

**Laura Crawford**

---

**From:** Planning  
**Subject:** FW: LA01/2021/0023/0 adjoining No 37 Dunlade Road  
**Attachments:** dunlade road.pdf

---

**From:** andy tate [REDACTED]  
**Sent:** 20 December 2021 17:19  
**To:** Gemma McAuley [REDACTED]  
**Subject:** Fw: LA01/2021/0023/0 adjoining No 37 Dunlade Road

Hi Gemma

Can I include this attachment as a late item for the meeting on Wednesday

Rgds

Andy

---

**LA01/2021/0023/0 adjoining No 37 Dunlade Road**



- There are 3 dwellings and 3 buildings making up an existing cluster at this location see (Figure 1).
- The shed outlined  has not been included on the submitted plan within the case officer's report in see (Figure 1)
- Approval B/2012/0021/RM is now built outlined  see (Figure 1)

Figure 1 Aerial view of the proposal site within the existing cluster of buildings.



 Dwellings

 Buildings

To comply with Planning Policy PPS 21 CTY 2a the proposal site must comply with six criteria:

- 1. The cluster of development lies outside a farm and consist of 4 or more buildings (excluding ancillary buildings such a garages, outbuildings and open sided structures) of which 3 are dwellings.**

(Figure 1) clearly shows 3 dwellings outside a farm and 2 buildings.

Images of buildings making up cluster are shown below;



Image 1 new build complete

Image 2 view from new build showing proposal site and other dwellings and building making up cluster all in close proximity.



Image 3 & 4 the buildings included in cluster



Image 5 view from shed site showing other dwellings and building making up cluster



**2. The cluster appears as a visual entity in the local landscape.**

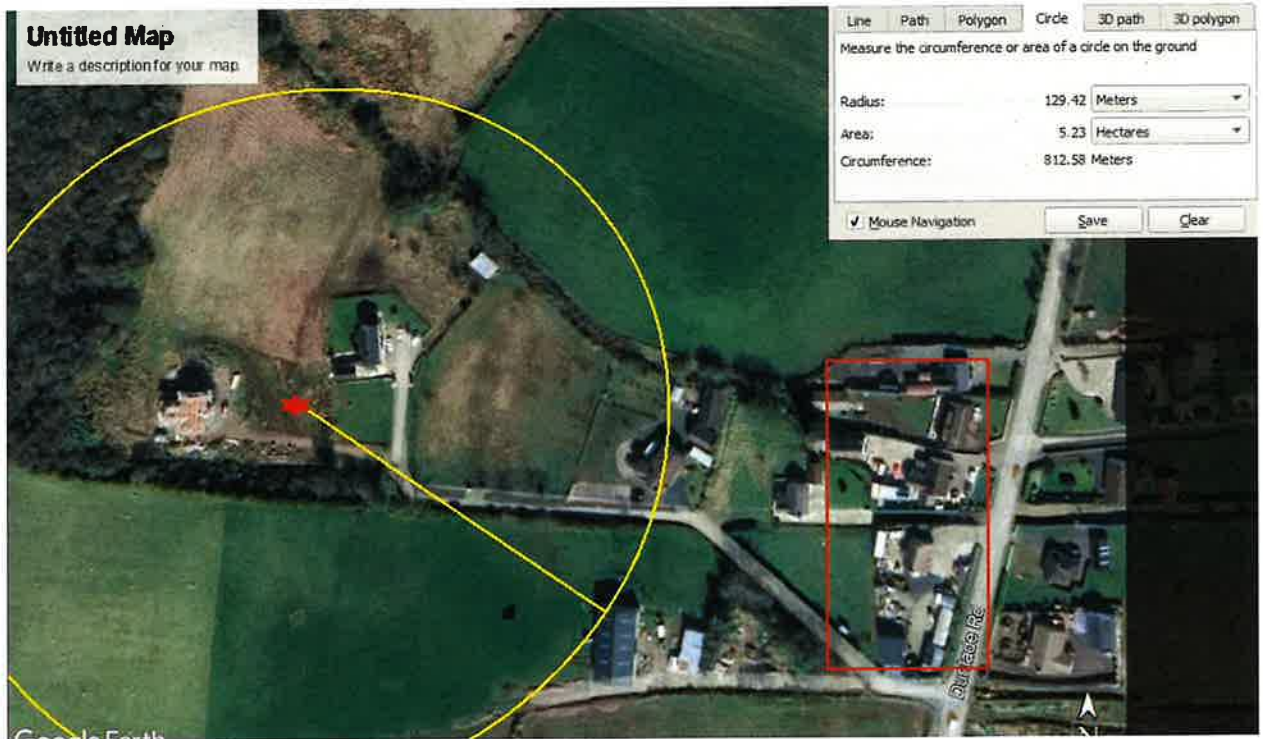
There is no mature planting, strong vegetation or significant physical separation distance to prevent all buildings being read together as a cluster.

