

<b>Planning Committee Report LA01/2017/1183/F</b>	<b>27<sup>th</sup> March 2019</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 & Enforcement Manager
<b>Cost: (If applicable)</b>	N/a

<b><u>No:</u></b> LA01/2017/1183/F	<b><u>Ward:</u></b> Portstewart
<b><u>App Type:</u></b> Full	
<b><u>Address:</u></b> 95 and 97 Prospect Road, Portstewart.	
<b><u>Proposal:</u></b> Proposed demolition and replacement of nos. 95 & 97 Prospect Road with 4 no. apartments	
<b><u>Con Area:</u></b> N/A	<b><u>Valid Date:</u></b> 15.09.2017
<b><u>Listed Building Grade:</u></b> N/A	
<b><u>Agent:</u></b> 2020 Architects, 49 Main Street, Ballymoney, BT53 6AN	
<b><u>Applicant:</u></b> Chris Hegan, 95 Prospect Road, Portstewart	
<b><u>Objections:</u></b> 3	<b><u>Petitions of Objection:</u></b> 0
<b><u>Support:</u></b> 0	<b><u>Petitions of Support:</u></b> 0

**Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://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 10 and the policies and guidance in sections 8 and 9 and resolves to **REFUSE** planning permission for the reasons set out in section 11.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 This application site is in a suburban residential area within the development boundary of Portstewart as defined by the Northern Area Plan.
- 2.2 The site currently hosts a pair of two storey semi-detached dwellings with off street parking along the side of both properties. Both have a small front garden enclosed by a low level wall along the roadside. The two properties have rear gardens which are on a higher level due to the rise in land level in a northerly direction. The properties have a hipped roof, rough cast render on the walls and a front projecting bay window at ground floor level.
- 2.3 The existing dwellings form the second pair of four sets of semi-detached properties along this section of Prospect Road. The properties on the southern side of Prospect Road are positioned on a much lower level. There are three pairs of two storey semi-detached properties to the south of this application site.
- 2.4 Land to the north of the site has been allocated in the Northern Area Plan for housing (PTH 28) and was approved 22.12.2014 to deliver x44 houses by planning permission C/2011/0311/F.

## **3 RELEVANT HISTORY**

No relevant planning history.

## **4 THE APPLICATION**

- 4.1 This application seeks consent to demolish the existing pair of semi-detached dwellings in order to create a three storey building which would provide x4 apartments.
- 4.2 The proposal would be set off from the edge of the footpath by 8.8m with the provision of six parking spaces at the front. The proposed building would measure 15.5m in depth and a total width of 15.2m including side projections, albeit at the front, the width would be 12.2m. It would be set approx. 4.5m further back off the building line shared by neighbouring properties. The proposal would create four apartments over three floors. The two ground floor apartments are smaller providing two bedrooms in each. The two upper level apartments are spread over two floors with x3 bedrooms (in each apartment) on the first floor and living/kitchen space provided on the second floor.
- 4.3 It is finished with white painted render on the walls with natural timber sections at second floor level on the front elevation and in other sections on the side elevations.
- 4.4 It would create a tiered garden to the rear providing a shared amenity space for future occupants.
- 4.5 It would create x6 off street parking spaces to the front. The proposed plans annotate x2 on street parking spaces, albeit this falls outside the control of the applicant. The front boundary is defined by a low level wall either side of the access point.

## **5 HABITAT REGULATIONS ASSESSMENT**

- 5.1 The potential impact of 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.

## **6 PUBLICITY & CONSULTATIONS**

### **External**

6.1 Three letters of objection have been received from neighbours in no.99 Prospect Road which adjoins the site on the eastern boundary. The objections raised are detailed below and are considered in the remainder of this report:

- The density of development
- Impact on local character
- Position of building not adhering to the building line
- Parking at the front
- Overlooking from roof terraces  
(The rear balcony areas have been removed from these apartments following amendments.)
- Excavation for the site and its impact on existing foundations at No. 99 Prospect Road.  
(If problems were to occur with existing foundations then this would be a civil matter between neighbours)

### **Internal**

6.2 Environmental Health Department: No objection

6.3 NI Water: No objection

6.4 DFI Roads: No objections subject to conditions relating to visibility splays, forward sight lines and access gradients.

