

<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2019/1138/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>22<sup>nd</sup> September 2021</b>
<b>For Decision or For Information</b>	<b>For Decision</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>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:** LA01/2019/1138F      **Ward:** Portstewart

**App Type:** Full

**Address:** 39 Strand Road, Portstewart

**Proposal:** Erection of proposed 2.5 storey replacement dwelling with basement forming lower level, integral garage and all associated works/ landscaping.

**Con Area:** N/A      **Valid Date:** 17.10.2019

**Listed Building Grade:** N/A

**Agent:** Bell Architects, 65 Main Street Ballymoney BT53 6AN

**Applicant:** Mr & Mrs Henderson 39 Strand Road Portstewart BT55 7LU

**Objections:** 4 original objections (subsequently 3 withdrawn)

**Petitions of Objection:** 0

**Support:** 0

**Petitions of Support:** 0

## **EXECUTIVE SUMMARY**

- This is a full application to replace an existing single storey dwelling with a 2.5 storey dwelling which includes have a basement, integral garage and additional landscaping at No. 39 Strand Road Portstewart.
- The site is located within the urban area within the settlement limit of Portstewart.
- The proposed development does not respect the surrounding character and will impact negatively upon neighbouring properties.
- Refusal is recommended

Drawings and additional information are available to view on the Planning Portal- <http://epicpublic.planningni.gov.uk/publicaccess/>

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is a modest detached chalet bungalow which sits on a plot of land which is elevated between neighbouring two storey dwellings and all facing northwards onto the Strand Road. The dwelling sits on a prominent piece of land which rises up from the Strand Road with a large front garden and driveway. There is a rear garden which rises up and beyond to the south behind the dwelling to Prospect Road. There is a small outhouse and single storey garage detached from the dwelling sitting to the rear of the property. The frontage to the curtilage has a low wall abutting the footpath. The building has red/brown roof tiles and a dashed wall. The roof design is hip style. Surrounding the rear of the property are 2 metre high wooden panel fences to all boundaries. The dwelling is separated from neighbouring houses by their retrospective driveways.
- 2.2 The character of the area is residential with mostly 2 storey dwellings with hip style roof designs. This is a residential area within Portstewart urban area.
- 2.3 The application site is located within Portstewart settlement as defined in the Northern Area Plan 2016. The surrounding area is residential.

## 3 RELEVANT HISTORY

- 3.1 There is a long established bungalow on the site. There is no planning history on this site.

## **4 THE APPLICATION**

- 4.1 This is a full application for Erection of proposed two and a half storey replacement dwelling with basement forming lower level, integral garage and all associated works/ landscaping.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

Four original letters of objection were received on this application upon neighbour notification and advertisement.

The issues raised in the objection letters are:

- Boundary ownership
- Full drawings needed on portal
- Character of area
- Building height and ridge line
- Overbearing in context of surrounding buildings and area:
- Overlooking and overshadowing

Subsequently 3 separate further letters were submitted stating that they would withdraw their objections if the proposal was built in keeping with the character of the area and not built above neighbouring dwellings.

### **5.2 Internal**

NI Water: no objections.

DFI Roads: no objections.

Environmental Health: no objections.

Historic Environment division: no objections

## **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:

- The 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 RELEVANT POLICIES & GUIDANCE**

The Northern Area Plan 2016

The Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2 Nature Conservation

Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking

Planning Policy Statement 7 (PPS 7) – Quality Residential development

Addendum to Planning Policy statement 7 – Established Residential Areas

## 8 CONSIDERATIONS & ASSESSMENT

### Principle of Development

- 8.1 Planning Policy Statement 7: Quality Residential Environments states that Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. It should draw upon the positive aspects of the character and appearance of the surrounding area.
- 8.2 All proposals for residential development will be expected to conform to criteria a-i listed in the policy QD1 of PPS 7.
- 8.3 **(a) The development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of building, structures and landscaped and hard surfaced areas;**
- 8.4 The proposal involves the demolition of the existing long established modest bungalow and replace it with a new detached dwelling with three floors of living accommodation moving the dwelling forward in the site. The proposed detached dwelling is 9.6 metres in height. It will have a front amenity area with in-curtilage parking for 2 cars and turning area. The existing garage will be removed as the new design will incorporate integral double garage at basement level. This will involve excavation and removal of earth to cut into the site from the northern side from the frontage. It is proposed to have a basement floor with integral double garage, storage and Rec room and laundry/utility room and first and second floor living accommodation. The main access to the dwelling will be from an external sweeping staircase to the 1<sup>st</sup> floor. The proposed dwelling will be finished in smooth rendered walls with natural stonework to the front basement level. The roof will have natural slates. There is a low pitch due to the living accommodation in the roof attic area. The gable is depth is 20.5 metres to the north east and the gable depth to the west is 15.3 metres. The frontage width is 10.5 metres.
- 8.5 The character of this residential area is one of 2 storey detached dwellings and most houses have a hip roof style. Given the application

is proposing 3 residential floors to the building the scale of accommodation exceeds that in that the immediate context. The ridge height is 9.5 metres from the front ground level and the roof line and the eaves level particularly on the western side is particularly a considerable height above No. 41 Strand Road. There is also a lantern roof light which is a glazed part which appears above the ridge line. It cannot be considered in general conformity with the massing and appearance and character of the area which is mostly 2 storey house type.

