



Planning Committee Report LA01/2016/0534/F	25th October 2017
PLANNING COMMITTEE	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environment and Assets
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
Lead Officer	Principal Planning Officer/Development Management Manager
Cost: (If applicable)	N/a

**13 & 15 Larkhill Road
Portstewart**

**LA01/2016/0534/F
Full Planning**

25th October 2017

<u>App No:</u>	LA01/2016/0534/F	<u>Ward:</u>	Portstewart
<u>App Type:</u>	Full Planning		
<u>Address:</u>	13 & 15 Larkhill Road Portstewart		
<u>Proposal:</u>	Demolition of existing 2½ detached dwelling and the construction of 3 No. detached 2½ storey dwellings including associated access, parking, landscaping and amenity spaces.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	06 May 2016
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Applicant:	NicMac Homes Larkhill Ltd, 5 Harbour View, Dhu Varren Portrush.		
Agent:	As above		

Drawings and additional information are available to view on the Planning Portal- 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 **APPROVE** planning permission subject to the conditions and informatives set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is roadside and is located on the south-west side of Larkhill Road. The site comprises a two storey detached dwelling (No. 15 Larkhill) finished in wet dash and slate pitched roof, together with the site of a former two storey (now demolished) dwelling to the north of 15 Larkhill Road. Overgrown tennis courts are located at the rear of the site. Site levels fall from north-east to south-west. Low wall to roadside boundary; post and wire fence / wall / hedge to the rear boundary; wall / close boarded fence / post and wire fence to

the NW boundary; 1.5m high wall / close boarded fence and hedge to the SE boundary. There are no significant natural features on the application site.

- 2.2 The level of the application site is reduced relative to the levels of 17 Larkhill Road. The level of 11A Larkhill Road is reduced relative to the levels of the application site. 11A Larkhill Road is a two storey semi-detached dwelling with a hipped roof, finished in smooth render and flat roof tiles, with its front door located on the south-east gable, rather than the front elevation. 17 Larkhill Road is a one-and-a-half storey semi-detached dwelling finished in smooth render and wet dash with a slate pitched roof and rear sun room. Generally the area is characterised by linear plots and a range of dwelling types and finishes, including one-and-a-half and two storey dwellings (although 18 Larkhill Road is a two-and-a-half storey dwelling). Generally dwellings along the western side of Larkhill Road are a mix of detached and semi-detached. Finishes in the area include smooth render, dry dash, wet dash, red brick, slate roofs, profiled roof tiles, flat roof tiles. Roof types include pitch roofs and hipped roofs. One-and-a-half storey dwellings abut the rear boundary of the application site. A public footpath runs along the north-east boundary of the site. Critical views are from Larkhill Road.
- 2.3 The site is positioned within the settlement development limit of Portstewart town as defined in the Northern Area Plan 2016. The site is not zoned or designated and is therefore whiteland. The site is within an existing residential area and is located along an existing cycle network.

3 RELEVANT HISTORY

C/2006/0028/F - 4 No. semi-detached houses and associated garages at 13 and 15 Larkhill Road, Portstewart. Refused on 13 June 2007 on the basis of proposal failed to provide a quality residential environment, unacceptable impact on townscape and precedent. Appeal withdrawn.

C/2008/0461/F - Demolition of existing 2 No. 2½ storey detached dwellings with construction of 3 No. 2½ storey dwellings with associated car parking and extensive private amenity at 13 & 15 Larkhill Road, Portstewart. Approved 17 April 2009.