The shed is the furthest building away at only **129m** this a physically short distance See (Figure 2). Policy does not state that each building that makes up the cluster must adjoin the proposal site (as confirmed by part 4 of this policy) but be 'visually distinctive' together in the local landscape. When considered from all view-points there is no boundary treatment that prevents all buildings from being viewed collectively together as a cluster.

Figure 2 shows physical distance between buildings (129m) making up cluster and how the cluster has visual linkage with the buildings/dwellings (outlined in red) along this part of the Dunlade Road.

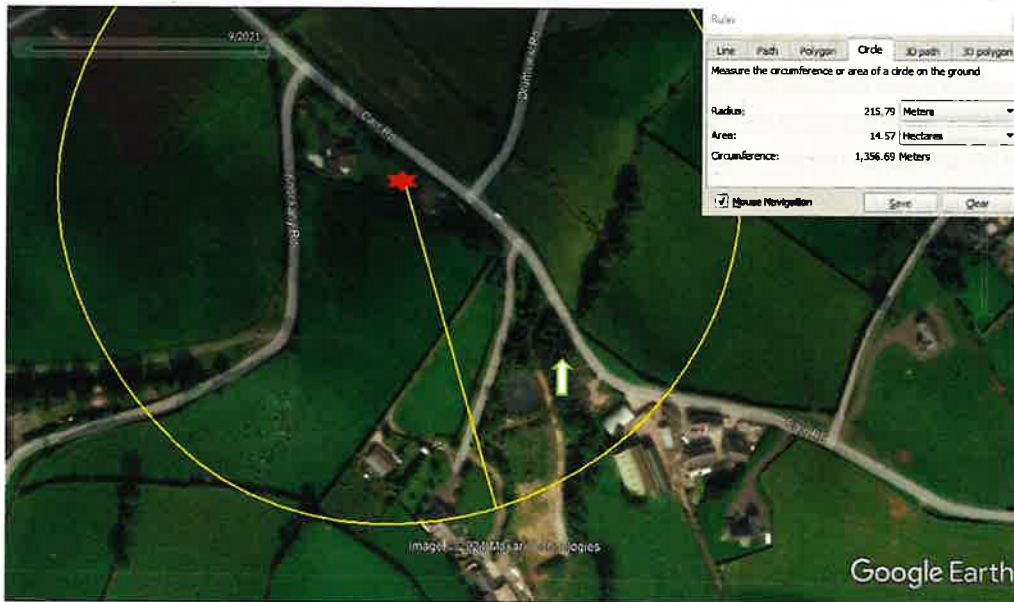
The proposal site rounds off the existing cluster shown **★** see (Figure 2)

Figure 2



The case officer's report 8.7 P8, refers to Appeal 2014/A0148, the physical separation distance in this case was significantly greater than the proposal site at **215m** and therefore is not comparable to this case see (Figure 3). The mature planting that blocks any visual linkages between cluster buildings referred to by Appeal Commissioner is shown by **↑** (on Figure 3) this point is also not comparable to this proposal as no such vegetation exists at this cluster. Appeal proposal site **★**

**Figure 3 Appeal 2014/A0148 P8 of Case officers report showing significant separation distance of 215m and no visual linkage between cluster buildings.**



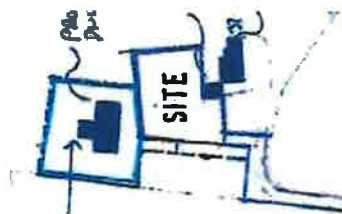
3. **The cluster is associated with a focal point such as a social/community building/facility, or is located at cross-roads.**

Precedent is a material consideration. In September 2021 this very Planning Committee applied a flexible approach to policy and approved application **LA01/2019/0641/O Site adjacent to and west of 34a Dunlade Road**, without a focal point but accepted precedent of approval **LA01/2017/7555/O site between 38 and 40 Ringrash Road, Macosquin, Coleraine approved in October 2018**. No policy changes have occurred since then. Appeal 2010/A0202 also approved Cty2a application without a focal point, therefore a similar approach should be taken with this proposal. (See Appendix 1 for relevant section of Appeal case).

