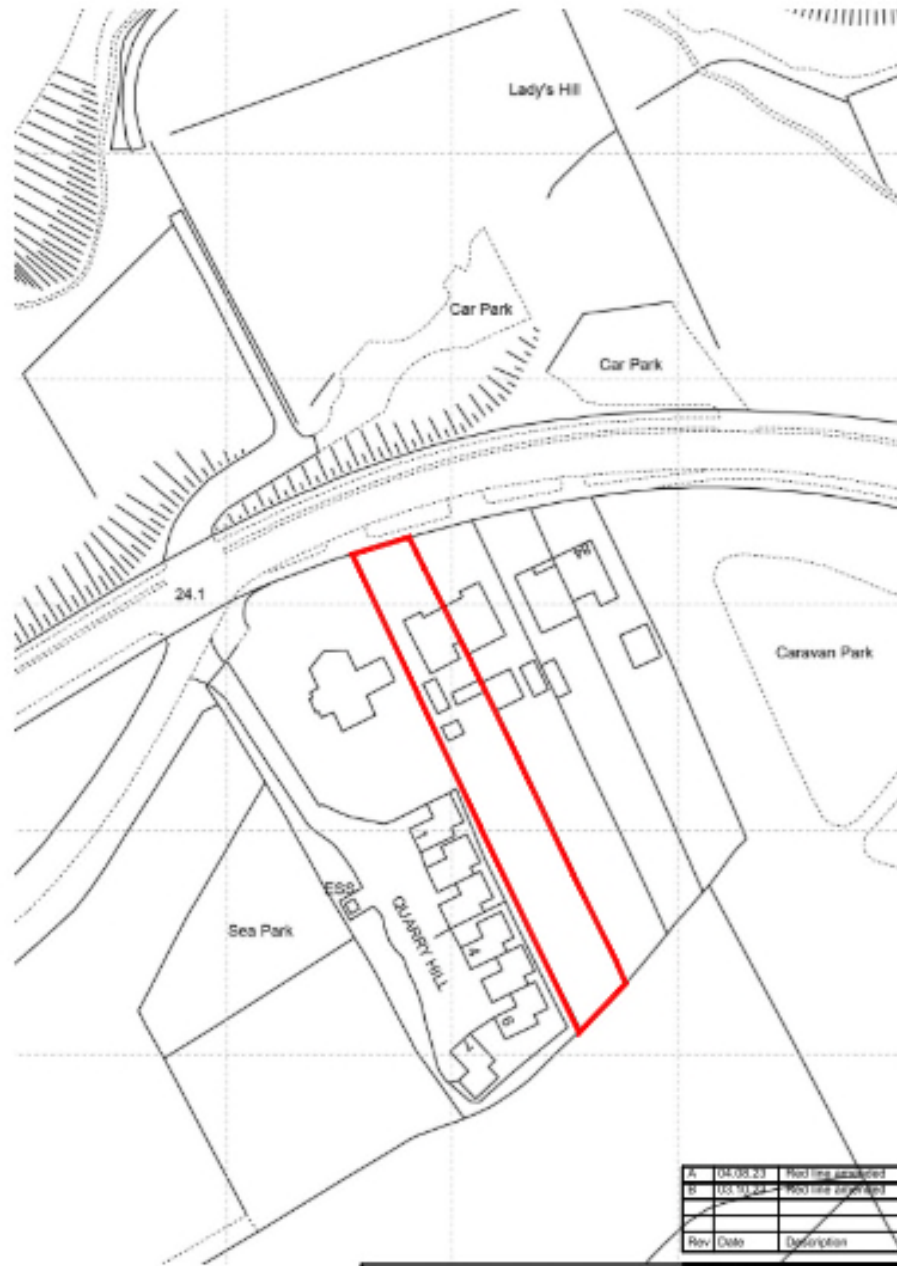
- 8.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including Planning Policy Statement 21 – Sustainable development in the Countryside, CTY 1, CTY3, CTY13 and CTY 14; in that the design of the proposed replacement dwelling is not appropriate to its rural setting and does not have

regard to local distinctiveness and if approved would be detrimental to the rural character of the area.

9 Reasons for Refusal

- 9.1 The proposal is contrary to paragraphs 4.12 and 6.77 of the Strategic Planning Policy Statement, and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design would have an adverse impact on the residential amenity of neighbouring properties by way of overlooking.
- 9.2 The proposal is contrary to The Strategic Planning Policy Statement Paragraph 6.73 and Policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed replacement dwelling is not appropriate to its rural setting and does not have regard to local distinctiveness.
- 9.3 The proposal is contrary to paragraph 6.70 of the SPPS and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the building is inappropriate for the site and its locality.
- 9.4 This proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would be detrimental to the rural character of the area.

