



<b>Planning Committee Report</b>  LA01/2017/0827/O	<b>28<sup>th</sup> March 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 & Enforcement Manager
<b>Cost: (If applicable)</b>	N/a

<b><u>No:</u></b>	LA01/2017/0827/O	<b><u>Ward:</u></b>	Drumsumn
<b><u>App Type:</u></b>	Outline		
<b><u>Address:</u></b>	Site between 1a and 3 East Road, Limavady		
<b><u>Proposal:</u></b>	Proposed infill site for 2 detached dwellings		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	21.06.2017
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	W M McNeill, 30 Knowehead Road, Broughshane, Ballymena, BT43 7LF		
<b><u>Applicant:</u></b>	Mrs Stella McFadden- 3 Benvardin Road, Derrykeighan, Ballymoney, BT53 8AG		
<b><u>Objections:</u></b>	<b>3</b>	<b><u>Petitions of Objection:</u></b>	<b>0</b>
<b><u>Support:</u></b>	<b>0</b>	<b><u>Petitions of Support:</u></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 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** outline planning permission for the reasons set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located between Nos. 1A and 3 East Rd, Limavady. The application site is accessed via a private laneway which serves a number of other residential properties. The application site relates to almost the entirety of an agricultural field, which has a linear form. The landform rises from the Ballyquin Rd in an eastern direction and also in a south eastern direction from East Rd. From the access lane the site rises from 1a towards No. 3 and also falls away from the lane towards the rear of the site. The application site is defined along all four boundaries by a post and wire fence with a field gate in the south eastern corner. In addition the south eastern boundary is defined by 1 hedgerow approximately 1.2m in height, the rear boundary is defined by a mature hedge and trees approximately 6-7m in height, while the north western boundary is also defined by a timber fence.
- 2.2 The site is located within the rural area, outside of any defined settlement limit as per the Northern Area Plan 2016. The site is not within any other environmental designations. The site is located just off the Ballyquin Rd and is located approximately 4km south of Limavady. The area is predominately agricultural in character while within the immediate vicinity of the application site there are a number of dwellings located both along Ballyquin Rd and along the private laneway which serves the site, with six dwellings located along the laneway.

### 3 RELEVANT HISTORY

B/2003/0478/O - Site for traditional bungalow with detached garage/store – Between 1 & 1A East Road, Ballyquin, Limavady – Permission Refused 20.01.2005

B/1993/0333 - Site for dwelling - East Road Ballyquin Limavady – Permission Refused 01.03.1994

### 4 THE APPLICATION

- 4.1 This is an outline application for a proposed infill site for two dwellings on lands between 1A and 3 East Road, Limavady. As this is an outline application no detailed drawings relating to the scale and design of the dwellings have been submitted.
- 4.2 An initial concept plan was submitted which indicated a desire for two one and a half storey dwellings on the application site. Following initial consideration of the proposal the Planning Authority's concerns surrounding the principle of development, the inability of the proposed dwellings to suitably integrate, and access were highlighted. Amended plans have subsequently been submitted in an attempt to address the issues around integration and access, which see the proposed dwellings reduced to single storey and alterations to the access point onto East Rd proposed.

### 5 PUBLICITY & CONSULTATIONS

#### 5.1 External

Neighbours: Three letter of objection were submitted to the proposal.

The issues raised within the objections relate to impact on residential amenity, increased risk of accident on laneway, subsidence of laneway into adjacent properties, increased risk of flooding

#### 5.2 Internal

**TransportNI** – No objection.

**Environmental Health** – No objection.

**NI Water** – No objection.

**Loughs Agency** – No objection.

**DAERA Drainage and Water – 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 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)

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

## **8.0 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this planning application is the principle of development, integration and impact on rural character, access and representations received in relation to the proposal.
- 8.2 The site is located within the rural area as defined within the Northern Area Plan 2016. There are no further designations within the site or the immediately adjacent area. The main policy consideration is contained within the Northern Area Plan 2016, the Strategic Planning Policy Statement and the relevant Planning Policy Statements. As this is a proposal for two dwellings with detached garages, the main policy considerations are paragraphs 6.70 and 6.73 of the SPPS, Policies CTY 1, 8, 13 and 14 of PPS21.

### **Principle of Development**

- 8.3 Policy CTY1 of PPS21 states that there are a range of types of development that may be acceptable in principle in the countryside. In the case of an infill dwelling, Policy CTY1 refers to Policy CTY8.
- 8.4 Policy CTY 8 entitled Ribbon Development states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. This is reiterated by paragraph 6.73 of SPPS.
- 8.5 The application site is located along a private laneway which contains six dwellings. To the north of the application site is a dwelling (1a) which accesses onto East Rd, but also has a shared boundary with the laneway serving the site. To the southern end of the application site is a row of dwellings which includes Nos. 3 (abutting the southern edge of the site), 1, 5, 7 and 9 as well as associated outbuildings. As such the application site is bounded to both ends by development consisting of more than three buildings, all of which share a common

frontage with the laneway the application site is therefore located within a substantial and built up frontage.

