

Title of Report:	Planning Committee Report – LA01/2021/0334/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	23rd February 2022
For Decision or For Information	For Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Senior Planning Officer

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

Screening Requirements	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:

<u>No:</u> LA01/2021/0334/O	<u>Ward:</u> Greysteel
<u>App Type:</u> Outline Planning	
<u>Address:</u> Land fronting onto Dunlade Road between entrance to 21a Dunlade Road and 23a Dunlade Road Greysteel	
<u>Proposal:</u> Infill application for a dwelling in Gap site fronting onto Dunlade Road between entrance to 21a Dunlade Road and 23a Dunlade Road	
<u>Con Area:</u> n/a	<u>Valid Date:</u> 19.03.2021
<u>Listed Building Grade:</u> n/a	
Agent: LAM Architects, 94 University Street, Belfast, BT7 1HE	
Applicant: James Moore, 21a Dunlade Road, Greysteel, Derry, BT47 3EF	
Objections: 0	Petitions of Objection: 0
Support: 0	Petitions of Support: 0

Executive Summary

- The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations.
- The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 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.
- There is no gap in a substantial and continually built-up frontage at this location and the proposal would, if permitted, result in the extension of ribbon development on Dunlade Road and it does not respect the existing development pattern along the frontage in terms of size, scale, siting and plot size.
- The proposal is a prominent feature in the landscape, the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and it relies primarily on the use of new landscaping for integration, the design of the building is inappropriate for the site and its locality, it fails to blend with the landform, existing trees, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.
- The building would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings, it does not respect the traditional pattern of settlement exhibited in the area, it creates or adds to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.
- No objections have been received. No support representations have been received.

- The proposal is contrary to the relevant planning policies including the Northern Area Plan, SPPS and PPS 21.
- The application is recommended for refusal.

Drawings and additional information are available to view on the Planning Portal - <https://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** planning permission for the reasons set out in section 10.

2 Site Location and description

2.1 The site is a diamond shaped plot of land measuring 0.46 hectares in a rural area. The site has a frontage onto Dunlade Road, adjacent to the entrance to the access lane serving 21a.

2.2 The site is a roadside field and is bounded by a lane to the south and a field to the north. Nos 23 and 23A Dunlade Road are located where the lane to the south of the proposed site terminates, a distance of 100 metres back from Dunlade Road. No 21A is located 120 metres north of the site where a second lane terminates.

2.3 The topography of the land slopes from the roadside eastern boundary down in a north westerly direction into the field to the rear of the site. Dunlade Road rises to the south with a lower gradient to the north.

2.4 The site is road side and is currently accessed by an agricultural field gate in the south eastern corner. The new proposed access is in the eastern boundary adjacent the lane which provides access to No 21A Dunlade Road. The critical views of the site are from Dunlade Road to the south east at a higher ground level, from the north east from a lower ground level and from the public road in front of the site to the east. The field the site is located in is used mainly for agricultural grazing however there are several tonnes of builders rubble in the southern area of the site.

2.5 The site is not bounded on any side by development due to the characteristics of the site and due to the nearby bend in the road to the north east. There are open fields surrounding the site to the north and west. A laneway and field is located to the south and Dunlade Road is located to the east. The roadside eastern boundary is defined by some

mature vegetation / hedging of which some is up to 4 metres in height, this hedging has gaps at intervals along it and a field gate. The northern boundary is defined by a 1 metre high post and wire fence. The western boundary is defined by a 1 metre post and wire fence and a 1 metre high hedge. The southern boundary is defined by a 1 metre high post and wire fence and a 2 metre high mature hedge along the laneway that terminates at Nos 23 - 23A Dunlade Road.

2.6 There is no watercourse in the vicinity of the site. The local area is characterised by agricultural farm land and some rural dwellings. The site is located outside any settlement limit in a rural area as shown in the Northern Area Plan 2016.

3 RELEVANT HISTORY

3.1 No relevant planning history.

4 THE APPLICATION

4.1 This application seeks permission for “Infill application for a dwelling in Gap site fronting onto Dunlade Road between entrance to 21a Dunlade Road and 23a Dunlade Road”.

5 PUBLICITY & CONSULTATIONS

5.1 External

All neighbours identified for notification within the terms of the legislation have been notified on 16th April 2021 and 3rd September 2021. The application was advertised on 7th April 2021 and 15th September 2021.