## **7 MATERIAL CONSIDERATIONS**

7.1 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.

- 7.2 The development plan is:  
Northern Area Plan 2016 (NAP)
- 7.3 The Regional Development Strategy (RDS) is a material consideration.
- 7.4 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.
- 7.5 Due weight should be given to the relevant policies in the development plan.
- 7.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **8 RELEVANT POLICIES & GUIDANCE**

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 7: Quality Residential Environments

Planning Policy Statement 7 (Addendum): Safeguarding the Character of Established Residential Areas

## **9 CONSIDERATIONS & ASSESSMENT**

- 9.1 The site is located within Portstewart settlement boundary as defined in the Northern Area Plan (2016). The main planning considerations for this application include the layout/design of the proposal, its impact on the character of the area, its impact on road safety and the impact the proposal would have on the amenity of neighbours and future occupants.

## **Principle of Development**

- 9.2 The principle of development must be considered having regard to the Northern Area Plan, the SPPS and PPS policy and guidance documents before mentioned. Paragraph 3.8 of the SPPS asserts a presumption in favour of development which accords with an up-to-date development plan unless the proposed development will cause demonstrable harm to interest of acknowledged importance.

## **Design and Local Character**

- 9.3 Planning Policy Statement 7 and its addendum expects the design and layout of residential development to be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas planning policy does not support housing development which would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.
- 9.4 The immediate area is characterised by pairs of two storey semi-detached properties with low level front boundary walls and small front gardens with larger private garden to the rear at a higher level. Each application must be assessed on its merits having regard to the proposed development and the site's context. An application to grant outline approval for 3 townhouses at 50- 52 Prospect Road (Ref: LA01/2015/0152/O) on 10 February 2016 in place of a pair of semi-detached dwellings is not comparable to this scheme which is seeking 4 apartments. Therefore this should be given limited weight. Further north along Prospect Road there are detached bungalows and two storey detached dwellings. There is also a terrace of x3 three storey town houses (no. 83-85 Prospect Road) with hard surfacing to the front to provide parking. The town houses were approved by the DOE in 2006 (C/2004/1193/F). The town houses are considered to detract from the character of the area as they break up the rhythm of development and are inappropriate in design. The Council is now a different planning authority and would in this instance not wish to replicate this form of development. Furthermore, the townhouses are an anomaly and do not dictate the whole

character of the area. It further demonstrates the necessity of good design and the need to ensure new development pays regard to the existing local character.

- 9.5 In terms of scale, the proposal is similar in height to the adjoining properties, but due to the width, depth and inclusion of a third floor, the scale is out of character with surrounding development. The proposed finished floor level is 1.64m lower than the existing floor level of no. 93 and 0.58m lower than the existing floor level of no. 99. The need for substantial excavation further demonstrates the inappropriateness of this scale of development over three floors. The Council welcomes contemporary design but not design which detracts from existing local character.
- 9.6 This proposal by reason of its position 8.8m back from the footpath and creation of x6 parking spaces to the front would break the building line by the development being set back and erode the pattern of development. The car parking area at the front of the proposal would look entirely out of place. The proposal has failed to respect the sites context and topography.
- 9.7 The Agent engaged with officials at the very start of the process and it was explained that the principle of 4 apartments on this site was unacceptable. Concerns were not solely limited to height, but to scale and massing. It was reiterated at the meeting and recorded twice on the meeting notes that a more acceptable planning response to this site is to seek a like for like replacement i.e. 2 dwellings. Officers can merely advise applicants/agents and it is a matter for them if they wish to address any matters or concerns raised at these meetings. There was no commitment that the principle of parking to the front was acceptable subject to the inclusion of a wall and vegetation.
- 9.8 Policy LCD1 of PPS7 Addendum requires new development to not introduce a significantly higher density. The density proposed in this proposal is significantly higher than that found in the established area. The agent has contested this stating that the area has a wide variety of both apartment and townhouse developments, and the density produced by each development varies considerably. However, density is not restricted or limited to a particular scheme, but rather within the