- 8.6 However in order to fully comply with the requirements of CTY8 the application site is required to meet the additional requirements to ensure the site proposal respects the existing development pattern along the frontage.
- 8.7 The application site is for two dwellings, and consists of two similarly sized plots, with an overall area of 0.45Ha. The initial plans outlined that Site A (adjacent No. 3) had a site area of 0.21Ha and a plot width of 48m along the lane, while Site B (adjacent No. 1A) had a site area of 0.24Ha and a plot width of 41m. The gap between the buildings at 1a and No. 3 is approximately 108m at the closest point.
- 8.8 In terms of the surrounding character, the plot widths of the surrounding plots are as follows. No. 1a has a plot width of 32m along the laneway, No. 3 = 25m, No.1 = 23. The plots in the vicinity of Nos. 5 and 7 are somewhat unclear given the close proximity to each other, and informal arrangement. Taking the plot of No.5 to extend from the western access to the edge of the building immediately adjacent the secondary access to the site the plot width is approximately 29m. There is another building adjacent this outbuilding and runs in an east to west direction parallel to the laneway. This building appears separate to No. 5 and has a plot width of 10m. At this point the laneway forms a loop, continuing south east towards No. 9 and looping back around towards No. 7 and back onto the laneway. No. 7 sits at the southern end of the loop of the laneway and has adjacent attached outbuildings extending in a north eastern direction. As these building front onto the lane the plot width here is 33m. Within the centre of the loop in the laneway there are other outbuildings and associated hardstanding, and I would consider this areas of land within the confines of the laneway to be a plot in its own right. The width of the plot and long the north eastern boundary is approximately 35m. At the south eastern end of the frontage is No. 9. This site fronts onto the loop in the laneway and has a plot width of 34m.
- 8.9 When considering the plot widths of the surroundings plots in relation to the application site the plot widths of the proposed sites are much wider than the established plots. The average plot width of the plots as outlined above is approximately 26.5m which is nearly half the width of Site A. In considering the gap between Nos. 1A and 3 is 108m the gap could potentially accommodate 4 average sized plots. Given the

established character along the laneway it is evident that the gap in which the dwellings are proposed could accommodate more than two dwellings

- 8.10 The revised plans submitted show a slight decrease in the red line of the application site, to accord with the land transfer map, rather than as per the existing field boundaries. While this marginally reduces the plot widths of both plots, Plot A 42m and Plot B 41m, it does not reduce the size of the gap, and therefore has little bearing on the ability of the proposal to comply with Policy CTY 8 which outlines that the gap should be capable of accommodating a maximum of two dwellings. The gap remains capable of accommodating more than two dwellings and the proposal remains contrary to Paragraph 6.73 of the SPPS and Policy CTY8.
- 8.11 In terms of plot size the surrounding plots are as follows. No. 1a has a plot size of 0.11 Ha, No. 3 = 0.12 Ha, No. 1 = 0.08. Given the informal arrangement of buildings in the vicinity of Nos 5 and 7, when considered together the plot area for all buildings and amenity space is approximately 0.13Ha. The plot of land in the centre of the loop in the laneway has a plot area of approximately 0.07Ha and No. 9 has a plot size of 0.18Ha. When averaged out the average plots area along the frontage is 0.1Ha. When considered against the plot sizes of the proposed dwellings, 0.24Ha and 0.21Ha respectively, both proposed plots are significantly larger than the established character along the frontage.
- 8.12 When assessing the established character along the frontage it is apparent that the proposal is at odds with the SPPS and Policy CTY8. The gap within which the site is located is not considered to be a small gap in the context of the established character. The average plot width at 26.5m is four times smaller than the gap between Nos. 1a and 3, and could easily accommodate more than two dwellings. In terms of the plot areas, again, both plots are significantly larger than any of the individual and twice the size of the average plot size. Given that the gap is not a small gap site, suitable for infilling, the proposed two dwellings would add to ribbon development along the laneway, which is contrary to both Policy CTY8 and Policy CTY14 within PPS21. As the proposal fails to comply with the requirements of CTY8 it fails to meet Policy CTY1 in that there no overriding reasons that this development cannot be located within a settlement.