5.2 Internal

Environmental Health: Further information required.

Northern Ireland Water: No objection to the proposal.

DFI Roads: No objection to the proposal.

DAERA(NIEA) Water Management Unit: No objection to the proposal.

DAERA (NIEA) Natural Environment Division: No objection to the proposal.

DAERA (NIEA) Regulation Unit : No objection to the proposal.

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 development 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

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

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS) 2015

Planning Policy Statement 2 (PPS 2) Natural Heritage

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

Planning Policy Statement 21 (PPS 21) Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

8.1 The main consideration in the determination of this application relate to the Principle of Development, Ribbon Development, Integration, Rural Character, Sewerage disposal, Access, Movement and Parking, Natural Heritage, Safeguarding residential and Work Environs, Precedent Supporting Information, Representations and Habitat Regulation Assessment.

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 for a new dwelling in a gap site, this is considered below under paragraph 6.73 of the SPPS and policy CTY 8 of PPS 21

8.3 Paragraph 6.73 of the SPPS and Policy CTY 8 of PPS 21 applies and states an exception within this policy 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. For the purpose of this policy 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.

8.4 The amplification text within paragraph 5.34 of policy CTY 8 clearly states that the gap is between houses or other buildings and it requires four specific elements to be met: the gap site must be within an otherwise substantial and continuously built-up frontage; the gap site must be small; the existing development pattern along the frontage must be respected; and other planning and environmental requirements must be met.

8.5 The site is located at the roadside, it is not located in a gap rather it is located at the end of a row of 3 neighbouring dwellings namely 17, 19 and 21 Dunlade Road, which by themselves are a continuously built up frontage. The proposed site is not within an otherwise substantial and

continuously built up frontage because there is no development on the southern side of the site. The dwellings at 21a, 23 and 23a are all located at the end of separate laneways. 21a, 23 and 23a do not have a frontage to the respective lanes and more importantly do not have a common frontage with Dunlade Road, or are visually linked with the application site therefore 21a, 23 and 23a do not contribute to the assessment of the substantially and continuously built up frontage. A recent appeal decision 2020/A0121 at Whitepark Road, Bushmills sets precedent where the PAC within paragraph 8 of its decision have clarified an access alone does not constitute frontage. Therefore the site is not a small gap site within an otherwise substantially or continuously built up frontage and if permitted would extend a ribbon of development.

- 8.6 Nos 23 and 23A do not have a frontage onto Dunlade Road or the lane off Dunlade Road. Rather, they are located where the lane off Dunlade Road terminates. Similarly No 21A does not have a frontage onto Dunlade Road, it is located where its lane terminates. Appeal 2015/A0221 at paragraph 7 is another appeal precedent which states a building has a frontage to a road if the plot on which it stands abuts or shares a boundary with that road; an access does not constitute a road frontage. The proposal adds to a ribbon of development and is contrary to Policy CTY 8.
- 8.7 CTY8 also requires the site to respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The frontage length for No 17 is 35 metres, No 19 is 62 metres and for No 21 is 95 metres. The average frontage length is 64 metres. The site has a frontage length of 50 metres notwithstanding the fact that the site is not a gap as it is not framed by other development, the proposed site respects the development pattern for the specific aspect of frontage length for one dwelling only.
- 8.8 The development pattern in terms of average plot size will now be considered. No 17 has a plot size of 0.1ha, No 19 a plot size of 0.22 ha and No 21 has a plot size of 0.25 ha. The average plot size is 0.19 ha. The proposed plot size is 0.46ha. The proposed plot size is 142 percent bigger than the average plot size. The proposed site size does not respect the character of the area given the smaller plot sizes in the area.
- 8.9 The size and scale of the dwellings Nos 17, 19 and 21 are single storey with an approximate ridge height of 5.5 metres. The proposal is for a two storey dwelling as indicated on the proposed block plan which would not respect the local character of the area.

