

<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2023/0391/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>27<sup>th</sup> March 2024</b>
<b>For Decision or For Information</b>	<b>For Decision – Referred by Alderman Fielding</b>
<b>To be discussed In Committee YES/NO</b>	<b>No</b>
<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Senior Planning Officer

<b>Budgetary Considerations</b>	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

<b>Legal Considerations</b>	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:

Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

**No:** LA01/2023/0391/F

**Ward:** Bann

**App Type:** Full

**Address:** Site off Tummock Road, 450m Northwest of 31 Loughabin Road, Ballymoney

**Proposal:** New Dwelling and attached Garage (Change of house type from D/2008/0304/RM)

**Con Area:** N/A

**Valid Date:** 5<sup>th</sup> April 2023

**Listed Building Grade:** N/A

**Agent:** John Simpson

**Applicant:** B Brown

**Objections:** 0      **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](http://www.planningni.gov.uk)**

## **EXECUTIVE SUMMARY**

- This application is for Full Planning Permission for a change of house type approved under D/2008/0304/RM.
- The application site is located within the rural area as identified within the Northern Area Plan (NAP) 2016 and is not subject to any other zonings. The site is located some 450m Northwest of No. 31 Loughabin Road, Ballymoney.
- The proposal fails Policies CTY 13 and 14 of Planning Policy Statement 21 in that the proposed dwelling would be a prominent feature in the landscape, the design of the proposed building is inappropriate for the site and its locality, the proposed building fails to blend with the landform and would fail to blend into the surrounding landscape; and if approved would result in a detrimental change to the rural character of the area.
- DFI Roads, DFI Rivers, NIEA (Water Management Unit), NI Water and Environmental Health were consulted on the application and raised no objections.
- No representations have been received.
- The application is recommended for Refusal.

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for 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 conditions set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site is located within the rural area as identified within the Northern Area Plan (NAP) 2016 and is not subject to any other zonings. The site is located on land some 450m Northwest of 31 Loughabin Road, Ballymoney.
- 2.2 The site is accessed via an existing laneway which also serves No.55 Tummock Road which is located to the south east of the site. The topography of the site rises steadily from the north eastern boundary towards the south western boundary. The

land beyond the red line then levels out before beginning to drop slightly.

- 2.3 Boundaries to the north east and south east are defined by an existing post and wire fence, while the north eastern boundary benefits from mature vegetation. The remaining north western boundary is physically undefined.

### **3 RELEVANT HISTORY**

- 3.1 Planning ref: D/2008/0304/RM

Location: Site Off Tummock Road, 650 m North West of 31 Loughabin Road, Ballymoney

Proposal: Site for dwelling and garage

Decision: Permission Granted 19.12.2008

- 3.2 Planning ref: D/2005/0012/O

Location: Site off Tummock Road, 650m North West of 31 Loughabin Road, Ballymoney

Proposal: Site for dwelling and garage

Decision: Permission Granted 29.06.2005

### **4 THE APPLICATION**

- 4.1 Application for Full Planning Permission for a change of house type previously approved under D/2008/0304/RM.

### **5 PUBLICITY & CONSULTATIONS**

- 5.1 **External**

Neighbours: Three neighbours were notified; no letters of representation were received.

- 5.2 **Internal**

**NIEA (Water Management Unit) – Content**

**Council Environmental Health Section – Content**

**Northern Ireland Water - Content**

**Department for Infrastructure (Roads) – Content**

**DFI Rivers – Content**

### **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 both 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**

- 7.1 The application has been assessed against the following planning policy and guidance:

Regional Development Strategy 2035.

Northern Area Plan 2016.

Strategic Planning Policy Statement.

PPS 3: Access, Movement and Parking.

PPS15: Planning and Flood Risk

PPS 21: Sustainable Development in the Countryside.

### **7.2 Supplementary Planning Guidance**

Building on Tradition: A sustainable Design guide for Northern Ireland.

## **8 CONSIDERATIONS & ASSESSMENT**

### **Planning Policy**

8.1 The main considerations in the determination of this application relate to design and impact on rural character.

**8.2 Principle of Development**

8.3 Policy CTY 1 of PPS 21 indicates a range of types of development which, in principle, would be acceptable in the countryside, and that would contribute to the aims of sustainable development.

8.4 The application site has planning permission which was approved under D/2008/0304/RM and D/2005/0012/O which expired on 18<sup>th</sup> December 2010. An invoice from Creagh Concrete, for concrete, was submitted, showing a delivery of concrete on 17<sup>th</sup> October 2010. Google earth's ariel photography shows foundations in situ in July 2011, however there is no photography before this date. On site inspection, it was evident that concrete had been poured on site. It is considered that the foundations were poured before the expiry of the application, and the principle of development can be established.

**8.5 Policy CTY 13**

8.6 Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design.

8.7 A new building will be unacceptable where:

(a) it is a prominent feature in the landscape; or

(b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or

(c) it relies primarily on the use of new landscaping for integration; or

(d) ancillary works do not integrate with their surroundings; or

(e) the design of the building is inappropriate for the site and its locality; or

(f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or

(g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

#### **8.8 Policy CTY14: Rural Character**

8.9 Policy CTY14 of PPS21 states planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

8.10 Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where:

(a) it is unduly prominent in the landscape; or

(b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or

(c) it does not respect the traditional pattern of settlement exhibited in that area; or

(d) it creates or adds to a ribbon of development (see Policy CTY 8); or

(e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

8.11 The previous approval was for a 1.75 storey detached dwelling measuring 7.4metres in height above finished floor level. The design was a traditional rural vernacular dwelling with modern design aspects integrated into the dwelling, which was similar to that of No. 55 Tummock Road located to the south east of the site. The dwelling also hosted a side 1.5 storey integral garage.

