

<b>Planning Committee Report Item LA01/2016/1487/F</b>	<b>25<sup>th</sup> April 2018</b>
<b>PLANNING COMMITTEE</b>	

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

<b><u>No:</u></b>	<b>LA01/2016/1487/F</b>	<b><u>Ward:</u></b>	<b>Garvagh</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>60m NW of 76 Station Road, Garvagh BT51 5LA</b>		
<b><u>Proposal:</u></b>	<b>Proposed replacement dwelling</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>1<sup>st</sup> DEC. 2016</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>Target Date:</u></b>	
<b>Applicant:</b>	<b>Davil Properties, 42 Temple Road, Garvagh BT51 5BJ</b>		
<b>Agent:</b>	<b>Patrick Bradley Architects, 30 Gortinure Road, Maghera</b>		
<b>Objections:</b>	<b>0</b>	<b>Petitions of Objection:</b>	<b>0</b>
<b>Support:</b>	<b>0</b>	<b>Petitions of Support:</b>	<b>0</b>

Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)

## **1 RECOMENDATION**

- 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 section 7 & 8 and resolves to **REFUSE** planning permission subject to the refusal reasons set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The site is located along a laneway off Station Road, approximately 0.75 miles north east of Garvagh. The site is located approximately 60 metres north west of the dwelling at 76 Station Road. On the site there is an old derelict dwelling which has become completely overgrown with vegetation. To the north the site is bounded by well-defined boundary with vegetation. To the east, west and south the site is bounded with semi mature trees and vegetation.
- 2.2 The proposal includes a new access through a roadside field running adjacent to the neighbouring bungalow sited to the front of the site. The land surrounding the property is predominantly agricultural. Housing in the immediate locality is made up of bungalows and two storey detached dwellings, all with standard pitch roof style. There are agricultural buildings located to the west of the site.
- 2.3 The site is defined as rural remainder as designated within the Northern Area Plan 2016.

## **3 RELEVANT HISTORY**

LA01/2015/0289/O. 60m NW of 76 Station Road, Replacement dwelling.

Granted 08.03.2016

## **4 THE APPLICATION**

- 4.1 This is a planning application for a proposed replacement dwelling.

## **5 PUBLICITY & CONSULTATIONS**

### **External**

5.1 None.

### **Internal**

5.2 **Transport NI:** Has no objection.

**DAERA Drainage and Water:** Has no objection.

**DAERA Natural Heritage and Conservation Areas:** Has no objection.

**Environmental Health:** Has 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 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

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

Strategic Planning Policy Statement (SPPS)

Northern Area Plan 2016

Planning Policy Statement 2 (PPS 2) Natural Heritage

Planning Policy Statement 3 (PPS 3) Access, Movement and Parking

Planning Policy Statement 21 (PPS 21) Sustainable Development in the Countryside

## 8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, scale, design, rural character and integration and access.

### **Planning Policy**

- 8.2 The site is located within the rural area as identified in the Northern Area Plan 2016.
- 8.3 The principle of this development proposed must be considered having regard to the SPPS and PPS policy documents specified above and any other material considerations. The SPPS was published 28 September 2015. In the accompanying Ministerial Statement it stated that the provisions of the SPPS are material to all decisions on individual planning applications and appeals.
- 8.4 Paragraph 6.73 bullet point 2 of the SPPS in relation to replacement dwellings echoes policy CTY 3 of PPS 21 with regards to the visual impact of the proposal not being significantly greater than the existing building.

### **Principle of Development**

- 8.5 Policy CTY 3 of PPS21 is the relevant policy context for such proposals and states that planning permission will be granted for a replacement dwelling where “the building to be replaced

exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact”.

- 8.6 Outline planning permission has already been granted under the previous reference LA01/2015/0289/O. Therefore the principle of a replacement dwelling has already been established on site.

### **Scale**

- 8.7 The second criteria of Policy CTY 3 of PPS 21 dictates that the overall size of the new dwelling should not have a visual impact significantly greater than the existing building. In this case, the overall size of the new dwelling will be significantly larger than the existing structure. The new dwelling will be higher than the existing single storey building. The existing structure has no roof and is completely covered in vegetation. However, it is apparent the existing building was approximately 5-6 metres high given the gable end height. The outline application conditioned a 6.5m ridge height to reflect this. The new proposed dwelling will be 8 metres high and 13 metres in frontage length. Due to the proposed scale the proposal will have a significantly greater visual impact on the locality.
- 8.8 The Agent has also raised two applications that they believe are comparable in size and scale. LA01/2016/0903/F was approved for a change of house type of a previous permission approved under the Rural Planning Strategy for Northern Ireland. The application is not comparable in that it was approved under a previous policy context. Furthermore, the existing road side hedging to the site was 3-5 m high at the site is well screened from the public road. C/2014/0411/F was approved under Policy CTY 3 for replacement dwellings. The proposal in this instance retained the original replacement opportunity incorporating it into the new dwelling and built an agricultural style building to the rear. The case officer accepted that the approved building is larger than the existing building. However, they stated that the design and form of a barn will assist in the integration of the new dwelling and appear as part of the rural landscape from longer range views. This is not comparable to this application in that the replacement opportunity has reflected the design of the original dwelling and that of agricultural outbuildings in the vicinity.

