

Planning Committee Report Item – Agenda Item 5.17 LA01/2017/0648/F – 7 Lever Court, Portstewart	28th February 2018
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	Principal Planning Officer
Cost: (If applicable)	N/A

**7 Lever Court
Portstewart
BT55 7EF**

**LA01/2017/0648/F
Full Planning**

28th February 2018

<u>App No:</u>	LA01/2017/0648/F	<u>Ward:</u>	Portstewart
<u>App Type:</u>	Full Planning		
<u>Address:</u>	7 Lever Court, Portstewart, BT55 7EF		
<u>Proposal:</u>	Proposed alteration to existing first floor window to provide patio doors and screen to access proposed first floor balcony at rear of dwelling.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	22 nd May 2017
Applicant:	Mr & Mrs Nicholl		
Agent:	Moore Design		
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

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 & 8 and resolves to **REFUSE** planning permission for the reasons set out in section 10.

2 SITE LOCATION & AREA

- 2.1 The site is located at 7 Lever Court, Portstewart. On the site is an existing two-storey semi-detached dwelling, located through an entry off Lever Road. The access to the site is secured via an existing security gate. The existing dwelling has a rendered finish at ground floor level and a light brick finish at first floor level. At the front of the property is an existing paved area which is used for car parking. At the rear of the dwelling is a small existing yard area. The boundary treatment at the rear

consists of approximately 1.5m high timber fencing. The existing yard area has been finished with paving and there is an existing timber shed. There is an existing public car park area to the rear of the site.

- 2.2 The area is of a mixed use and is characterised by residential dwellings, apartments, retail units and commercial premises. The site is zoned for housing under the Northern Area Plan 2016 and falls within the development limit of Portstewart. There are no examples of this form of development which exists along Lever Court.

3 RELEVANT HISTORY

None

4 THE APPLICATION

- 4.1 The proposal is for proposed alteration to existing first floor window to provide patio doors and screen to access proposed first floor balcony at rear of dwelling. The framework of the balcony will be finished with a galvanised steel, the balustrade with stainless steel and glass. The proposed windows and patio doors will finished with a white PVC. The balcony will be finished with 6 galvanised steels posts.
- 4.2 The posts are proposed at a height of 2.3m. Frosted glass screens have been proposed in each of the gable elevations and are proposed at a height of 1.1m. The proposed balcony will sit 2.5m above ground level at the rear of the site. The height of the balcony including the grass screening is proposed at a height of 3.6m. The balcony has a proposed floor area of 6.3sq metres.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** No letters of objection have been received.

Internal

- 5.2 **NI-Water-** Has no objections to the scheme subject to conditions and informatives.

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
- 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 RELEVANT POLICIES & GUIDANCE

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

The Regional Development Strategy 2035

Planning Policy Statement 7 (Addendum): Residential Extensions and Alterations

8 CONSIDERATIONS & ASSESSMENT

Principle of Development

- 8.1 The main considerations in the determination of this application relate to the impact the balcony will have in relation to the residential amenity of the surrounding neighbours and the fact that the decking is out of character in the area. The scheme creates a dominant feature at the rear of the dwelling which has an overbearing affect to the adjacent neighbours.
- 8.2 The principle of the proposed development must be considered having regard to the policy documents specified above and the supplementary guidance.

Planning Policy Context

- 8.3 The SPPS and PPS7 (Addendum) provide the policy context for development affecting a residential dwelling. Policy EXT1 of 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.

Background

- 8.4 Amended plans were received from the planning agent on 29/11/17. The amendments demonstrated a reduction in scale of the proposed balcony. It was therefore deemed not necessary to re-consult the adjacent neighbours in relation to these amendments as the description of the scheme remained the same and the scheme had been reduced.

Design

- 8.5 The proposal consists of a balcony at the rear of the property at first floor level. The balcony will be finished with materials which do not match the existing dwelling. The balcony is not visible from the front. However, critical views are from the car park to the rear. The development will be out of character in the rear elevation, in the context of the two sets of semi-detached dwellings at Nos 5, 6, 7 and 8 Lever Court. The balcony will have a significant impact on the character of the area, in terms of visual appearance and would set a precedent for this type of unacceptable development in the locality. The proposed balcony will affect the character of the existing dwelling by introducing a form of development which will detract from the external fabric of the rear facade.
- 8.6 The scale of the proposed balcony is out character with the existing dwelling on site and is out of character in the area. The proposed glass screens in the gable elevations, will give the appearance of a large glass box being proposed in the rear elevation of the property, which is not in keeping with the rear of the semi-detached dwellings along Lever Court. In the context of the dwellings at the rear of Lever Court a set of patio doors and larger windows has been proposed at first floor level. In design terms the proposed patio doors and larger windows are out of character with the adjacent premises at Nos 5, 6 and 8 Lever Court.
- 8.7 In visual terms the proposed alterations at first floor level would alter the visual context of the rear, of these premises in a negative fashion. This is unacceptable under current policy provisions. The scheme is not acceptable in terms of design, scale, materials and will create an overbearing affect to the adjacent neighbours at Nos

6 and 8 Lever Court. The scheme does not comply with part (A) of planning policy EXT1.

Impact on residential amenity

- 8.8 In terms of overlooking the proposed balcony will clearly overlook the most private amenity space of the adjacent neighbours at Nos 5, 6 and 8 Lever Court at the rear. The proposed frosted glass screens are proposed at a height of 1.1m. This will provide no form of screening or protection to the adjacent neighbour's residential amenity and could be viewed as an inadequate design feature, as they do not provide any functional protection to the adjacent properties. The potential degree of overlooking which will be caused to the adjacent neighbours is determined to be severe and unacceptable.
- 8.9 The proposed balcony will overshadow the existing ground floor window and rear patio doors of the application dwelling in the rear elevation. This is a poor design which causes harm to the existing natural light which enters the existing dwelling at present, at ground floor level. This would fail to create a quality residential environment for that property. Given its size, the balcony has the potential to allow a congregation of people for a social event. This could cause noise disturbance, through its location to the adjacent neighbours. The balcony is proposed to be located 1.3m off the boundary with the adjacent neighbour at No. 6 and 0.9m with the adjacent neighbour at No. 8. This is determined to be too close to the adjacent neighbours and will create a prominent feature at a high level. Therefore the proposed development is not in compliance with part (B) of Policy EXT1.
- 8.10 The proposal will not result in the unacceptable loss of any trees or landscape features and complies with part (C) of policy EXT1. Car parking will be unaffected by the proposal. On site car parking will still be available at the front of the site. Sufficient amenity space will remain on the site for bin storage purposes. The proposal complies with part (D) of policy EXT1.

9 CONCLUSION

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations. The balcony is out of character in the area. Furthermore, it will have an unacceptable effect on neighbouring amenity by reason of overlooking, dominance and the potential for noise disturbance. Refusal is recommended.

10 REASONS FOR REFUSAL

10.1 Reasons:

1. The proposed development is contrary to paragraph 4.27 of the Strategic Planning Policy Statement 2015 and the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations Policy EXT1 part (A) in that the proposed rear balcony, would, if permitted, be out of keeping with the character of the area by reason of design, scale and materials.
2. The proposed development is contrary to paragraph 4.12 of the Strategic Planning Policy Statement 2015 and the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations Policy EXT1 part (B) in that, if permitted, the proposed balcony would harm the living conditions of the residents in Nos 5, 6 and 8 Lever Court, by reason of: dominance; unacceptable overlooking and potential noise disturbance.

Site Location Plan