The following is a breakdown of the dimensions / measurements of the previous approval C/2008/0461/F:

Length of frontage	7.6m
Breadth	9.0-11.2m
Height (to eaves, front)	6.5m
Height (to eaves, rear)	7.0m
Height to ridge (front)	8.7m
Height to ridge (rear)	9.1m
Separation distance to front boundary	11.2-11.8m
Separation distance to common boundary to 11a Larkhill Road	2.0m
Separation distance from common boundary to 17 Larkhill Road	2.0-2.4m
Distance between proposed properties	3.0m

The proposed dwellings had pavilion / hipped roofs.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of existing 2½ detached dwelling and the construction of 3 No. detached 2½ storey dwellings including associated access, parking, landscaping and amenity spaces. The proposal comprises 3 No. two-and-a-half storey pitch roof detached dwellings. The dwellings have 4 No. bedrooms and an office, with living accommodation and balconies at the rear of the first floors. Proposed finished floor levels drop from 38.3 at site 1 (adjacent to 17 Larkhill Road) to 37.31 at site 3 (adjacent to 11A Larkhill Road). Ground floor finished floor levels also drop towards the rear of each unit, as shown on the section on drawing 03(Rev.04). Finishes include fibre cement shiplap weather boarding (dark grey), smooth render (white) and roof slates (dark grey). Proposed vehicular accesses are from Larkhill Road. The applicant intends to use mains sewerage. In-curtilage parking is located to the front and finished in Tobermore Tegula rumbled concrete paving, with private amenity space to the rear. Each unit has 2 No. in-curtilage spaces to the front and 1 No. on-street parking space. Bin stores are located to the rear of the dwellings. A new footpath is to be provided along the Larkhill Road frontage. 1.8m high

close boarded fences are located between all existing and proposed units. A 1.8m high rendered wall is to be located on the common boundary to the north of each proposed unit. 1.2m high rendered masonry walls are to be provided at the front, on the common boundaries to 11A and 17 Larkhill Road.

- 4.2 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation 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 conservation objectives/features of Skerries and Causeway SAC or any other European site. The proposal complies with Planning Policy Statement 2: Natural Heritage.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** There are 36 (thirty-six) objections to the proposal

The letters of objections raise concerns including:

- the dotted line of the existing dwelling at 15 Larkhill Road appears to overstate the height when compared to 17 Larkhill Road / the dwelling at 17 Larkhill Road appears stretched in the submission relative to the dwelling on the ground / 15 Larkhill Road is incorrectly shown in the submission as two-and-a-half storey in height, but is actually two storey in height / the rear garden of 19 Larkhill Road on the ground does not extend as far back as the drawing would suggest / the applicant has used the rear extension of 19 Larkhill Road as a mark to base their own return on, but the submitted drawings are inaccurate
- no existing topographical survey was submitted. Objectors consider that given the significant change in levels through the site, it is considered that this information is critical to an assessment of the proposal
- The height is much greater than the previous property / the proposal is not like for like / the current proposal introduces an additional half a storey, which creates a significantly greater

impact on neighbouring dwellings and the character of the street

- The proposal won't be built on the footprint of the historic properties and will be closer to the common boundaries of existing properties and will extend considerably further back
- Suggestion that planning permission should be adhered to by builders
- Devaluation of property

Amenity

- proposal will have an unacceptable impact on residential amenity / the proposal doesn't meet criteria h of Policy QD1 of PPS7; Policy LC1 of PPS7 Addendum, PCP1 of PPS12, DCAN8 and Creating Places
- the rear return will totally overwhelm / overpower / crowd the dwellings and amenity space at properties to either side / the proposal will come very close to the boundary walls of 11A and 17 Larkhill Road and will extend further back resulting in an over-crowding and dominant effect / houses will extend beyond the footprint of the previous two properties / the rear return of the house adjacent to 17 Larkhill Road will be extended more than twofold and windows at side and rear of both existing adjacent houses will be looking into a high, overpowering wall in excess of 8m
- proposal will seriously affect light into both properties either side / loss of light to the rear sunroom of 17 Larkhill Road in late afternoon and rear first floor room closest to the development. PPS7 addendum notes that extensions shouldn't breach the 45 degree line when taken from the centre of the closest neighbouring window / the proposal will block light to 11A Larkhill Road (hall, main bathroom, and living areas), more than the previous property - this is exacerbated by the flat roof. The rear return extends further back than the previous property and will block light to 11A Larkhill Road
- This is the only source of light into the main bathroom and hallway and a significant source of light into a bedroom, kitchen and living area / the 1.95m high wall is significantly higher than the previous boundary. This will also create a narrow dark corridor outside of the front door, which is at the side of 11A Larkhill Road

