



| | |
|-------------------------------------------------------|--------------------------------------|
| Planning Committee Report LA01/2019/0810/F | 26th February 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> | LA01/2019/0810/F | <u>Ward:</u> Churchland |
| <u>App Type:</u> | Full | |
| <u>Address:</u> | 29 Broomhill Park, Coleraine, BT51 3AN | |
| <u>Proposal:</u> | Retrospective application with alterations to provide timber close boarded fence and new timber shed to rear garden. | |
| <u>Con Area:</u> N/A | <u>Valid Date:</u> 23rd July 2019 | |
| <u>Listed Building Grade:</u> N/A | | |
| Agent: CM Architectural Design 36 Knockanbaan Limavady BT49 0UL | | |
| Applicant: Mr & Mrs P. Creelman 29 Broomhill Park Coleraine BT51 3AN | | |
| Objections: 14 | Petitions of Objection: 0 | |
| Support: 0 | Petitions of Support: 0 | |

EXECUTIVE SUMMARY

- Full planning permission is sought for alterations to provide timber close boarded fence and new timber shed to rear garden at 29 Broomhill Park, Coleraine.
- The site is located within the settlement development limit of Coleraine as defined in the Northern Area Plan 2016.
- The principle of development is considered unacceptable as the siting and visual impact of the fence and shed have an unacceptable impact on the streetscape and is contrary to policy EXT 1 of Addendum to PPS7.
- DfI Roads has been consulted and raises no objection.
- There are 14 objections from 4 objectors 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 the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** permission for the full application subject to the reason set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located at 29 Broomhill Park within the settlement limits of Coleraine. The application dwelling is a detached, single storey dwelling finished in white render and red brick.
- 2.2 The application dwelling incorporates a pitched roof, with the dwelling finished predominantly in render and the front projection finished in red brick.
- 2.3 The front of the site contains a grass amenity area and a paved amenity area, which allows for in-curtilage parking. The rear of the site contains a paved amenity area, grass amenity area and two detached sheds. The rear of the site is enclosed via fencing measuring approximately 1.8m in height and vegetation.
- 2.4 The retrospective fence, subject of this application, is a close-boarded timber fence which measures 1.2m in height to the south and south west, and then increases to 1.8m in height for the remainder.
- 2.5 The proposal also includes a proposed shed, finished in timber, which measures approximately 2.4m in width and 3.6m in depth, with a ridge height of approximately 2.65m and eaves height of 2.1m. The proposed shed has a domestic appearance.
- 2.6 The surrounding area is characterised by detached single storey dwellings, finished in both render and red brick which incorporate pitched roofs.

- 2.7 The site is located to the southwest of Coleraine, and within the settlement development limit as set out in the Northern Area Plan 2016.

3 RELEVANT HISTORY

C/1985/0374 – Churchlands adj Greenmount Road & Burnside Park Coleraine - Private Housing Development – Permission Granted

LA01/2018/1091/F - 29 Broomhill Park, Coleraine - Retrospective application to provide new 1.8m high timber close boarded fence and new timber shed to rear garden – Permission Refused

4 THE APPLICATION

- 4.1 Full permission is sought for the retention and alterations to a close-boarded timber fence and a proposed shed. The close-boarded timber fence measures 1.2m in height to the south and south west, and then increases to 1.8m in height for the remainder. The proposed fence measures 1.8m in height for a total distance of 9.6m and measures 1.2m in height for a distance of 5.6m. The height of the fence gradually increases from 1.2m to 1.8m for a distance of 3.6m.
- 4.2 The proposed shed is located to the northwest of the site, alongside the timber fence. The proposed shed is finished in timber and measures approximately 2.4m in width and 3.6m in depth, with a ridge height of approximately 2.65m and eaves height of 2.1m. The proposed shed has a domestic appearance and footprint of approximately 8.64m².

5.0 PUBLICITY & CONSULTATIONS

5.1 External

The application was advertised in the local newspaper (Coleraine Chronicle) and neighbour notification was completed. There were a total of 14 objection letters received in relation to this application from four different objectors. A summary of the matters of objection raised include:

- Visual Impact/eyesore
- Impact on property value
- Impact on traffic and visibility
- Creates unsafe environment
- Housing development is shared surface/open development and this is out of character
- Impact on light
- Precedence
- Is a retrospective application
- Contrary to policy

5.2 Internal

DfI Roads - No objection.

MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local development 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 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)

PPS7 Addendum- Residential Extensions and Alterations

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the planning history; design and impact on character and amenity; traffic matters and; other matters.

Planning Policy

- 8.2 The site is located to the southwest of Coleraine and is located within the Coleraine Settlement Development Limit. The land is not subject to any specific zonings or designations as set out in the Northern Area Plan 2016.
- 8.3 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.

Planning History

- 8.4 There was a retrospective application to provide new 1.8m high timber close boarded fence and new timber shed to rear garden submitted in 2018 which was processed under planning reference LA01/2018/1091/F. This application was similar to the application currently under consideration. This application was placed on the *Contentious Delegated Decisions to Issue* w/c 26/11/2018 with a recommendation to refuse planning permission. The application was not referred to the Planning Committee and the decision refusing planning permission issued dated 26th November 2018 in accordance with the Council's Scheme of Delegation. The applicant did not exercise their right of appeal to the Planning Appeals Commission.
- 8.5 The applicant has now submitted a similar application seeking retrospective planning permission with alterations for the works carried out.

