

Planning Committee Report LA01/2017/1233/F	22nd August 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	Development Management & Enforcement Manager
Cost: (If applicable)	N/a

<u>App No:</u> LA01/2017/1233/F	<u>Ward:</u> ALTAHULLION
<u>App Type:</u> Full Planning	
<u>Address:</u> 110m South West of 36 Straw Road, Dungiven.	
<u>Proposal:</u> Proposed dwelling, carport and domestic garage/stores with loft storage above.	
<u>Con Area:</u> N/A	<u>Valid Date:</u> 19.09.2017
<u>Listed Building Grade:</u> N/A	
Applicant: Dr Andrew Wilson 36 Straw Road, Dungiven.	
Agent: Tyrone Forsythe and Associates Ltd, 36 Freughlough Road, Castleberg, BT81 7JT	
Objections: 0	Petitions of Objection: 0
Support: 1	Petitions of Support: 0

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

1.0 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** planning permission subject to the reasons set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located 110m south west of No. 36 Straw Rd, Dungiven. The application site is located in the south eastern corner of an agricultural field, and immediately west of an existing farm yard. Access is proposed via a newly constructed laneway. The landform generally falls in a west to east direction from the Drumrane Rd, across the application site, towards the River Roe to the east of the site. The landform undulates and there is a gentle slope across the host field in a north to south direction. The application site will sit at an elevated position in comparison to the adjacent farm yard and dwelling at No. 36. The site is defined along the eastern boundary by a post and wire fence with some trees in the northern section which are approximately 5m in height. The southern boundary is defined by a post and wire fence and hedgerow which is approximately 2-2.5m in height. The remaining site boundaries to the west and north are currently undefined.
- 2.2 The application site is located within the rural area, outside of any settlement limit as defined in the Northern Area Plan 2016. The site does not lie within any environmental or other designated sites, but is a short distance from the River Roe, which is a designated Site of Conservation Importance (SAC) and Area of Special Scientific Interest (ASSI). The site is located approximately 1km North East of the settlement of Burnfoot, with the predominant land use being agriculture. Straw Rd is a relatively minor road which loops around back onto Drumrane Rd. Development along this road mainly comprises roadside development which includes a mix of residential and farm development. Straw House and the associated farm sheds

appears to be the one grouping of buildings which are set back from the road, and are located to the south east of the application site.

3.0 RELEVANT HISTORY

3.1 No relevant planning history.

4.0 THE APPLICATION

4.1 Full Planning Permission is sought for a proposed dwelling, carport and domestic garage/stores with loft storage above. This application was presented to the Planning Committee 27/06/2018 with an opinion to refuse planning permission on the grounds that the dwelling would fail to suitably integrate in accordance with Policy CTY13 and would be unduly prominent and impact visual amenity and be contrary to CTY14. Planning committee deferred the application for one month to facilitate the submission of amended plans, directing that the proposal should be reduced to a one and a half storey dwelling and the site levels should be further reduced.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

One letter of representation was received in support of the application.

5.2 Internal:

DFI Roads: No objections.

Environmental Health: No objections.

NI Water: No objections.

DAERA: No objections.

Shared Environmental Services: No objections.

Loughs Agency: No objections.

DAERA NED: Concerns regarding impact on SAC site.
Considered by Shared Environmental Services as part of their response.

DAERA WMU: No objections.

6.0 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 (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 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.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

PPS 2: Natural Heritage

PPS 3: Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

Supplementary Planning Guidance

Building on Tradition – A Sustainable Design Guide for the NI Countryside

Development Control Advice Note 15 Vehicular Access Standards

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The proposed dwelling must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: principle of development, visual impact and rural character, and impact on environmental designations.