## **Integration and impact on Rural Character**

- 8.13 Initially the proposal sought the erection of two one and a half storey dwellings both with indicative ridge heights of 7.2m above finished floor level. The predominant character along the laneway, as well as the localised dwellings along Ballyquin Rd, are single storey. The dwellings as proposed would not respect the established character/pattern of development along the frontage, which again would be contrary to policy CTY 8.
- 8.14 The application site is relatively well screened from the Ballyquin Rd by the existing dwelling at No. 214 and the mature boundary along the south western boundary of the site. On approach from the south towards East Rd, single storey dwellings would be satisfactorily absorbed into the landscape and sufficiently integrate, even at an elevated position above Ballyquin Rd. However the proposed one and a half storey dwellings would protrude above the established vegetation in such a manner that they would become noticeable from the Ballyquin Rd and appear somewhat prominent from here. On approach from the north towards East Rd there are relatively short views of the application site for approximately 90m. From this view point two one and a half storey dwellings would appear somewhat conspicuous and would appear to dominate the surrounding built form at 1a, and to a lesser extent No. 214 resulting in both dwellings being contrary to both CTY 13 and 14 in that the proposal would result in prominent dwellings in the landscape, and would not suitably blend with the landform, existing trees.
- 8.15 The revised plans and supporting document have indicated that the preferred dwellings on the application site are single storey. Considering the reduction in scale of the proposed dwellings, it is considered that single storey dwellings on the site would be in keeping with the established character along the laneway, would be less conspicuous and dominant in the landscape and would suitably integrate. Therefore it is now considered that the proposal could comply with Policy CTY13 and 14 in respect of integration and prominence only. The principle of development remains unacceptable as considered in paragraphs 8.3-8.12

## **Access**

- 8.16 Access to the site is proposed via the existing laneway onto East Rd. initial comments by DFI Roads indicated that the application would require the control of third party lands to both sides of the access in order to provide the required visibility splays. Amended Plans have



been submitted which propose to remove a wedge of land in the corner of the field directly adjacent the access to the east of the laneway in order to widen the entrance and move the centre point of the access east which negates the need to gain control of lands from No. 1a. The provision of the access will see the access point widened by approximately 8m and will remove a portion of mature hedgerow along the roadside. Beyond this there will be little further loss of hedgerow given the existing roadside verge, with the facing back of the existing hedgerow sufficient to provide the necessary visibility splays. DFI Roads have now cleared the proposed amended access plans and therefore the proposal can be considered to comply with Policy AMP2 of PPS3.

## **Representations**

- 8.17 Three letters of objection have been received in relation to the proposal. An objection from the occupier of No.5 has outlined that the proposal would have an adverse impact on their residential amenity through a loss of privacy and sunlight. This objection was submitted in relation to the original submission which proposed one and a half storey dwellings. These have since been reduced to single storey. However the property at No. 5 is approximately 60m from the boundary of the application site, and is partially screened by the buildings at Nos. 1 and 3. Given the reduction to single storey the dwellings would not have any impact on loss of sunlight and would be unlikely to have a demonstrable impact on privacy given the distance between properties. This issue could be further addressed through appropriate design to limit views in the direction of No. 5, and adjacent properties. Issues in relation to a loss of amenity from street lighting are not considered to be fatal to the proposal. DFI roads have been consulted twice on the proposal and objection and have not indicated that they wish to adopt the laneway and provide street lighting.
- 8.18 The issues concerning road safety have been discussed in paragraph 8.16 above. DFI Roads have accepted that an acceptable access can be provided at the junction with East Rd. Roads have not commented on the potential risk of increased traffic on the laneway, and have not advised of the need for upgrades to the laneway such as widening or passing bays.
- 8.19 Issues surrounding subsidence into the property at 1a is a civil matter between the land owners and/or those who contribute to the maintenance of the laneway. The issues of land ownership is also a civil matter. The applicant has submitted a letter from R.G O Connell

and sons solicitors stating that the land has been transferred to the applicant with a map showing the application site and access as being within their ownership.

8.20 In terms of the impact on property value there are a number of factors which influence value. However there is no substantive evidence that the proposed dwellings would have any significant impact on the surrounding property values. One objection raises issues in regards to flooding and drainage issues. There are no identifiable watercourses along the site boundaries, or no potential flood zonings identified on the spatial mapping systems. In terms of drainage issues Policy FLD 3 of PPS15 outlines the instances whereby a drainage assessment is required. Given the scale and size of the proposal it does not fall within the criteria for the submission of a drainage assessment. In addition no information has been submitted in relation to drainage from the objector. Given the recommendation that the proposal is contrary to planning policy we would not request a drainage assessment to be submitted at this stage. However if the recommendation to refuse is altered then consultation with rivers agency is advised to ascertain if a drainage assessment is required, and this should be submitted if required prior to approval.

## **9.0 CONCLUSION**

9.1 While the application site may represent a gap within a substantial and continuously built up frontage the site does not lend itself to the type of development proposed. The proposal does not represent a small gap site which is capable of accommodating a maximum of two dwellings when considered against the prevailing character along the existing frontage in which the site sits. As such the proposal is not considered to meet one of the permissible types of development in the countryside and is therefore contrary to Paragraph 6.73 of the SPPS and Policies CTY1 and CTY8 of PPS21.