Design and Impact on Character and Amenity

- 8.6 The immediate area is characterised by detached single storey dwellings, in an open plan housing development, finished in both render and red brick and pitched roofs. The dwelling is located on a corner site and comprises a detached, single storey dwelling finished in white render and red brick. The front of the site contains grass and paved amenity areas, and provides in-curtilage parking. The rear of the site contains a paved amenity area, grass amenity area. The rear of the site is enclosed by a fencing measuring approximately 1.8m in height, and vegetation. No. 29 has a rear to gable relationship with the dwelling located at no.31 Broomhill Park.
- 8.7 The Strategic Planning Policy Statement for Northern Ireland (SPPS), Paragraph 4.27, states that planning authorities will reject poor designs, particularly proposals that are inappropriate to their context, including schemes that are clearly out of scale, or incompatible with their surroundings, or not in accordance with the LDP or local design guidance.
- 8.8 Policy EXT1 of PPS7 Addendum, states that permission will be granted for a proposal to extend or alter residential property where all of the following criteria are met:
- 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;
 - The proposal does not unduly affect the privacy or amenity of neighbouring residents;
 - 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
 - Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

- 8.9 The supporting text to EXT 1 makes specific reference to garages and other associated outbuildings within Annex A. Paragraph A11 says buildings within the residential curtilage, such as sheds and greenhouses, can often require as much care in siting and design as works to the existing residential property. It continues that these should be subordinate in scale and similar in style to the existing property, taking into account materials, the local character and the level of visibility of the building from surrounding views. A12 continues, saying that outbuildings wholly located in front gardens or those that extend in front the established building line can over-dominate the front of the property and detract from the street scene and will therefore generally be resisted.
- 8.10 Paragraph A23 states walls and fences, particularly in front gardens, can also have a significant effect on the appearance of the property and streetscape. The guidance requires the visual aspects of a wall or fence to be assessed. It should be noted that while the proposal is to the side/rear of No.29, as this is a corner site, it has a relationship with the frontages of dwellings 31-35 and this must be taken into account. A23 specifically references close-board fencing stating that expanses of close-board fencing bordering public areas are visually unacceptable. It is clear that policy seeks to resist and prevent development to the front of established building lines due to the visual intrusiveness. This proposal has a strong visual presence and detracts from the street scene on this area of Broomhill Park.
- 8.11 The original permission for this housing development (C/1985/0374) contains a condition (no.11) that states, “Notwithstanding the provisions of the Planning (General Development) Order (Northern Ireland) 1993, no buildings, walls and/or fences shall be erected, nor hedges, nor formal rows of trees grown at any time on the boundaries along the access road or in front of the building line, as indicated in green on the approved housing layout dated 13th Oct 1987”. This condition ensures an open plan style development is maintained. The proposed fence, included as part of this application, is at odds with this condition.
- 8.12 The proposal will be open to various uninterrupted public views from the north, south and west. The proposal will detrimentally

impact the visual amenity and character of the area due to its intrusive nature.

- 8.13 Having regard to the policy and supporting guidance, including the original permission, the scale, massing, design and external materials of the proposal have a strong public visual presence. When taking this into account, the proposal is not sympathetic with the built form and appearance of the associated dwelling and detracts from the character and appearance of the street. The siting of the shed is visually unsympathetic as it is situated well in front of the line of dwellings fronting the cul-de-sac (31-35) and disrupts this to an unacceptable level and goes against the spirit of the original approval. It also conflicts with Para. A23 of the Addendum to PPS 7. The proposal does not comply with criterion (a) of EXT 1.
- 8.14 The proposal will not result in any unacceptable overshadowing or loss of privacy to neighbouring dwellings given its relationship and arrangement to neighbouring properties. The proposal does not conflict with criterion (b)
- 8.15 The proposal will not result in the unacceptable loss of any trees and although it will detrimentally impact the landscape of the area by disrupting the open plan nature of the housing development, it does not conflict criterion (c).

Traffic Matters

- 8.16 The proposal will not affect car parking and manoeuvring at the dwelling and there is adequate access to, and provision of, in-curtilage parking. The proposal accords with criterion (d).
- 8.17 There was concern raised that the proposal conflicts with the visibility and safety of road users. Paragraph A23 of Add. PPS7 states that when fences are erected beside driveways or on corner sites they can have an impact on sightlines and traffic safety. DfI Roads was consulted in relation to this application and the objections raised, and as the competent authority on traffic matters raise no objection to the proposal.

Other Matters

8.18 There was concern raised by objectors set out in Para 5.1. The assessment of the proposal is set out above. There are some matters not considered in this assessment and these are addressed below:

- Impact on property value – No evidence has been submitted in support of this objection and is therefore given limited weight.
- Precedence – Each application must be assessed on its own merits and the level of precedence has not been substantiated. This matter is given limited weight.
- Retrospective application – legislation allows for retrospective applications and is not a reason in itself to withhold planning permission. That said, the proposal is considered to be contrary to Policy EXT1 and is recommended for refusal.

9.0 CONCLUSION

9.1 The proposal is considered unacceptable at this location having regard to the Northern Area Plan and the Addendum to PPS 7. The visual prominence of the proposed fence and shed are unsympathetic in scale and design in relation to the streetscape and surrounding area of Broomhill Park. Broomhill Park is characterised by an open plan layout and condition no.11 on the original permission (C/1985/0374) for the housing development sought to protect this open plan layout. The proposal fails to comply with Policy EXT 1 and refusal is recommended.

10.0 REFUSAL REASON

The proposal is contrary to Policy EXT 1, criteria (a), of the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations, and Paragraph 4.27 of the Strategic Planning Policy Statement, in that the proposed scale and massing of the fence and shed is excessive in its proposed location and will detract from the appearance and character of the surrounding area.

Site Location Plan



Site Layout

