

Planning Committee Report LA01/2018/1172/F	27 th March 2019
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>	LA01/2018/1172/F	<u>Ward:</u> Aghanloo
<u>App Type:</u>	Full	
<u>Address:</u>	6 Broighter Gardens, Limavady.	
<u>Proposal:</u>	Retrospective application for retention of domestic garage with alterations to building's exterior finishes	
<u>Con Area:</u> N/A	<u>Valid Date:</u> 2nd October 2018	
<u>Listed Building Grade:</u>	N/A	
Agent:	GM Design Associates Ltd, 22 Lodge Road, Coleraine, BT52 1NB	
Applicant:	Mr. Martin and Orla Bradley.	
Objections: 2	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 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 6 Brighter Gardens, Limavady. The application dwelling is a two storey semi-detached dwelling. The front of the site contains a grass amenity area and a paved amenity area that allows for in-curtilage parking. The rear of the site contains a paved amenity area and a grass amenity area, it is enclosed via a 2m high wooden fence, separating the site from all of the surrounding properties at the rear. The detached garage is located to the side of the site.
- 2.2 The dwelling incorporates a pitched roof and is finished externally with red brick and render, black uPVC windows, rainwater goods and black concrete slate roof tiles.
- 2.3 The large detached garage, subject of this application, has walls finished externally with profile metal cladding in a grey colour. The roof is finished in a grey coloured profile metal cladding. The side elevation of the garage that faces onto the rear amenity space of the associated dwelling includes two uPVC black windows and a pedestrian uPVC door. The front elevation of the garage contains a large metal roller door and another uPVC pedestrian door. The garage incorporates a low angle pitched roof. The footprint of the garage, which is the subject of this application, measures approximately 10.05m x 6.05m with a ridge height of approximately 3.9m. The eaves are set at approximately 3.35m above ground level. The appearance of the garage is akin to a commercial or light industrial use.

- 2.4 The surrounding area is characterised by semi-detached residential dwellings finished in red-brick and white render, with paved amenity areas that allow for in-curtilage parking located to the front of the site.
- 2.5 The site is located to the east of Limavady, within the settlement development limit, and is zoned as white land. The site is not subject to any specific zonings or designations as set out in the Northern Area Plan 2016.

3 RELEVANT HISTORY

- 3.1 LA01/2017/0450/F - 6 Brighter Gardens, Limavady BT49 0GH - Retrospective application for domestic garage adjacent to dwelling – Permission Refused (10/07/2017)
- 3.2 LA01/2017/1058/LDP - 6 Brighter Gardens, Limavady - Proposed Domestic Garage – Permitted Development Certified (01/11/2017)

4 THE APPLICATION

- 4.1 Full permission is sought for the retention of domestic garage with alterations to the building's exterior finishes.
- 4.2 The proposal retains the existing size dimensions and footprint. The proposed colours of the finishes for the garage have been altered. The profile metal cladding walls of the garage will remain, however they are to be finished in a light beige colour. The uPVC pedestrian doors and roller door remain and are to be finished in a brown colour. The black uPVC windows and dark grey profile metal cladding roof finishes are to remain the same. The outward dimensions of the proposal have not been altered. The side elevation of the garage that faces onto the rear amenity space of the associated dwelling includes two uPVC black windows and a brown pedestrian uPVC door. The front elevation of the garage contains a large metal roller door and another uPVC pedestrian door, both brown in colour. The garage incorporates a low angle pitched roof. The dimensions of the garage are:

Footprint- 10.05m x 6.05m (60.8m²)
Ridge height- 3.9m

5.0 PUBLICITY & CONSULTATIONS

5.1 External

There were 2 objections received raising the following concerns:

- Nothing appears to have changed from the previously refused application.
- Appears non domestic/Large agricultural shed
- Out of character
- Impact on light

5.2 Internal

There were no consultations on this application.

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 previous history & fall-back, design, scale & massing and impact upon the character and; other matters.

Principle of development

- 8.2 The site is located to the east of Limavady, within the settlement development limit, and is un-zoned land. The site 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.
- 8.4 The site is within a residential area, and the surrounding area is characterised by semi-detached residential dwellings finished in red-brick and white render, with paved amenity areas that allow for in-curtilage parking located to the front of the site.
- 8.5 The site comprises a two storey semi-detached dwelling, associated front and rear amenity space, and detached garage.