- 8.9 The proposed scale for the new dwelling is acceptable given the exceptional design with a traditional rectangular form.

## **Design**

- 8.10 Policy CTY 3 of PPS 21 requires that the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness. Paragraph 5.4.0 of the Rural Design Guide 'Building on Tradition' advises that replacement projects will tend to be most successful when they defer to the form and shape they are replacing. In most cases this means they will need to interpret the long, low form with the narrow gabled farm house style. New proposals should have narrow plan and vertical emphasis to gables. However, in contrast, in this application the proposed dwelling is a large hipped roof 2 storey detached dwelling which makes no attempt to respect the original form of the existing old dwelling on site. Paragraph 5.4.3 of the rural design guide 'Building on Tradition' also advises that we frequently make mistakes when we try to apply the deep plan house form to replacement sites. It goes further stating that the big two storey trophy house typical of the 90's and early 2000's rarely works because they have difficulty relating to the scale of the site and form of the retained rural buildings. The proposal is contrary to this advice.
- 8.11 Although high quality materials will be used with render walls, natural slate roof and wooden windows, unfortunately the hip roof design is not reflective of local distinctiveness and the local character. A Hip roof is not evident of this locality and does not reflect the original roof pitch of the existing building on site.
- 8.12 The agent has submitted a cross section of the site showing the proposed dwelling in relation to the existing road side dwelling and the fall in land. The cross section shows the proposed dwelling 1.38m below the road side dwelling, No 76. However the proposed ridge of the dwelling is depicted slightly higher than No 76. Though the replacement dwelling is set back and lower than the road, the vegetation that will need to be removed for the construction of the access and the dwelling will expose the site resulting in a greater visual impact and contrary to policy.

- 8.13 The agent has also submitted examples of hip roof dwellings in Garvagh town and also further afield. The agent has submitted a report from a replacement approval on Drumcroone Road reference: C/2014/0026/F. This approval is in a different locality several miles north of Garvagh and not directly comparable to the site. However it is noted the case officer refers in the report to the context of the setting and the site being set among several large scale buildings, including sheds and a neighbouring school. This is distinctively different from the setting of this site on Station Road as the only building in close proximity is a modest low ridge bungalow to the south.
- 8.14 This application site is not set among large scale buildings, whereby it would fit in with the context of the setting of the site. Within the agent's statement some of the dwellings shown do not have addresses or reference numbers therefore cannot be properly assessed and rebutted, and some are too far removed from the locality that they cannot be directly comparable within the locally distinct area surrounding the site. However the closest examples provided are all urban houses located within the settlement limits of the nearby town of Garvagh. The examples are long established dwellings which are subject to urban policy. They are not directly comparable in this instance. All the neighbouring houses along this stretch of road and within view of the site have typical rural pitch roof design. Therefore the proposal will not reflect the character and local distinctiveness of this area and as a result will have a detrimental impact on the visual amenity of the area. This application is contrary to the criteria stated in this part of policy.
- 8.15 The proposal is an 8 metre high dwelling and it will have a greater impact on the visual amenity than the replacement opportunity.

### **Integration and Rural character**

- 8.16 The main critical view will be along the road frontage when travelling from the west towards the proposed site entrance. There are no natural screenings along the field frontage on the roadside and there will be open views in towards the site. The site is covered in vegetation and this would need to be removed for the construction of the new house. This will result in the site

being opened up more to public view from critical view areas on the roadside at the entrance area. The proposal does not utilise the existing screened laneway to the east of no. 76 Station Road. A new entrance onto the public road to the west of no. 76 Station Road is proposed. The proposed development will involve the loss of a significant amount of vegetation for the proposed laneway, the new dwelling and for the surrounding curtilage. Overall the new proposal will have a visual impact significantly greater than the existing building and will appear prominent on the site and will result in a proposal which will be out of character in the surrounding context.

### **Access**

- 8.17 DFI Roads are content that an access can be provided in accordance with policy.

## **9 CONCLUSION**

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS and PPS 21. The proposal fails to meet the tests of the SPPS and Policy CTY 3, in that the proposal will have a visual impact significantly greater than the existing building and it does not have regard to local distinctiveness. Refusal is recommended.

## **10 Refusal Reason:**

- 10.1 The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building and the design of the replacement dwelling does not have regard to local distinctiveness.
- 10.2 The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy Statement and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling would be a prominent feature in the landscape and the design of the building is inappropriate for the site and its locality.