- the small separation distance between dwellings and plot boundaries results in three storey buildings which would tower over the private amenity space of neighbouring gardens creating an overlooking effect / proposed windows and balconies will affect privacy to gardens and inside dwellings in both properties either side / the third floor rear balconies would provide outdoor living space that would be an extension to the living room and dining room. Use would be high, given their dimensions. While the balconies would be screened by a 1.55m high wall on each side, the longer side of the balcony would remain open sided (apart from a glass balustrade), thereby enabling significant overlooking into the rear private amenity space of 17 Larkhill Road, with a separation distance of only a few metres / the proposal will reduce the level of privacy at 11A Larkhill Road – the extended rear return will overlook 11A Larkhill Road (it will affect the garden and affect the living area); impact of the balconies; objectors make reference to paras 7.2 and 7.3 of PAC decision 2004/A413 (49-53 Prospect Road)
- obstruction of view
- The proposed building angles towards 11A Larkhill Road as it extends to the rear of the property (ie only 2m separation distance at the rear)

Character

- proposal will have a significant effect on local character the proposal doesn't meet criteria a of Policy QD1 of PPS7; Policy LC1 of PPS7 Addendum, PCP1 of PPS12, DCAN8 and Creating Places
- three storey is incongruous in the streetscape as there are no other three storey dwellings within the immediate context which adopt a full three storeys. The area is predominantly single storey, with some two storey
- while there is a wide variety of designs, the majority of properties along Larkhill Road have pitched roofs. Three flat roof monoliths are not in keeping with the area and dwarf those houses in the area. The only flat roof in the area is at 23 Larkhill Road.
- The topography of Larkhill Road descends from south-east to north-west. However, the heights of the proposed dwellings do not respect this. The proposed roofs exceed the ridgeline of the surrounding existing properties. The height of the

dwelling at site 1 adopts a higher ridgeline than that of 17 Larkhill Road, instead of being stepped lower, in order to respect the gradient of the road. This disturbs the character and rhythm of the street and area. This is exacerbated by windows at second floor level.

- the proposal will dominate the area when viewed from Larkhill Road and Westminster Park and will stick out like an eyesore on the horizon when looking back from the beach / golf course
- the rear garden aspects / views of the houses form part of the character of the area
- the proposal doesn't tie in with the rear building line
- the proposal creates narrower plots which would be tightly packed together, adversely affecting the street scene
- The proposal would set an unwelcome precedent, if approved
- C/2010/0272/F - Redevelopment of existing dwellings to provide 3 detached dwellings with associated car parking and amenity space at 7 Larkhill Road and 1 Westminster Park, Portstewart. This permission was granted by DOE and has now lapsed and cannot be implemented
- C/2013/0101/F - Refurbishment of house with rear and side extension on ground floor, lounge extension at first floor with balcony at 7 Larkhill Road, Portstewart. This scheme does not set a precedent as the proposed balcony was at first floor level, not second floor level and did not create significant amenity issues
- C/2015/0087/F - Replacement dwelling with granny flat and integral garage and widening of the existing vehicular access at 9 Larkhill Road, Portstewart. The proposal does not set a precedent as the approved scheme was for a two storey dwelling to replace an existing small bungalow. It did not provide additional storeys to the extent of the current proposal
- C/2005/0451/F - Proposed construction of 2 No. dwellings with associated car parking at 11 Larkhill Road, Portstewart. This proposal was for a pair of semi-detached dwellings that are now constructed on site. This permission was granted 10 years ago in a different policy context. Furthermore, the approved scheme is two storeys in height.

Internal

5.2 Transport NI: Has no objection to the proposal.

NIEA: Has no objection to the proposal.

NI Water: Has no objection to the proposal.

Environmental Health: Has no objection to the proposal.

Historic Environment Division: Has no objection to the proposal.

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
- 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

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 7: Quality Residential Environments

PPS 7 Addendum: Safeguarding the Character of Established Residential Areas

Supplementary Guidance

DCAN 8 - Housing in Existing Urban Areas

DCAN 15 - Vehicular Access Standards

Parking Standards

Creating Places

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the principle and proposed design and layout; and other matters.