- 8.10 In considering the circumstances in which a dwelling might be approved it is not sufficient to simply show how the dwelling could be accommodated. The applicant must take full account of the existing pattern of development and produce a design solution to integrate the new building. The application site does not respect the existing development pattern along the frontage in terms of plot size, siting and design.
- 8.11 Having considered the existing pattern of development along the adjacent road frontage in terms of plot size, frontage length and character of the area in terms of siting and design, the proposal does not respect the existing development pattern and is contrary to Paragraph 6.73 of the SPPS and Policy CTY 8 of PPS 21. In this instance, the principle of development for one 2 storey dwelling is not achievable on this site. In addition, as no overriding reasons have been forthcoming as to why the development is essential and could not be located within a development limit, the proposal is also contrary to Policy CTY 1 of PPS 21.

Integration

- 8.12 Policies CTY 13 and CTY 14 of Planning Policy Statement 21 applies. Policy CTY 1 of PPS 21 and paragraph 6.70 of the SPPS state that all proposals must be sited and designed to integrate into its setting, respect rural character, and be appropriately designed.
- 8.13 Policy CTY 13 states that 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. The site characteristics have been detailed in paragraphs 2.1-2.6. The site is road side. The new proposed access is in the eastern boundary adjacent the lane which provides access to No 21A Dunlade Road, the agent has proposed to set back some vegetation. The critical views of the site are from Dunlade Road from the south east at a higher ground level, from the north east from a lower ground level and from the public road in front of the site to the east.
- 8.14 The roadside eastern boundary is defined by some mature vegetation / hedging of which some is up to 4 metres in height, this hedging has gaps at intervals along it and a field gate. The northern boundary is defined by a 1 metre high post and wire fence, this is quite open when viewed from the south east on Dunlade Road. The western boundary is defined by a 1 metre post and wire fence and a 1 metre high hedge. The

southern boundary is defined by a 1 metre high post and wire fence and a 2 metre high mature hedge along the laneway that terminates at Nos 23 - 23A Dunlade Road.

- 8.15 A new dwelling would be a prominent feature within the landscape due to its roadside nature, the site is a considerable size at 0.46 hectares with the dwelling set back 38 metres from Dunlade Road meaning the existing hedging on site does not offer adequate enclosure or integration. There would be a reliance on the use of new landscaping for integration which will take considerable time to offer meaningful integration. The design of the building is inappropriate for the site and its locality given it is proposed at 2 storeys in height as indicated on the block plan. It fails to blend with the landform, existing trees, slopes and other natural features which provide a backdrop. The critical views are from the south, east and north east. The overall development would not visually integrate and would be a prominent feature in the landscape. The proposal fails to comply with paragraph 6.70 of the SPPS and Policy CTY 13.

Rural Character

- 8.16 CTY 14 states that 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

The proposal is unduly prominent in the landscape as demonstrated above under section CTY 13 consideration at paragraphs 8.12 to 8.15.

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

The proposal when viewed with existing buildings such as Nos 17, 19 and 21 Dunlade Road will cumulatively result in a build up of development detrimental to the rural character of this area as it extends built commitment to the south.

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

The average frontage length is 64 metres. The site has a frontage length of 50 metres. The average plot size is 0.19 ha. The proposed plot size is 0.46ha which is 142 percent bigger than the average. The size and scale of the dwellings Nos 17, 19 and 21 are single storey with an approximate ridge height of 5.5 metres. The proposal is for a two storey dwelling which would not blend in with the local character of the area. Whilst the proposal respects the frontage length of sites in the area, it is the plot size, siting and design being 2 storey which it fails to comply with. The proposal is contrary to criteria 'c'.

8.19 (d) it creates or adds to a ribbon of development; or

See paragraphs 8.3 - 8.6 relating to CTY 8 above. The site is located at the roadside, it is not located in a gap rather it is located at the end of a row of 3 neighbouring dwellings which are by themselves a continuously built up frontage. The proposed site is not within an otherwise substantial and continuously built up frontage. The site adds to the ribbon of development that currently ends at No.21 Dunlade Road.

8.20 (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character. A new access lane is proposed to be used however as the site is road side the impact of ancillary works will not damage rural character.

8.21 The proposal fails to comply with criteria 'a' 'b' 'c' and 'd' and will erode rural character therefore fails to comply with Policy CTY 14 and paragraph 6.70 of the SPPS.

Sewerage Disposal

8.22 Policy CTY 16 of PPS 21 – Development Relying on non-mains sewerage, applies; Planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.

8.23 Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made. In those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.

