

Planning Committee Report LA01/2019/0576	23 September 2020
PLANNING COMMITTEE	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environment and Assets
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
Lead Officer	Development Management & Enforcement Manager
Cost: (If applicable)	N/a

<u>No:</u> LA01/2019/0576/O	<u>Ward:</u> Greysteel
<u>App Type:</u> Outline Planning	
<u>Address:</u> Lands between 47-49 Sheskin Road Gortgare Greysteel	
<u>Proposal:</u> Proposed Outline Application for 2 bed single storey bungalow with detached garage.	
<u>Con Area:</u> n/a	<u>Valid Date:</u> 04/06/2019
<u>Listed Building Grade:</u> n/a	
<u>Agent:</u> ASI Architects Ltd, 51 Clarendon Street, Derry BT48 7ER	
<u>Applicant:</u> Sandra McHarg, 117a Carnamuf Road Ballykelly	
<u>Objections:</u> 0	<u>Petitions of Objection:</u> 0
<u>Support:</u> 0	<u>Petitions of Support:</u> 0

EXECUTIVE SUMMARY

- Outline planning permission is sought for an infill site for a 2 bedroom single storey bungalow with detached single garage.
- The site is not located within any settlement development limit as defined in the Northern Area Plan 2016 and is not subject to any specific designations.
- The principle of development is considered unacceptable having regard to Policy CTY 8 as the gap site can accommodate more than 2 dwellings and is therefore not an exception under policy.
- The proposal is cut from a roadside field and will rely on new boundaries and landscaping for integration and is therefore contrary to Policy CTY 13.
- As the proposal fails to comply with Policy CTY 8, it is also unacceptable under Policy CTY 14 as it will create a ribbon of development along Sheskin Road.
- Loughs Agency, Environmental Health, NI Water and DfI Roads were consulted on the application and raise no objection.
- There are no objections to the proposal.
- The application is recommended for Refusal.

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

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 site is part of a roadside field located on lands between 47 and 49 Sheskin Road Greysteel. To the north of the field which the site is part of, is a linear development of 5 detached roadside dwellings (Nos. 41-47 Sheskin Road). To the south of the site there is a dwelling and outbuildings (No.49 Sheskin Road) on a significantly larger plot relative to the dwellings at Nos. 41-47.
- 2.2 The site is an agricultural field with a strong southern boundary defined with mature trees. The northern and western boundaries are undefined and the eastern boundary (road side) is currently defined with native species hedging.
- 2.3 The area is predominantly agricultural, fairly open in nature with roadside dwellings along this stretch of Sheskin Road, which are mainly detached single storey and storey and a half.
- 2.4 The area is not subject to any specific zonings or designations.

3 RELEVANT HISTORY

B/1997/0183 Erection of Bungalow Adjacent to 49 Sheskin Road Greysteel Permission Granted. 15.08.1997

4 THE APPLICATION

- 4.1 The application site for an infill site for a 2 bedroom single storey bungalow with detached single garage.

- 4.2 The potential impact this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The Proposal would not be likely to have a significant effect on the Features, conservation objectives or status of any of these sites.

5 PUBLICITY & CONSULTATIONS

5.1 External

Advertising: Coleraine Chronicle 19/06/2019

Neighbours: There are no objections to the proposal

5.2 Internal

Loughs Agency has been consulted and it raises no objections

DfI Roads has been consulted and it raises no objections.

Northern Ireland Water has been consulted and it raises no objections.

Environmental Health has been consulted and it raises no objections.

6 MATERIAL CONSIDERATIONS

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

- 6.2 The development plan is:

- 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

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

PPS 3: Access, Movement and Parking - Access, Movement and Parking

Planning Policy Statement 21 – Sustainable Development in the Countryside

Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside

DCAN 15: Vehicular Access Standards

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to; principle of development, visual integration and rural character, traffic matters and precedent.

Planning Policy

- 8.2. The site is located outside any settlement development limit and is within the rural area. The site is part of a roadside field, situated between Nos. 47-49 Sheskin Road, Greysteel.
- 8.3. There are no specific zonings or designations relating to this land set out in the Northern Area Plan 2016.

- 8.4. The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.

Principle of Development

- 8.5. Paragraph 6.73 of the Strategic Planning Policy Statement (SPPS) and Planning Policy Statement 21 – Sustainable Development in the Countryside, Policy CTY 1 states there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One acceptable type of development is the infilling of a gap site, provided this is in accordance with Policy CTY 8.

- 8.6. Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, the policy goes on to say that

“An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.”

- 8.7. Policy allows for the development of up to 2 houses within a small gap site provided the site complies with the requirements set out in policy. These elements are broken down below:
- The gap must be within a substantial and continuously built up frontage. For the purposes of this policy a substantial and continuously built up frontage includes *“a line of 3 or more buildings along a road frontage without accompanying development to the rear”*.
 - The site must respect the development pattern along the *frontage*. To assess this, there is a need to consider size, scale, siting and plot size.