- 8.6 The proposal is considered to have a detrimental impact on residential character. To provide the 3 levels of accommodation the dwelling has been pulled forward in the site to respect the building line of the adjacent properties. In doing so the agent has lowered the site levels with the garage level being set below the levels of Nos 41 and 37 Strand Road. The provision of the 3 levels of accommodation with dimensions in height similar to the adjacent dwelling appears compressed and jars with the immediate context in that there is no continuation of floor levels across the 3 floors with either neighbouring property. Further emphasised with the entrance of the dwelling being above the top of the ground floor windows of No 41. This juxtaposition would be incongruous in the streetscape and impact on the local character. The removal of most of the front lawn for car parking and hard surfacing would also be out of character with the locality.
- 8.7 The dwelling proposed will have a footprint over twice the size of the existing modest bungalow. The front of the new dwelling is wider than existing dwelling and the gable depths are considerably more than existing. The new frontage takes away part of the existing side driveway to make the house wider and this results in the new building being built in closer proximity to neighbouring dwellings than currently exists. The new gables are exceptionally long with the eastern side being 20.5 metres long. The western gable side is not as long but still a considerable 15.3 metres. The whole building will have 3 storeys and no reduction in ridgelines throughout. This would have a detrimental impact on neighbouring properties. It would result in an increased scale and massing which would result in over development of the site. The proposal would be overbearing for the neighbouring properties and the visual impact of such a large structure on this site in comparison to neighbouring dwellings on this road would have a detrimental impact on the character of this area. The existing dwellings along this stretch of road are traditional in style with side



access to rear garages and all have soft landscaping to the front. The proposal does not reflect the character of the area along Strand Road.

- 8.8 There will be critical views of the site especially from the frontage on Strand Road and both approaches from the east and west as the size and scale of the whole development will have a detrimental impact on the existing character of the streetscape. There will also be critical views of the rear of the property from prospect Road. The character of the immediate streetscape is one of single storey and two storey dwellings with hip roof style. Whereas the new development has a contrast in character using full pitch roof with gable ends and using the same height throughout the building. Therefore the critical views will include the side gables of the new development which amplify the affect that the new development will have on the character of this area.
- 8.9 The applicant has submitted photos of other examples of houses in the wider Portstewart area. The reference to other dwellings that were provided are from the wider context rather than in context of this site and do not site on all fours with this proposal.
- 8.10 The combination of the scale and massing of the proposal and also the fact that a significant amount of cutting into the site is required to try to keep the roof level down results in a design proposal which does not fit satisfactorily into the streetscape without detriment impact character.
- 8.11 It is considered that the proposal will not respect the surrounding context and is therefore not appropriate to the character of the area. The design and layout is not satisfactory. The proposal does not comply with criteria a.
- 8.12 **(b) features of the archaeological and built heritage and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;**
- 8.13 Historic Environment Division have no objections due to the separation from the listed building. The proposal complies with criteria b.
- 8.14 **(c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discreet groups of trees will**

**be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;**

8.15 The proposal shows a front and rear amenity. There is a rear garden of sufficient size which reflects the existing character. The layout incorporates a mixture of hard and soft landscaping. The front area has an excessive amount of hard surfacing which does not reflect the character of the area which is mostly soft front landscaping. Therefore the proposal is contrary to this test of policy.

8.16 **(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;**

8.17 The development is considered to be close to all amenities as it is located on a residential road not far from the Town Centre. The main road passes close to the proposed dwelling and is serviced by public transport in the form of buses and it is in close proximity to shops, schools and community facilities that are within walking distance and therefore the proposal complies with criteria d of this policy.

8.18 **(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;**

8.19 DFI Roads have been consulted and are content. There is a footpath at the front of the property and parking available in-curtilage. The proposal complies with criteria e of this policy.

8.20 **(f) adequate and appropriate provision is made for parking;**

8.21 There is front in-curtilage parking. There is also an integral double garage proposed within the design. DFI Roads are the competent authority and have been consulted. They are content with no objections. The proposal complies with criteria f of this policy.