Planning Policy

- 8.2 The site is located within the settlement limit of Portstewart as defined in the Northern Area Plan. Policy SET2 explains that each town within the Plan area has a settlement development limit, which defines the area where appropriate development will be acceptable in principle.
- 8.3 The proposal does not raise any issues with regard to the housing policies in the Plan:
- Allocation HOU1: Housing Distribution
 - Policy HOU2: Social and Supported Housing
 - Policy HOU3: Social Housing Allocation
 - Policy HOU4: Use of Dwellings for Multiple Occupation
- 8.4 There are no other zonings or designations relevant to the site.
- 8.5 The principle of this development proposed must be considered having regard to the PPS policy documents specified above and the supplementary guidance.

Principle and Proposed Design and Layout

- 8.6 The site is located within the settlement limit of Portstewart. The proposal seeks to replace an existing dwelling and vacant site with 3 dwellings. The principle of developing housing on this land is acceptable subject to its compliance with relevant policies and guidance which are set out in PPS 7 and its addendum.
- 8.7 Policy QD2 (Design Concept Statements) of PPS7 requires; *'the submission of a Design Concept Statement, or where appropriate a Concept Master Plan, to accompany all planning applications for residential development'*.
- 8.8 Quality design proposals should emerge from a careful analysis of the sites location, surrounding context and the specific characteristics of the site itself. The Local Planning Authority expects to see a clear demonstration of the design thinking behind schemes and how this has developed from the analysis. The applicant has submitted a concept plan / statement with the proposal, as required by Policy QD2 of PPS7.
- 8.9 A revised proposal, amending the proposal from three, 3 storey flat roof dwellings, to three, two-and-a-half storey pitch roof dwellings, was submitted on 07 October 2016. Further amendments were submitted on 26 July 2017 – the revisions show the buildings located closer to Larkhill Road and the provision of additional screening at the rear first floor balconies.
- 8.10 Policy QD1 of PPS 7: Quality Residential Environments, sets out the relevant guidance and criteria in relation to housing proposals.
- 8.11 Policy QD1 expects all proposals for residential development to conform to the following criteria:
- (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 buildings, structures and landscaped and hard surfaced areas;***

- 8.12 The predominant impression travelling along Larkhill Road is of a suburban street consisting of mainly 1½ or 2 storey detached or semi-detached houses largely with pitched roofs. A two-and-a-half storey dwelling is located opposite the application site at 18 Larkhill Road. The principal view of the site is from Larkhill Road, and the proposal appears congruous when read with existing development surrounding the site.
- 8.13 The proposed levels have been provided. The proposed finished floor levels drop down gradually from the Larkhill Road and will be lower than the existing road level. Finished floor levels also drop down gradually when travelling along Larkhill Road in a north-westerly direction. This is considered to be acceptable.
- 8.14 The density of the area from 7-19 Larkhill Road (including the 2 No. historical dwellings on the application site) is approximately 13 dwellings per hectare. The proposed density of the application is approximately 17 dwellings per hectare. This is not significantly higher than the existing, and this density of development is still considered low, and the plot sizes are comparable to those of adjacent dwellings. The proposed density is also the same as that approved on the application site via C/2008/0461/F. As such, the proposal is not proposing an unacceptable increase in density.
- 8.15 The separation distances between the existing and proposed dwellings is acceptable, with the proposed dwellings approximately 2m from the common boundary (sites 1 & 3) with the existing dwellings (No. 11A and 17 Larkhill Road). There is a separation distance of 2.9 metres between the proposed dwellings. These are considered to be acceptable.
- 8.16 The site and scale of the proposed dwellings is considered acceptable. The proposed dwellings are approximately 7.6 metres wide and 13.6 metres deep at ground and first floor level; reducing to 11.6 metres deep at the upper level. The height to eaves level at the front of the proposed dwellings is 6.4m and to the ridge height is 9.2m from finished ground floor level. The height at the rear is 9.5m to ridge from finished ground floor level.