- Once these two elements are considered, the gap site can only be capable of accommodating a maximum of 2 dwellings having regard to the above.
 - The site must comply with the other environmental criteria; mainly visual integration and rural character as set out in policies CTY 13 & CTY 14.
- 8.8. The site is part of a larger agricultural field. To the north of the field there are 5 dwellings, while to the south there is a dwelling and outbuildings. As this frontage includes at least a line of 3 or more buildings along the road frontage, it is a substantial and continuously built up frontage for the purposes of CTY 8 and the first policy element is met.
- 8.9. Following an Office Meeting in October 2019, a planning report prepared by JPE Planning was submitted on behalf of the applicant. Under the heading “*Continuous Row*” set out in the first page of this report, JPE Planning contend the site is “*wholly compliant with this clear and unambiguous policy test*”. Officials do not dispute this part of the JPE report. That said, this element is only one part of the overall assessment required by Policy.
- 8.10. The site is required to respect the development pattern along the frontage. For the purposes of this assessment, the frontage runs from No.41 Sheskin Road to No. 49 Sheskin Road. This is consistent with the frontage presented in the JPE report (Figure 1).
- 8.11. The 5 dwellings to the north are fairly similar with one another in terms of size, scale, siting and plot size. In comparison, the dwelling to the south sits on a much larger plot and would not be consistent with the development pattern to the north. As this is only one dwelling within the overall frontage of 6 dwellings, greater weight would be attributed to the more predominant development pattern to the north.
- 8.12. To help quantify the development pattern along the frontage, the agricultural field, which provides the visual break between nos.47 & 49, has a roadside frontage of @ 86metres. As the site is only part of this field, this applicant proposes a frontage of @42 metres for this application site, leaving a residual frontage of @44 metres.

8.13. The row of 5 dwellings to the north have an average road frontage width of just over 17metres (ranging from @12-28 metres). The dwelling located to the south has a road frontage width of 64 metres. This gives an overall average frontage width of @25 metres. As the site would create a frontage of some 42 metres; this is significantly larger than the average frontage widths of the existing plots.

8.14. Paras. 8.8 – 8.13 demonstrate the proposed frontage width is too large when considered against the average existing frontage widths. However, Para. 5.34 in the amplification of Policy CTY 10 specifically references the gaps between houses and other buildings. This approach is reinforced by 2 of the Appeals cited in the JPE planning report. Under Para. 7 of Planning Appeal 2018/A0208 the Commissioner states that the critical issue in planning terms is the size of the gap between the buildings, while in Para.10 of Planning Appeal 2018/A0186 the Commissioner explicitly references that the amplification text at Paragraph 5.34 is clear that the gap is between buildings. An assessment of the gap site, subject of this application, is set out below.

8.15. The gap to be considered in this application is the distance between the building to the south (the dwelling at no.49) and the building to the north (dwelling at no.47). The gap between the dwelling at no. 47 and the dwelling at no.49 is in excess of 120 metres.

8.16. Supplementary planning guidance “Building on Tradition” provides further advice and guidance on infill dwellings at pages 70-76. Page 71 lists the following 5 bullet points to help assist consideration of the infilling of gaps and frontage development. Each of these is considered below:

- *It is not acceptable to extend the extremities of a ribbon by creating new sites at each end.*

While the application site is within a frontage, as the site fails to meet the requirements of an infill dwelling, the proposed site will create a ribbon of development.

- *Where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill.*

The gap frontage between the dwelling at no. 47 and no.49 is in excess of 120 metres. The overall plot averages are 25 metres and therefore the gap frontage well exceeds the average ribbon plot width and is unsuitable for infill.

- *When a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots*

The average ribbon plot width in the adjoining ribbon is 25 metres, which equates to 50 metres for two new plots. As this gap is in excess of 120 metres, the gap can potentially accommodate 4-5 new plots. Even if the gap is considered to be the frontage of the agricultural field, which is 86 metres (Para.8.12), this gap would comfortably accommodate three new plots and is more than twice the length of the average plot width.

- *Sometimes ribbon development does not have a consistent building set back. Where this occurs the creation of a new site in the front garden of an existing property is not acceptable under CTY 8 if this extends the extremities of the ribbon.*

This is not applicable to the application site.

- *A gap site can be infilled with one or two houses if the average frontage of the new plot equates to the average plot width in the existing ribbon.*

The average plot width is 25 metres. As the average frontage of the new plot widths are over 40 metres, these will not equate to the average plot width.