4. **The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.**

(Figure 4) shows the proposal site bounded on two sides with other development.

**Figure 4**



**5. Development of the site can be absorbed into the existing cluster through the rounding off and consolidation and will not significantly alter its existing character, visually intrude into the open countryside**

8.9 p14 of the case officer's report confirms the site can be absorbed into the existing cluster and there will a suitable degree of enclosure and the proposal will round off cluster.

**6. Development would not adversely impact on residential amenity**

8.10 P14 of the case officer's report confirms a dwelling at this location would not cause harm to residential amenity.

**Conclusion**

The proposal site sits within an existing cluster of 3 dwellings and 2 buildings, it is bounded on at least 2 sides by development, the cluster appears as a visual entity in the locality, precedent has been set regarding focal point by approval LA01/2019/0641/O and Appeal 2010/A0202, the proposal would round off and consolidate the existing cluster and will not cause harm to residential amenity.

## Appendix 1 Appeal 2010/A0202

### Appeal Decision

Park House  
82/83 Great Victoria Street  
BELFAST  
BT2 7AD  
T: 028 9024 4710  
F: 028 9031 2536  
E: info@pacvi.gov.uk

Appeal Reference: 2010/A0202  
Appeal by: Billy Henderson Properties Limited against the refusal of full planning permission.  
Development: One and a half storey dwelling and detached garage  
Location: 20 metres south-east of 21 Curryfree Road, Creevedorrett, Londonderry  
Application Reference: A200902145  
Procedure: Written Representations and Accompanied Site Visit on 20<sup>th</sup> April 2011.  
Decision by: Commissioner Julie de-Courcy, dated 27<sup>th</sup> April 2011.

#### Decision

1. The appeal is allowed and full planning permission is granted subject to the conditions set out below.

10. The third criterion of Policy CTY 2a requires that the cluster is associated with a focal point such as a social/community building/facility or is located at a cross-roads. I have no evidence that what the appellants refer to as a "right of way" is a legally asserted public footpath/right of way. As such, the junction to the south of the appeal site is not a cross-roads. There is no social/community building/facility currently in the vicinity of the appeal site. There is merit in the appellants' point that the criterion is not exclusive in its definition of a focal point and that stated examples of such is not an exhaustive list. Notwithstanding, the term "focal point" suggests a single entity and not an existing cluster of development otherwise the third criterion would add nothing to the policy in the

round and be extraneous. The appeal decision referred to by the appellant was decided in a different policy context to this proposal and dealt with a reason for refusal that is not pertinent in this instance. Consequently, the proposal does not satisfy this third criterion of Policy CTY 2a.

11. Whilst the proposal fails the third criterion of Policy CTY 2a of PPS 21, it complies with the policy's broad overall intent in that it would round off and consolidate an existing cluster of development without changing to the area's character. In this respect, there are a number of site-specific characteristics that I find so compelling as to outweigh the fact that the cluster is not associated with a focal point. These are as follows:

- The site comprises a mown grassed area with a suburban style ranch fence marking its boundary with the public road. Fencing posts have been erected on top of the retaining wall along its boundary with the shared drive and there are stone pillars on either side of the entrance off the drive;
- It is visually associated with the adjoining dwellings and has the appearance of domestic curtilage;
- Given its size and relationship with adjoining dwellings, the site is unsuited to agriculture;
- It is bounded by residential development on two of its three sides; and
- It is a small gap site within an otherwise substantial and continuously built-up frontage that extends for 240m along this side of Curryfree Road.

As the proposal is not at odds with the spirit of Policy CTY 2a of PPS 21 in the round, it is one of the types of housing development that is acceptable in the countryside in accordance with Policy CTY 1 thereof. Accordingly, the Department's first and fourth reasons for refusal are not sustained and the appeal is allowed.