Site location Map



| | | | |
|-----|----------|-------------------|-----|
| A | 04.05.23 | Red line assigned | JAU |
| B | 05.10.23 | Red line assigned | CB |
| | | | |
| | | | |
| Rev | Date | Description | By |

des ewing
residential architects

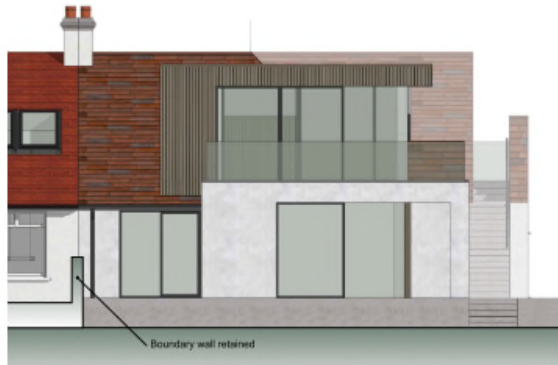
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PROJECT
REPLACEMENT SEMI-DETACHED DWELLING
50 BALLYREAH ROAD
PORTSTEWART
BT55 7PE

TITLE
SITE LOCATION

| | |
|--|----------------|
| Drawn by: CB | Sheet size: A4 |
| Date: JUNE 2023 | Scales: 1:500 |
| DRAWING No. 23-03-01 Rev B | |
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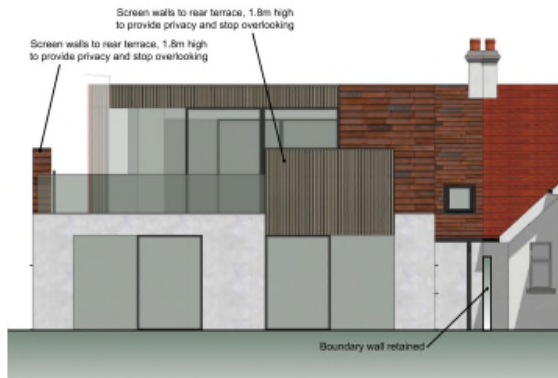
Proposed plans



FRONT ELEVATION



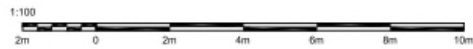
SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



| Rev | Date | Description | By |
|-----|----------|-------------------------|----|
| 1 | 10.07.23 | Planning Revised Design | GR |
| | | | |
| | | | |

| MATERIALS | |
|-------------------|--|
| Roof: | Pitched Clay Tile & Flat Roof System |
| Walls : | Clay Tile, Off-White Render & Metal Cladding |
| Doors: | Painted Hardwood |
| Windows: | Grey Aluminum |
| Rain Water Goods: | Secret Gutter |

| | | | | | | | |
|---|--|--------------|----------------|-----------------|--------------|-----------------------------|--|
| <p>des ewing residential architects</p> <p><small>Des Ewing Residential Architects The Studio 10 George Road, Portlaoise BT14 0HU T: 051 9022 0600 F: 051 9022 0604 E: home@desewing.com www.desewing.com</small></p> | <p>PROJECT REPLACEMENT SEMI-DETACHED DWELLING 90 BALLYREAH ROAD PORTSTEWART BT155 7PT</p> | | | | | | |
| | <p>TITLE PROPOSED ELEVATIONS</p> | | | | | | |
| <p>CLIENT MR. MCCANN</p> | <table border="1"> <tr> <td>Drawn by: GR</td> <td>Sheet size: A3</td> </tr> <tr> <td>Date: JUNE 2023</td> <td>Scale: 1:100</td> </tr> <tr> <td colspan="2">DRAWING No. 23-03-06 (RevA)</td> </tr> </table> | Drawn by: GR | Sheet size: A3 | Date: JUNE 2023 | Scale: 1:100 | DRAWING No. 23-03-06 (RevA) | |
| Drawn by: GR | Sheet size: A3 | | | | | | |
| Date: JUNE 2023 | Scale: 1:100 | | | | | | |
| DRAWING No. 23-03-06 (RevA) | | | | | | | |

Referral Request

From: Mark Fielding

Sent: Saturday, June 8, 2024 9:41 AM

To: Planning <Planning@causewaycoastandglens.gov.uk>; Sandra Hunter Denise Dickson

Subject: LA01/2023/0804/F

I wish to refer the following Planning application LA01/2023/0804/F to the Planning Committee – Demolition of existing one and half storey semi-detached and three outbuildings, construction of a new detached two storey dwelling, new entrance gates and pillars and associated site works at No.90; gable wall of No.88 to be insulated and hipped roof added. 90 Ballyreagh Road Portstewart.

See attached.

Yours,

Mark

Alderman M Fielding

Planning Reference LA01/2023/0804/F

Elected Member Name Mark Fielding

Refusal Reason 1

Design is subjective – the SPPS advises that Councils should not refuse on design grounds unless there are exceptional circumstances.

Refusal Reason 2

Ballyreagh Road is not a 'typical' rural road. It is characterised by a wide variety of buildings with different designs, by the Juniper Hill caravan park, and by 'the pits' for the NW 200. There is no fixed pattern of development. The house next door at No.92 is a very contemporary two storey dwelling. There is also the terrace of dwellings at Quarry Hill immediately to the rear of the subject dwelling, and the Ballygelagh Village complex on more elevated land.

Refusal Reason 3

The applicant is seeking to enhance and revitalise this property and make it suitable for modern living. The overall height and scale will remain compatible with the adjacent properties.

Refusal Reason 4

There will be no material overlooking of private areas- the proposed balcony will only look over open front gardens and the coast.