8.17 A topographical survey has been submitted showing the ridge heights of existing dwellings in the vicinity. A context drawing has been submitted showing the proposal in relation to the ridge heights of existing adjacent dwellings and also in relation to the ridge heights of the historic dwellings on the application site. The proposed ridge heights and finished floor levels fall down the slope of the hill. While the ridges of the proposed dwellings are above those of adjacent existing and approved dwellings, the proposal is congruous in the streetscene as shown on the submitted context drawing. The ridges of the previous approval C/2008/0461/F at the application site sat above the heights of the adjacent existing dwellings. The overall height and visual impact is considered acceptable in the streetscene.

8.18 The proposal presents an attractive outlook, similar to that of existing dwellings in the vicinity. The proposal respects the surrounding context and would not cause unacceptable harm to the character of the area and is consistent with criterion (a).

(b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

8.19 There are no issues arising in relation to listed buildings, archaeology and landscape features and therefore complies with this policy test.

(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 discrete 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;

8.20 There are no issues arising in relation to public open space. The proposal does not require the provision of public amenity space, as defined in Policy OS2 of PPS8. There are no issues arising in relation to private open space, when assessed against para. 5.19 of Creating Places given the large areas of private amenity. There is adequate separation distance to the common rear boundaries which are acceptable.

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

8.21 There is no issue arising in relation to local neighbourhood facilities; the proposal is not of such significant size as to require the provision of neighbourhood facilities and therefore complies with this policy test.

(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;

8.22 There are no issues arising in relation to the movement pattern; the movement pattern is acceptable, given that access to the site is restricted on three sides. Access can be gained to rear gardens for bins. The proposal is located within an existing residential environment. The proposal is consistent with this policy test.

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

8.23 Each dwelling has an integral garage and has sufficient parking for an additional 2 vehicles outwith the garage. There is also on street parking available. DfI Roads has been consulted as the competent authority on road and traffic matters and raises no objection to the proposal.

(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;

8.24 Creating Places and DCAN8 provide guidance and advice supplementing PPS7 and are material in making planning decisions. Creating Places suggests that rear gardens depths of back to back property should be a minimum of 10m on greenfield and low density developments (paragraphs 7.15 &

7.16). The separation distance between the rear proposed elevations and the opposing rear elevations at Westminster Park are acceptable.

- 8.25 The previous approval C/2008/0466/F had the same rear building line as the current proposal. Furthermore, under Part 1.A.1.E of the Schedule to The Planning (General permitted Development) Order (NI) 2015 the applicant, following the construction of approval C/2008/0461/F, could have erected an extension up to 1 storey in height, extending 4m back from the rear elevation of the dwellings. Under Part 1.A.1.F of the Schedule to The Planning (General Permitted Development) Order (NI) 2015 the applicant, following the construction of approval C/2008/0461/F, could have erected an extension above 1 storey in height, extending 3m back from the rear elevation of the dwellings. As such, the proposal will not dominate the living accommodation and garden of 11A Larkhill Road and 17 Larkhill Road to a more significant degree than what could have been built with the benefit of permitted development rights following construction of the dwellings approved via C/2008/0461/F. As the previous permission was approved under the same policy context, this is a relevant material consideration.
- 8.26 There is no unacceptable overlooking from windows into adjacent existing properties.
- 8.27 While there is a 'pinch' point at the rear of the site, given the siting of 11A Larkhill Road, which is angled towards the application site, this is not considered to be unacceptable in policy terms.
- 8.28 Paragraph A30 of the addendum to PPS 7 states that as a general rule of thumb the most private area is the first 3-4 metres of a rear garden, closest to the residential property. The proposed balconies will not have an unacceptable impact on the privacy enjoyed at 11A or 17 Larkhill Road, since the line of sight from the proposed rear balconies is not towards these areas and the balconies are screened by opaque screening at the side, to a height of 1.75m.
- 8.29 The winter sun rises in the southeast, peaks out at a low angle above the southern horizon, and then sets in the southwest. In