8.17. Having considered the elements set out in Policy CTY 8 for an infill dwelling, and having regard to the policy guidance provided in Building on Tradition, this proposal fails to meet the policy requirements and guidance for an infill dwelling.

- 8.18. It should be noted that under the heading “*Character & Pattern of Development*” of the JPE planning report, reference is made that the *size of the gap is dependent upon the existing development pattern in the **surrounding area***” (emphasis added). As set out under the 2nd bullet point of Para. 8.7. in this Committee Report, policy states the site must respect the development pattern along the **frontage** (emphasis added). Furthermore, the JPE report goes on to state that a frontage of 40 metres is “*entirely in keeping with The (sic) plot frontage lengths in the local context*”, comparing the application frontage with those on the opposite side of the road. This is not what policy states, and assessment must be made having regard to the frontage.
- 8.19. The JPE report makes a comparison of the range of frontages in the local context and goes on to state on page 2 that the “*40m frontage squarely sits in the median range*”. Officials would dispute this. While the median is not a policy test, the median width for this frontage is @16 metres; over half that of the proposed site frontage of 42 metres.
- 8.20. The matters referred to in Paras 8.18. - 8.19. are critical in the assessment of this application as policy is clear that it is the frontage, not the surrounding area, which requires to be considered as set out in the assessment in Paras 8.6. - 8.17.
- 8.21. Having considered the policy context and the arguments presented by the agent, it is considered that the proposal does not meet the exception set out in policy CTY 8 to permit the development of this gap site. The gap site can easily accommodate more than 2 houses having regard to the development pattern along the frontage in terms of size, scale, siting and plot sizes, and would result in the creation of a ribbon of development along Sheskin Road which is contrary to policy CTY 8.
- 8.22. As no overriding reason has been forthcoming as to why the development is essential and could not be located within a settlement, the proposal is contrary to CTY 1 of PPS 21 and paragraph 6.73 of the SPPS.

Visual Integration and Rural Character

- 8.23. The principle of development is considered unacceptable. However, if the principle was considered acceptable, the site must also comply with the other environmental criteria; mainly visual integration and rural character as set out in policies CTY 13 & CTY 14.
- 8.24. The site is cut from a roadside field and lacks long established natural boundaries. While travelling from the north, the southern boundary with No.49 Sheskin Road provides some enclosure, and forms a backdrop for part of this view, the site primarily relies on the use of new landscaping for integration given the open nature of the land, and lack of further boundaries. The site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and is therefore contrary to policy CTY 13 (criteria (b) & (c)).
- 8.25. Policy CTY 14 acknowledges in criterion (d) that a new building in the countryside will not be acceptable where it creates or adds to a ribbon of development, specifically referencing CTY 8. As the proposal fails to comply with CTY 8, as concluded in Para.8.21 of this Report, it follows that the proposal fails to comply with Policy CTY 14.
- 8.26. Having considered the assessments set out under Policies CTY 13 and CTY 14 of PPS 21, the proposal fails to satisfactorily integrate into the countryside and will have an unacceptable impact on rural character.

Traffic Matters

- 8.27. DfI Roads has been consulted as the competent authority on traffic matters and raises no objection to the proposal.

Precedent

- 8.28. The JPE planning report cites 3 planning appeals and argues these set a precedent for the consideration of this application. Notwithstanding each site must be considered on its own merits consideration of each appeal is set out below.

8.29. Planning Appeal 2018/A0208 – This appeal is cited as the Commissioner accepted a gap site of 95 metres and that a gap site of this size was considered acceptable for 2 infill dwellings. However, the size of the gap is not the policy test to the acceptability or otherwise of an infill dwelling as explained above. In this appeal the Commissioner concluded that the gap site can only accommodate the 2 dwellings and respect plot sizes along the road frontage. This appeal is not comparable to the application site as its gap can accommodate more than 2 dwellings, and the proposed site does not respect the plot sizes along the road frontage.

8.30. On reading planning appeal 2018/A0186, the Planning Authority accepted, at the appeal, that the overall frontages are comparable and raised no issues or concerns with overall plot sizes. As concluded in Para. 8.21. the gap site subject of this application can accommodate more than 2 dwellings when considering the existing pattern of development, and it fails to comply with Policy. Therefore this appeal is distinguishable from the application site.

8.31. The third appeal cited is 2019/A0038. This is not comparable as there is no dispute over an access lane breaking the frontage as was the case in that appeal. Of concern in the consideration of this application, is that the size of the gap site is too large and can accommodate more than 2 dwellings.

8.32. Given the foregoing, little weight is given to these 3 planning appeals in the consideration of this planning application.

CONCLUSION

9.1 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. It has not been demonstrated that the proposal is one of the acceptable types of development permitted under policy CTY 1.