8.22 **(g) the design of the development draws upon the best local traditions of form, materials and detailing;**

- 8.23 The design of the development in terms of materials and detailing would be considered acceptable. The proposal is of a contemporary style. It uses standard urban materials and includes rendered walls, stonework and glazing. In relation to the form the proposal is not considered to draw upon the best local traditions for reasons discussed above.
- 8.24 **(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and**
- 8.25 The proposed dwelling will be much higher than the existing bungalow. The footprint will also more than double with the new dwelling being positioned much more forward towards the road. Therefore the new dwelling may impact upon neighbouring properties, No. 37 and 41 may be impacted upon by virtue of the new building. As the roofline runs the same level from front to back, the depth of the new dwelling extends to a significant 20 metres and unlike the previous dwelling will be built up to the rear area. This means that the new building may appear dominant due to the size, scale and massing. Due to the orientation of the site, the proximity to the boundaries and the extent of the gable, the proposal will result in the loss of light to the gable windows of No. 37. Nos. 37 and 41 have low ridge single storey detached garages beside their houses. Their rear amenity areas rise towards the south. The rear amenity area of the neighbouring property No. 37 may be affected by overshadowing and loss of light. The development will have an overbearing impact and result in loss of light into habitable rooms of No 37. Therefore the proposal will create conflict with neighbouring properties and does not comply with this policy criteria.
- 8.26 In terms of noise and disturbance, this should only be relevant during construction and the developer will have to adhere to construction rules and guidance in terms of operation times. These are included on informatives in the Environmental Health response.
- 8.27 The proposal does not comply with criteria h.
- 8.28 **(i) the development is designed to deter crime and promote personal safety;**

- 8.29 The design layout is private but also will help deter crime and promote personal safety. The proposal complies with criteria i.
- 8.30 The proposal fails to provide a Quality Residential environment in that it fails criteria a, c, g and h and therefore does not comply with policy QD1 of Planning Policy Statement 7 - Quality Residential Development.
- 8.31 **Addendum to PPS 7: Safeguarding the Character of Established Residential Areas applies and Policy LC1 Protecting Local Character, Environmental Quality and Residential Amenity states in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD1 of PPS 7, and all the additional criteria set out below are met:**
- 8.32 (a) the proposed density is not higher than that found in the established residential area;  
The proposed dwelling is replacing the existing house with a larger dwelling. Although there is a concern about the scale of the new development, the density of one dwelling is acceptable on site. The proposal complies with criteria a.
- 8.33 (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area;  
The existing dwelling is a modest low ridge single storey dwelling. The neighbouring houses are 2 storey with hip roof design. The new dwelling appears as a 3 storey dwelling with a pitch roof ridgeline of 9.6 metres throughout the front and rear of the building. The proposal has an unacceptable scale and massing compared to neighbouring dwellings and therefore does not reflect the existing character of the area. It has private rear amenity and in-curtilage parking to the front. The front amenity is hard surface which does not reflect the character of the area as all neighbouring houses have soft landscaping to the front in the form of garden lawns with a driveway. Therefore the pattern of development is not in keeping with surrounding properties. The proposal does not comply with criteria b.
- 8.34 (b) all dwelling units and apartments are built to a size not less than those set out in Annex A.

The proposed dwelling has 3 floors of accommodation. The proposed dwelling is far above the space standards as set out in Annex A of the Addendum to Planning Policy Statement 7. This is acceptable. The proposal complies with criteria c.

8.35 The proposal fails test b and is therefore contrary to Policy LC1.

### **Access/Road Safety**

8.36 Planning Policy Statement 3- Access, Movement and Parking, Policy AMP 2- Access to Public Roads notes 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, such access will not prejudice road safety or significantly inconvenience the flow of traffic and the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

8.37 The proposal is a replacement dwelling using the existing access onto the Strand Road. DFI Roads were consulted in relation to this application and in their consultation response dated 29.01.2021 raised no objections. The application meets PPS 3 AMP 2.

### **Habitats Regulation Assessment**

8.38 The potential impact 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.

### **Other Matters**

8.39 A letter of representation raised concern in relation to boundary ownership. The red line was subsequently amended and the neighbour was re-notified and there was no further objection regarding this matter.

8.40 In relation to the supply of drawings on the planning portal, all detailed drawings are available to view by the public.

## **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 Planning Policy Statement 7 – Quality Residential Development. The proposal due to the scale, massing and design will have a detrimental impact on residential amenity and local character. Refusal is recommended.

## **10 Reasons for Refusal**

1. The proposal is contrary to policy LC 1 of the addendum to PPS 7 and Policy QD1 of Planning Policy Statement 7 Quality Residential Development, in that the proposed development will be out of character with the surrounding area and if allowed, would not result in a quality residential environment for neighbouring residents by virtue of an unacceptable size, scale and massing which would result in overshadowing and loss of light and amenity afforded to neighbouring properties.

# SITE LOCATION PLAN



Site Location Map  
Scale 1:1250