summer (June, July, August), the sun rises in the northeast, peaks out nearly straight overhead and then sets in the northwest. Given this, there is unlikely to be unacceptable overshadowing. There is adequate separation distance between existing and proposed properties. In terms of separation distance, the gable at site 3 is 2m from the common boundary to 11A Larkhill Road; 5.0m from the south-east gable of 11A Larkhill Road at the front; and 3.5m from the south-east gable of 11A Larkhill Road at the rear. The gable at site 1 is approximately 2m from the common boundary to 17 Larkhill Road. The gable at site 1 is 5.4m from the rear conservatory of 17 Larkhill Road. The proposal is sited further away from the gable of 11A Larkhill Road than the original dwelling on site.

- 8.30 While the proposal will have an effect on the amenity of the adjacent properties, this is not considered unacceptable, given the buildings formerly on site and the previous approval set out in paragraph 8.25 above. In this instance, permitted development rights for extensions can be withdrawn to control the potential massing and effect on neighbouring amenity.

(i) the development is designed to deter crime and promote personal safety.

- 8.31 The design and layout of the development does not create any issues in relation to crime and personal safety.

- 8.32 Policy LC 1 of the Addendum to PPS 7 relates to Protecting Local Character, Environmental Quality and Residential Amenity and provides amplification of Policy QD1. This applies to proposals for the redevelopment of existing buildings. Policy LC 1 states that planning permission will only be permitted where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

a) the proposed density is not significantly higher than that found in the established residential area;

(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and

(c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

8.33 The proposal is to replace a former and existing dwelling with three new dwellings. The proposed density is not significantly higher than that found in the established area, and therefore complies with criterion (a) of LC 1. The pattern of development, with front garden/drive, dwelling and large rear garden is consistent with the overall character and environmental quality of the established residential area. The size of the dwellings are in excess of the standards set out in Annex A of the Addendum to PPS 7. The proposal is in compliance with those elements as set out in relation to Policy QD1 and is also consistent with Policy LC 1.

8.34 Three guiding principles run through PPS7 (Policy QD1) and DCAN8: That proposals should not result in unacceptable damage to local character, environmental quality, or residential amenity. The proposal, as submitted, will not damage local character and residential amenity and is therefore consistent with the policy.

Other Matters

8.35 There has been a number of concerns raised by objectors which have been considered in Paragraphs 8.6-8.32 of this report. The following is consideration of other matters raised:

- No survey was submitted from objectors demonstrating the inaccuracy of submitted drawings. A topographical survey was submitted by the applicant. The topographical survey shows 15 Larkhill Road with a ridge height of 47.238 and 17 Larkhill Road with a ridge height of 46.685 – these levels are similar to the levels shown on the submitted context drawing. The heights of the buildings on the contextual drawing are also similar to the heights of the contextual drawings submitted via C/2008/0461/F – the height of 15 Larkhill Road is the same height as the top of the chimney of 17 Larkhill Road / the height of 17 Larkhill Road is the same on the currently submitted context drawing, relative to the context drawing submitted under C/2008/0461/F. The Council does not attach significant weight to the accuracy of drawings showing the plot at 19 Larkhill Road – the primary properties for consideration are those abutting the application site.

- The current proposal can be distinguished from the appeal at 49-53 Prospect Road. The appeal at 49-53 Prospect Road was for 2 No. 3 storey blocks of apartments, rather than dwellings. The rear elevation of the apartment blocks had a much greater impact than the rear elevations of the proposed dwellings – the width of the rear elevations of the apartment blocks were 22m and 29m respectively, relative to the 7.6m of the proposed dwellings. The separation distance of the apartments blocks was 26-28m to the rear elevation of properties to the rear, whilst the separation distance of rear elevations to the rear elevation of the properties at Westminster Park is around 40.0m (at its closest point) and between 28.8 - 35.3m to the rear common boundary.
- 15 Larkhill Road was a two storey rendered dwelling with a slate pitched roof.
- Permitted development rights (as per Part 3 (Minor Operations) of The Planning (General Permitted Development) Order (NI) 2015) permit the construction of a means of enclosure up to 2m in height along common boundaries, except where the means of enclosure is located adjacent to a public road.
- While planning permission should be adhered to by builders / developers, the Planning Authority has a duty to determine submitted applications.
- Little weight can be attached to impact on view
- No evidence has been submitted to demonstrate adverse impact on property values.