surrounding area and is generally calculated on the no. of units per acre (or hectare). From a brief assessment, the average density in this immediate area is low at 23 dwellings per hectare. In comparison, the proposed x4 apartments would equate to a density of 57 dwellings per hectare. This proposed density is out of character with the established area. Apartments are not in keeping with the surrounding density of development which is made up of detached or semi-detached two storey dwellings with subordinate extensions to the rear.

- 9.9 The character of the area includes an assessment of the context of the site. The site is located within a suburban area of existing detached and semi-detached houses, with some townhouses. While there is another apartment development on Prospect Road, this is located a substantial distance away and does not form the part of the character or context of the site.

### **Residential Amenity**

- 9.10 The neighbouring properties either side of the proposal have development along the boundary. No. 99 to the east has a single storey rear extension along the side boundary served by roof lights. No. 93 to the west of the proposal has a large garage with storage in the roof positioned further along the side boundary. The neighbours at no. 99 on the eastern boundary have objected to the application on the grounds it is considered to cause overlooking into the private garden of no. 99 in particular from the rear balconies. The rear roof terraces have since been removed from this proposal through the submission of amendments. The potential for overlooking of No. 99 from this apartment development has been considered but the amount of overlooking is not considered to be unreasonable considering removal of the rear terraces and due to the positioning of upper floor windows in the side elevation of the rear extension with none directly facing this property.
- 9.11 Given the nature of existing neighbouring development along the boundaries, the proposal by reason of its depth and height would not appear overbearing when viewed from the immediate amenity space to the rear of neighbouring properties.



9.12 In terms of the amenity of future occupants, the proposal would create in excess of 240 sqm shared amenity space to the rear (albeit bin stores have not been shown). Creating Places design guide advises on the level of private amenity space required to create a comfortable and enjoyable living space. It advises that a variety of different garden sizes should be provided on developments and on average should be around 70 sq m per house or greater. However in the case of apartments, private communal open space is acceptable in the form of landscaped areas, courtyards or roof gardens which should range from 10 sq m per unit to around 30 sq m per unit. Apartment blocks in lower density area should seek to provide the higher figure although a reduction is acceptable where private open space is provided in the form of patio or balconies. Given the proposed development would create 60 square metres of shared amenity space per unit, the proposal is considered to meet the standards set by Creating Places.

### **Road Safety**

9.13 The proposal would create x6 parking spaces to the front of the development. DfI Roads was consulted on the proposal and raised some concerns. However, following receipt of amended plans (Drawing no. 01D received 22.08.2018), DfI Roads now consider the proposal to satisfy Policy AMP 7 Car Parking and Servicing Arrangements and AMP 2 Access to Public Roads of PPS3 as it would provide adequate car parking and would not prejudice road safety or significantly inconvenience the flow of traffic.

## **10 CONCLUSION**

10.1 Having regard to the development plan and other material considerations the proposal is considered unacceptable. The principle of apartment development is not acceptable at this location. The proposal by reason of its form, density, scale and design is out of character with this part of Prospect Road and would simply appear out of place. Refusal is recommended.

## 11 REASONS FOR REFUSAL

1. The proposal is contrary to paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland and Policy QD1 of Planning Policy Statement 7, Quality Residential Environments, in that the development as proposed fails to provide a quality residential environment and would be contrary to criteria (a) and (g).
2. The proposal is contrary to paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland and Policy LC1: Protecting Local Character, Environmental Quality and Residential Amenity of PPS 7 Addendum: Safeguarding the Character of Established Residential Areas, in that the development as proposed fails respect the existing character of the area and would be contrary to criteria (a) and (b).

# Site Location Plan (1:1250)