Principle of Development

- 8.2 The policies outlined in paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21 state that there are a range of types of development which are considered acceptable in principle in the countryside. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. The application was submitted as a dwelling on a farm and therefore falls to be assessed against Policy CTY 10.
- 8.3 Policy CTY 10 states that permission will be granted for a dwelling house on a farm where all of the following criteria can be met:
- a) the farm business is currently active and has been established for at least 6 years;

b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and

c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

- 8.4 The submitted P1C form outlines that the farm business was established for more than 10 years and that they make single farm payment or other subsidies claim. DAERA has been consulted on the application and has confirmed that the Business ID associated with the farm business has been in existence for more than six years and that the business has claimed Single Farm Payment or other subsidies in the last six years. The farm maps submitted along with the P1 and P1C form are from the 2017 scheme which gives an indication that the business is currently active for the purposes of claiming single farm payment. Given the evidence presented it has been demonstrated that the farm business has been active and established for the required period and criteria A has been met.
- 8.5 Having carried out a history search against the farm Business ID Number no other planning histories have been identified. Having carried out a planning history search of the lands on the applicants farm map two planning approvals for dwellings have been found on lands immediately abutting the farm lands.
- 8.6 Planning approval B/2003/0383/O was approved in the name of Mr David Wilson (applicant's Father and owner of farm business), at a site adjacent to 36 Bovevagh Road, Burnfoot, Dungiven. A subsequent reserved matters approval was approved under application B/2004/0164/RM but in the name of Mr R Steele. A land registry check shows that this site was registered to a Mr Philip Russell Steele in August 2004.
- 8.7 Another planning application was submitted by David Wilson B/2005/0862/F at 190 metres north east of 34 Bovevagh Road, Dungiven. This application was refused by the then planning authority but was subsequently allowed at appeal. This site appears to have been registered to a Mr G Corrigan and D

Steele in August 2008 before being transferred again in February 2011.

- 8.8 Given that both sites were initially transferred prior to 25th November 2008 no dwellings or development opportunities have been sold or transferred from the farm holding within the critical time period or after and criteria B has been met.
- 8.9 The proposed dwelling is located to the immediate south west of the existing farm buildings, and is approximately 24m (building to building) from the nearest shed. Given the physical location of the proposed dwelling in relation to the existing farm buildings and the visual linkage between the proposed site and existing buildings from the surrounding road network a dwelling on the application site would visually link and cluster, and as such this element of criteria C is met.
- 8.10 Access to the proposed dwelling is via a newly constructed private lane onto Straw Rd to the North of the farm yard and buildings. A new laneway is proposed as access to the site from an existing access would result in having to drive through the farm yard, and given the change in levels between the farm yard and site would require significant works to provide adequate access. Having to drive through the entire farm yard could have a potential adverse impact on the health and safety of the occupier of the any dwelling on site given the direct conflict between access and farming activities, such as large machinery and animals movement. Given the current access arrangements, a new access would result in demonstrable benefits and would be acceptable in principle in this instance. Criteria C has been met.

Integration and Rural Character

- 8.11 The proposed plans which were presented to and considered by Planning Committee 27th June 2018 proposed a two storey dwelling with a frontage length of 14m and a gable width of 8.5m, with a two storey rear projection and a further single storey to provide a sunroom to the rear. The dwelling proposed a ridge height of 8.7m above finished floor level, with the roof design being gable ended with a traditional pitched roof. The garage/storage was located to the side/rear of the dwelling, just behind the main building line of the dwelling.

- 8.12 The plans also proposed cutting within the site to reduce the proposed ground and finished floor levels. This reduction in levels will result in a level of cut up to 2.5m in places towards the rear of the site. The proposed dwelling sat 6.7m above the ridge line of the adjacent shed.
- 8.13 Following direction from Planning Committee revised plans were submitted 5th July 2018. These show a reduction in the overall height of the proposed dwelling with a ridge height of 7.65m above finished floor level now proposed. There is no change to the footprint of the dwelling with a frontage length of 14m and a gable width of 8.5m, with now one two storey rear projection and a further single storey to provide a sunroom to the rear. The garage/storage has been retained as previously proposed, sited to the side/rear of the dwelling, just behind the main building line of the dwelling.
- 8.14 The revised plans propose additional cutting within the site to further reduce the proposed ground and finished floor levels by 0.5 meters. This reduction in levels will result in a level of cut up to approximately 3.0m in places towards the rear of the site, resulting in an engineered site. The proposed dwelling will still sit 5.1m above the ridge line of the adjacent shed and will still be readily visible from the surrounding critical viewpoints along Straw Rd, and to Drumrane Rd, albeit to a lesser degree.
- 8.15 When viewed from the critical viewpoints along Straw Rd, a dwelling of the scale proposed will still appear prominent in the landscape and would not be able to sufficiently integrate given the lack of mature boundaries or built features which could provide an adequate backdrop and absorb the dwelling. The most critical views along Straw Rd are from the north of the site approaching from Drumrane Rd, whereby the dwelling and garage would dominate views. From this viewpoint there are no intervening features other than the roadside hedgerow which would provide any screening to the site. The dwelling from here would be visually prominent and obtrusive in the landform.
- 8.16 On approach towards the site from the south a dwelling on the application site will appear as a prominent and dominant feature in the landscape given the elevated siting, with the existing