Design, Scale, & Massing, and Impact on Character

- 8.6 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.
- 8.7 The Strategic Planning Policy Statement for Northern Ireland (SPPS) (Paragraph 4.27) states where the design of proposed development is consistent with relevant LPD policies and/ or supplementary guidance, planning authorities should not refuse planning permission on design grounds, unless there are exceptional circumstances. 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 The critical views of the subject building are from along the frontage of the boundary of no. 56 Petrie Place and no. 2 Brighter Gardens to the corner of no.14 Brighter Gardens, and from within the cul-de-sac of nos. 4-14 Brighter Gardens.
- 8.9 The scale massing, design and external materials of the proposal are not sympathetic with the built form and appearance of the associated dwelling and detracts from the character and

appearance of the dwelling and surrounding area. The design and materials of the proposal are not reflected in the associated dwelling or surrounding buildings. The scale and design of the shed is more akin to a light industrial or commercial, rather than a domestic, use. This matter, and the issue of being out of character, have been raised by objectors.

- 8.10 PPS7 EXT1 makes specific reference to garages and other associated outbuildings, Annex A states that they can often require as much care in siting and design as works to the existing residential property. They 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.
- 8.11 The proposal is not subordinate in scale to the existing dwelling. The footprint of the garage measures approximately 60.8m², with a ridge height of approximately 3.9m. The applicant has stated that the size of the garage is required for the overnight storage of a van. It was suggested that a secure gate or bollard system would have been more appropriate.
- 8.12 The garage is large in size and dominates the existing streetscape. It also appears alien in its environment and detracts from the appearance and character of the area. The design and finish of the proposal is not considered to be characteristic of a domestic use or setting. The building is visible from various public viewpoints.
- 8.13 There are no privacy concerns with the proposal given the positioning of the windows and position of the garage in relation to the neighbouring property.
- 8.14 The size of the proposal detrimentally impacts the neighbouring properties via dominance, in particular, 4 Brighter Gardens.
- 8.15 The proposal will not result in the unacceptable loss of any trees or landscape features. The proposal will not affect car parking and manoeuvring at the dwelling.
- 8.16 The development fails to meet the policy requirements of EXT 1.

Previous History and Fall-back

- 8.17 Retrospective permission was previously sought for an almost identical proposal (LA01/2017/0450/F) which was refused planning permission by Council on the 10th July 2017. The applicant did not appeal this decision.
- 8.18 On the 9th August 2017, the applicant submitted a Certificate of Lawfulness of Proposed Development (CLUPD) for a proposed domestic garage. While this was a similar footprint, and similar materials to what has been built, the height of the eaves and roof form are different. This CLUD was certified as lawful on 1st November 2017. This Certificate is neither what the applicant has built, nor is it what permission is being sought.
- 8.19 A CLUD is a different process to a planning application. A CLUD certifies that a development proposal either meets the permitted development rights or it does not. However, in a planning application, professional judgement must be exercised, having regard to all the material considerations of the specific case.
- 8.20 The proposed garage certified under the CLUPD creates harm by reason of the incongruous form, design and materials, and is harmful within this residential environment. Notwithstanding this, what has actually been constructed does not fall within a householder's permitted development rights, and exacerbates and compounds this harm further by reason of the increase in the height of the eaves by 0.8m. Even with the proposed change to materials within the subject application which is seeking to change the colour to match the projection on the front elevation, it is still industrial in style, and appears completely incongruous in this residential environment.
- 8.21 The previous history and fall-back are material to this application. Given the overall harm of this fall-back position, it is given limited weight in this case.

Other Matters

- 8.22 There has been an objection regarding the loss of light in the immediate vicinity. Given the existing orientation of the subject development, in relationship with surround properties, it is

unlikely there will be an unacceptable loss of light. While there may be an impact on ambient light, having regard to the sun path (east – west) and the applicant’s property is situated to the north, and the distance the garage is away from the neighbouring properties, it is considered that any loss of light is not so great as to merit the withholding of planning permission.

9.0 CONCLUSION

- 9.1 In summary, the proposed garage is unsympathetic in scale, design and materials in relation to the existing dwelling. The scale, design and materials of the garage detrimentally impact the character and appearance of the area. The development is dominant and incongruous in this area given its appearance is more similar to a light industrial or commercial use, rather than a domestic use. The proposal offers a more inappropriate design solution relative to the design certified by the CLUD. The proposal’s location sited within a residential area further exacerbates the unsympathetic nature of the proposal. Refusal is recommended.

10.0 REFUSAL REASON

1. The proposal is contrary to Policy EXT 1 of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations, in that the scale, massing, design and external materials of the development are unsympathetic with the built form and appearance of the existing property, and would detract from the character and appearance of the surrounding area.

Site Location Plan