9 CONCLUSION

9.1 The proposal for the replacement of 2 dwellings with 3 is considered acceptable in this urban location having regard to the Northern Area Plan and other material considerations including PPS7 and its Addendum, and the SPPS. The proposed design has been amended through the processing of the application and is acceptable in policy terms. The proposal is acceptable in terms of character and effect on amenity when weight is

attached to the previous development and the planning history.
Approval is recommended.

10 CONDITIONS

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. Notwithstanding the provisions of The Planning (General Permitted Development) Order (NI) 2015, or any Order revoking and re-enacting that Order, no extensions to the development hereby approved or building, structure, hard surface or enclosure (including swimming pools and gardens) incidental to the enjoyment of the dwellings hereby permitted, shall be provided outside the area indicated as the footprints of the proposed dwellings, on the approved site plan (drawing No. 02(Rev.04)) dated received 26 July 2017.

Reason: To preserve the amenity of adjoining neighbours.

3. No development shall commence until the vehicular access, including visibility splays and any forward sight distance are provided in accordance with Drawing No. 02 (Rev.01) and TransportNI FCD 1 form bearing the date stamp 29th July 2016. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

4. The access gradient to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

Informatives

1. Notwithstanding the terms and conditions of the Causeway Coast and Glens Borough Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Roads Section Engineer whose address is DfI Roads, Northern Division, Causeway Coast and Glens (West), County Hall, Castlerock Road, Coleraine, BT51 3HS. A monetary deposit will be required to cover works on the public road.

2. DfI Roads has pointed out that the existing vehicular access to the dwelling is sub-standard and that, in your interests and that of other road users, measures should be taken to provide acceptable visibility.

3. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

4. All construction plant and materials shall be stored within the curtilage of the site.

5. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

6. Asbestos

There is potential that Asbestos containing materials may be present in or on the proposed site and outbuilding. The applicant is advised to have an asbestos survey carried out prior to any works by a suitably competent person/s. Any identified Asbestos containing material must be removed and disposed of in full compliance with all health and safety and waste management legislative requirements.

7. Construction Noise Impact

BS 5228: 2009 in relation to construction activities states,

“Noise and vibration can be the cause of serious disturbance and inconvenience to anyone exposed to it and in certain circumstances noise and vibration can be a hazard to health.”

“Noise from construction activities should –

not exceed 75 dB $L_{Aeq, 1hr}$ between 07.00 hours and 19.00 hours on Monday to Fridays, or 75 dB $L_{Aeq, 1hr}$ between 08.00 hours and 13.00 on Saturdays, when measured at any point 1 metre from any façade of any residential accommodation, and

not exceed 65 dB $L_{Aeq, 1hr}$ between 19.00 hours and 22.00 hours on Monday to Fridays, or 13.00 hours to 22.00 hours on Saturdays when measured at any point 1 metre from any façade of any residential accommodation, and not be audible between 22.00 hours and 07.00 hours on Monday to Fridays, before 08.00 hours or after 22:00 hours on Saturdays, or at any time on Sundays, at the boundary of any residential accommodation. (As a guide the total level (ambient plus construction) shall not exceed the pre-construction ambient level by more than 1 dB(A). This will not allow substantial noise producing construction activities but other “quiet” activities may be possible). Routine construction and demolition work which is likely to produce noise sufficient to cause annoyance will not normally be permitted between 22.00 hours and 07.00 hours.”

8. Noise from Plant & Equipment

The applicant shall ensure that all plant and equipment used in connection with the proposal are so situated, operated and maintained as to prevent the transmission of noise and odour to surrounding sensitive receptors.

9. Dust

Suitable and sufficient dust mitigation measures shall be employed during site preparation/construction phases in order to obviate adverse impacts to nearby sensitive receptors.