buildings on the farm offering little in the way of screening or integration. Additionally, the scale of development is significantly larger than any of the other dwellings along Straw Rd, which predominately sit on the lower lying land along the roadside to the east and south of the site. The scale of development and siting render the proposal unacceptable when assessed against Paragraph 6.70 of the SPPS and Policies CTY 13 and CTY14 of PPS21.

- 8.17 The combination of the scale and massing of the proposed dwelling, the elevated nature of the site and the lack of mature boundaries render this site unable to accommodate a large scale dwelling such as that proposed. The application site is completely reliant on engineering works and an extensive landscaping plan to provide some degree of enclosure and integration qualities. However, the landscaping required would take a significant passage of time and even when established would not satisfactorily integrate a dwelling of the scale proposed.
- 8.18 The proposed garage remains excessive in scale and would not appear as a subordinate building to the dwelling. Given the ridge height at 6.4m and extensive footprint, the garage is larger than many dwellings in the vicinity.
- 8.19 The revised proposal would still result in a dwelling which is excessive in scale for the site and would remain a prominent feature in the landscape. The reduction in height of the dwelling to 7.65m above finished floor level, allows for a dwelling which is almost two storey in scale, and is not considered a significant enough reduction to adequately integrate the dwelling into the application site and as such would appear as a conspicuous and prominent feature in the landscape. The proposal is contrary to Paragraph 6.70 of the SPPS and Policies CTY13 and CTY 14 of PPS21.
- 8.20 After considering the revised scheme which was submitted after the June Committee meeting, officials sought further reductions to the proposed dwelling and suggested a maximum ridge height of 6.5 – 6.7m in order to reduce prominence and help to integrate the proposed dwelling into the landscape. The request was declined by the applicant/agent on the basis that the applicant/agent were of the opinion that the revised scheme

reflected the Planning Committee resolution that it should be one-and-a-half storey and further reductions would not make any appreciable difference to the appearance of the dwelling.

- 8.21 The access details indicate the construction of large pillars and wing walls for a short distance either side of the access with a post and wire fence and hedgerow located to the rear of the visibly splays. The larger pillars are 1950mm in height and 900mm square, with the smaller pillars 1650mm and wall 1425mm. These features are considered excessive in scale and appearance and would appear over-elaborate at this rural site. Entrance gates and pillars should not be overly ornate in scale and appearance and as such any entrance features should be of a more modest scale. In their current form the entrance features fail to comply with Policy CTY 13 in that these ancillary works do not sufficiently integrate.

Impact on Environmental Designations - Habitats Regulations Assessment

- 8.22 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation 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 or conservation objectives of any European site.

9.0 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. The proposal is contrary to Policy CTY 13 and CTY 14 of PPS 21 in that the scale, massing and siting of the proposed dwelling is such that it would fail to satisfactorily integrate into its surroundings. The elevated nature of the site would result in a dwelling unduly conspicuous and prominent in the landscape. Refusal is recommended.

10.0 REFUSAL REASONS

1. The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policies

CTY10 and CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape, the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the proposed building relies primarily on the use of new landscaping for integration, the ancillary works do not integrate with their surroundings, the design of the proposed building is inappropriate for the site and its locality, the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.

2. The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policies CTY 10 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape, the impact of ancillary works would damage rural character and would therefore result in a detrimental change to the rural character of the countryside.

Site Location Map