8.12 The proposed dwelling is to be located in the same location, however, it is orientated to face in a south westerly direction (towards the rear of the site) meaning the rear of the dwelling fronts the laneway. The proposed dwelling is to be single storey to the front (south west elevation) and 2 storey to the rear (north east elevation). The total height of the 2 storey section measures 8metres above finished floor level, while the single storey measures 5.3metres. The footprint is rectangular on the

ground floor, while the first floor is rectangular with a front return. There is an integral garage proposed to the north western gable. The overall frontage to the laneway is 13.5metres including the proposed garage.

- 8.13 The external materials will be smooth render/painted, flat black concrete roof tiles/natural slate, wood/pvc/aluminium glazed windows and composite doors. All the external materials proposed are in accordance with the Supplementary Planning Guidance to Planning Policy Statement 21 Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.
- 8.14 The proposed dwelling is substantially larger than the previously approved dwelling. It is considered the overall design is unacceptable for this rural area, in particular the dwelling's form, massing, fenestration and orientation. The split-level design fails to respect the existing contours of the site and requires significant cutting and filling of the site and an excessive level of hard engineering.
- 8.15 The dominant two storey rear elevation fronts onto the laneway and towards the public road, presenting an inappropriate design solution to the critical public view. All of the issues were raised with the agent and have not been substantially addressed through the amended plans.
- 8.16 Supporting information was received on 13th September 2023 which stated the material considerations for the Council to consider are;
1. The increase in height of 900mm
  2. The increase in floorspace of 119 sqm
  3. The reduction of footprint by 73sqm.
  4. Modest degree in underbuild with a change in finished floor level of 2.5m."
- 8.17 The supporting information also refers to the proposed drawings stating they do not reflect the breaks in scale and massing which will be present when completed. The garage is set back from the rear building line and will appear subservient to the dwelling. The kitchen and bedroom are to be stepped out and will break up the rear elevation to lessen the impact and dominance as being read as one main block. It goes on to



identify that the existing dwelling neighbouring the application is a two storey dwelling with a significant frontage as well in respect of scale and massing similar to the proposed application also.

- 8.18 The information states that given the distance from the Tummock Road, there will be limited public views/critical views of the application site, and the rising topography will ensure the dwelling will integrate into the landscape - ensuring CTY 13 and 14 are met.
- 8.19 As this is a change of house type, the previously approved design is a material consideration. The main consideration in this type of application is the change of design. It is considered the previously approved design is more appropriate for this site due to its simplistic nature.
- 8.20 While the proposed dwelling will be set back from the public road, there will be intermittent views when travelling along Tummock Road. Given the proposed increase in site topography, the dwelling will appear incongruous in the landscape breaking the skyline when viewed from Tummock Road. The dominant rear elevation and unacceptable fenestration will appear incongruous in the landscape when viewed from the Tummock Road. Generally, it is not acceptable for a rear elevation to be fronting a public road/private laneway.
- 8.21 The supporting information along with the proposed plans have been reviewed. Overall it is considered that the size, scale and design of the proposed dwelling is inappropriate for the site and its locality. The excessive engineering and increased levels demonstrate how the proposal fails to blend with the landform and as a result will appear prominent in the landscape; failing policies CTY 13 and CTY14.

## 8.22 **Habitat Regulations Assessment**

- 8.23 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.

#### **8.24 Access**

8.25 Planning Policy Statement 3 relates to vehicular and pedestrian access, transport assessment, and the protection of transport routes, and parking. Policy AMP2 states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

8.26 DFI Roads were consulted on the proposal and responded with no concerns subject to conditions.

#### **8.27 Planning and Flood Risk**

8.26 FLD3; Development and Surface Water states a Drainage Assessment will be required for all development proposals that exceed any of the following thresholds:

- A residential development comprising of 10 or more dwelling units
- A development site in excess of 1 hectare
- A change of use involving new buildings and / or hardsurfacing exceeding 1000 square metres in area.

8.28 The proposed development does not fall under any of the specified criterion and therefore a Drainage Assessment is not required.

### **9 CONCLUSION**

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations, including the SPPS.


- 9.2 The proposal is contrary to Policies CTY13 and CTY14 in that the proposed building would be a prominent feature in the landscape, the design of the proposed building is inappropriate for the site and its locality, the proposed building fails to blend with the landform and the surrounding landscape and if permitted, would have a detrimental impact on the character of the rural area.

## **10 REFUSAL REASONS**

1. The proposal is contrary to paragraph 6.70 of the SPPS and to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape, the design of the proposed building is inappropriate for the site and its locality, the proposed building fails to blend with the landform and would fail to blend into the surrounding landscape.
  
2. The proposal is contrary to paragraph 6.70 of the SPPS and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that, if permitted, the development would be a prominent feature in the landscape and would result in a detrimental change to the rural character of the area.

# Site Location Plan



<b>Client</b> Mr. B. Brown		 SIMPSON CONSULTANTS <small>AN INCORPORATED COMPANY                  (SINCE 1947)                  100, 10000                  NEW BRIDGE ROAD                  SOUTH BRIDGE ROAD                  SINGAPORE 100001</small>	
<b>Project</b> Change of House Type Tanjong Road, Singapore	<b>Scale</b> 1-2500	<b>Plot Date</b> July 22	<b>Job No.</b> -
<b>Project Title</b> PROPOSED Location Plan	<b>Order No.</b> PLP-01	<b>Revision</b> -	