## **10 Refusal Reasons**

10.1 Reasons for Refusal:

- 1 The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21 in that the proposal does not represent a small gap site within a substantial and continuously built up frontage.
- 3 The proposal is contrary to Paragraph 6.77 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted, would add to ribbon development along the private laneway on which the site is located.

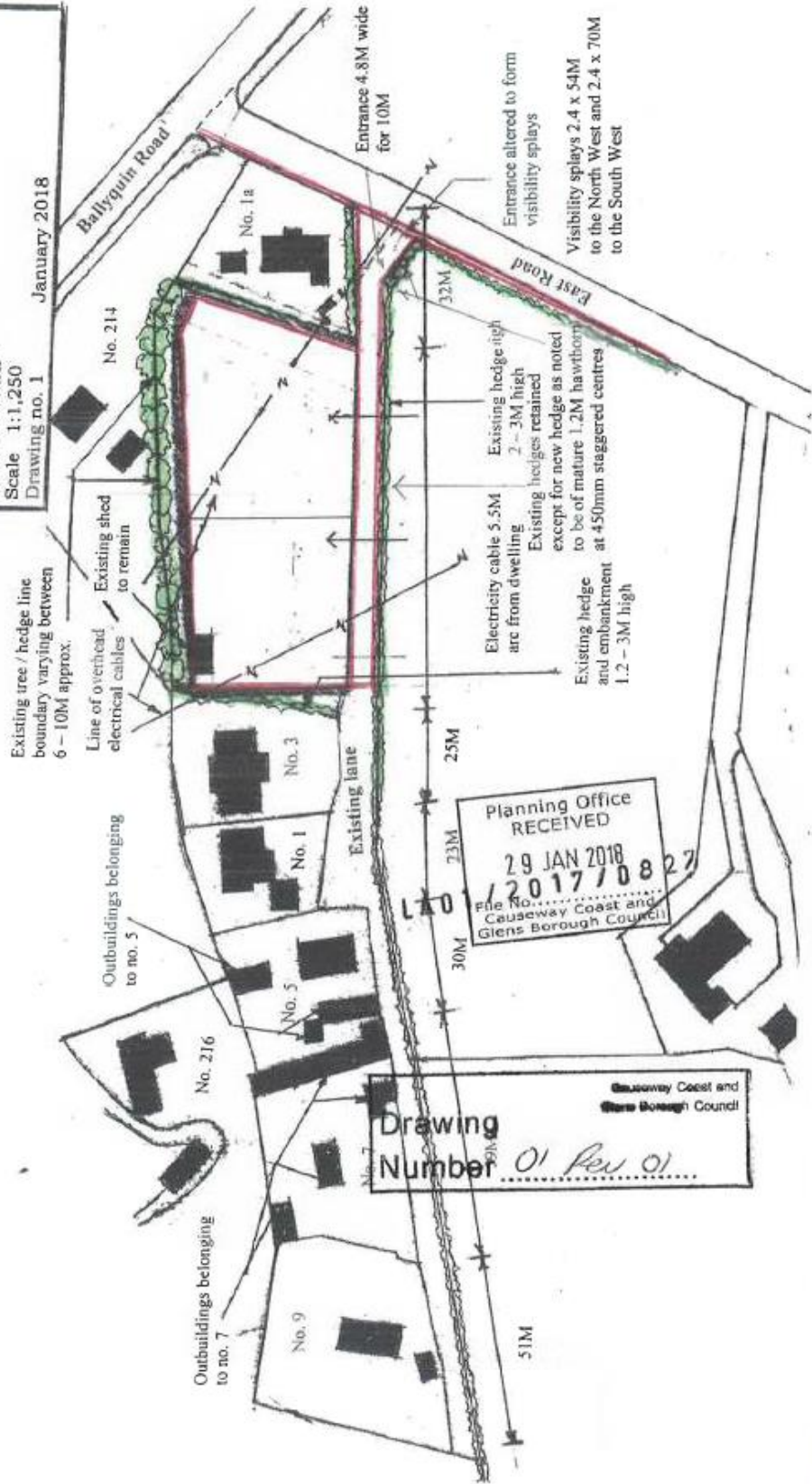
## **Site location**

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**M.A.C.**  
 McNEILL ARCHITECTURAL CONSULTANCY

**Proposed Infill for Site for 2 Dwellings  
 Between 1a and 3 East Road, Limavady**

FOR Mrs S McFadden  
 LOCATION MAP  
 Scale 1:1,250  
 Drawing no. 1  
 January 2018



**Drawing Number** 01 Rev 01

Planning Office  
 RECEIVED  
 29 JAN 2018  
 File No. 12017/0827  
 Causeway Coast and  
 Glens Borough Council