8.24 The applicant proposes to discharge to a septic tank. NI Water indicate mains is available. Environmental Health and Water

Management Unit have been consulted and are content therefore the proposal complies with CTY 16 of PPS 21.

Access, Movement and Parking

8.25 Policy AMP 2 of PPS 3 Access, Movement and Parking applies and states 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 have been consulted and they confirmed they are content with the proposal. DFI Roads commented that drawing 03 REV 01 received 30th June 2021 should not form part of the decision. Dunlade Road is not a protected route. As DFI Roads are content the proposal complies with Policy AMP 2 of PPS 3 – Access, Movement and Parking.

Natural Heritage

8.27 PPS 2 Policy NH2 – Species Protected by Law and Policy NH5 – Habitats, Species or Features of Natural Importance are applicable. The proposed site is within a field with the access lane to access the eastern boundary of the site to Dunlade Road. There will be some vegetation removal. NED were consulted and asked for clarification regarding the retention or removal of existing hedgerows and compensatory planting. The agent provided a response and NED were reconsulted. NED indicate they are now content subject to conditions. The proposal complies with policies NH 2 and NH 5 of PPS 2 in that it has been demonstrated that the proposal is not likely to harm any European protected species, Habitats, Species or Features of Natural Importance.

Safeguarding residential and work environs

8.28 Paragraph 4.12 of the SPPS is relevant. This paragraph relates to safeguarding residential and work environs. Other amenity considerations arising from development, that may have potential health

and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

8.29 The majority of the issues in paragraph 4.12 have been considered above so the two remaining issues to consider are the rubble that has been deposited on site and residential amenity. DAERA (NIEA) Regulation Unit have been consulted and they have no objections to the proposal subject to conditions.

8.30 Residential amenity is a consideration, due to the site characteristics and surrounding character and distances to nearby properties there will be no adverse impacts in terms of overlooking or overshadow. On this basis the proposal would comply with this paragraph 4.12 of the SPPS.

Precedent Supporting Information

8.31 The agent has given 2 examples in support of the application by means of a precedent. LA01/2019/1197/O (Drumsum Road) - This proposal has been refused and is currently subject of appeal. This example is not comparable because there are 3 dwellings on a lane, 2 of which share a frontage and one other one is located where the lane terminates so does not have a frontage onto the lane. This application was refused on the basis it was contrary to policy CTY 8 in that there was no substantial and continuously built up frontage and that it would create a ribbon of development along the existing lane.

8.32 LA01/2019/0769/O (Clooney Road) - This proposal has been approved as a gap site. No.206 Clooney Road which is located down a lane did not contribute to the formation of a substantial and continuously built up frontage on Clooney Road because the roadside buildings within the application site and adjacent farm amounted to 3 or more buildings with a common frontage and so the proposal met policy and was approved. This example is not comparable. The 2 examples have been fully considered.

Representations

8.33 No representations have been received.

Habitats Regulation Assessment

8.34 Habitat Regulations Assessment Screening Checklist - Conservation (natural Habitats, etc) (Amendment) Regulations (Northern Ireland) 2015: 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). There are no watercourses in the vicinity of the proposal. NED have been consulted and are content subject to conditions. The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

9 CONCLUSION

9.1 The proposal is considered unacceptable at this location having regard to the Northern Area Plan and other material considerations, including the SPPS and Planning Policy Statements 2, 3 and 21. Consultee responses have been considered. The precedents forwarded by the agent have been fully considered. The proposal is not located in a gap within a substantial and continually built-up frontage, it extends a ribbon of development, it does not respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and it fails to integrate into its setting and respect rural character. As the proposal has not complied with various planning policies it is unacceptable, and refusal is recommended.

10 Refusal Reasons

1. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 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 SPPS and policy CTY 8 of PPS 21 in that there is no gap in a substantial and continually built-up frontage at this location and the proposal would, if permitted, result in the extension of ribbon development on Dunlade Road and it does not respect the existing development pattern along the frontage in terms of size, scale, siting and plot size.

3. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal is a prominent feature in the landscape, the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and it relies primarily on the use of new landscaping for integration, the design of the building is inappropriate for the site and its locality, it fails to blend with the landform, existing trees, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.

4. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape, it results in a suburban style build-up of development when viewed with existing and approved buildings, it does not respect the traditional pattern of settlement exhibited in the area, it creates or adds to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Site Location Map