9.2 The proposed gap site is sufficient to accommodate more than 2 dwellings when considering the existing pattern of development along the road frontage and is not considered to be an infill

dwelling under CTY 8. As the proposal creates a ribbon of development along Sheskin Road, it is also contrary to criterion (d) of Policy CTY 14. The proposal is also contrary to Policy CTY 13, criteria (b) and (c) in that the site lacks long established natural boundaries and relies primarily on the use of new landscaping for integration. As no overriding reason has been forthcoming as to why the development is essential and could not be located within a settlement, the proposal is contrary to CTY 1 of PPS 21 and paragraph 6.73 of the SPPS. Refusal is recommended.

10 Refusal Reasons

1. The proposal is contrary to SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policies CTY8 and criterion (d) of Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Sheskin Road.
3. The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and criteria (b) & (c) of Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, lack long established natural boundaries, is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and it relies primarily on the use of new landscaping for integration.

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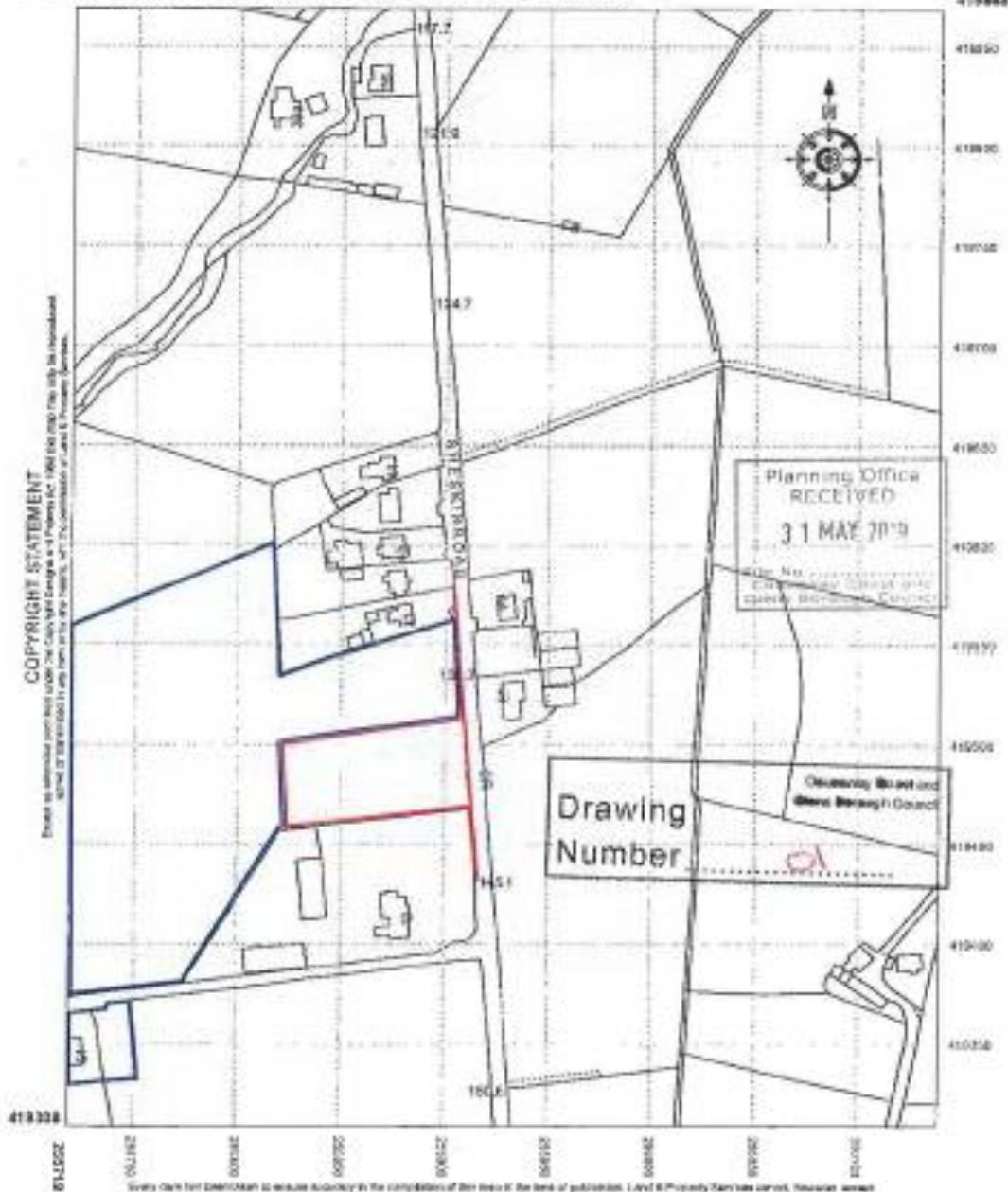
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