

<b>Planning Committee Report Item 5.4</b>	<b>24<sup>th</sup> August 2016</b>
<b>PLANNING COMMITTEE</b>	

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

# **ITEM 5.4**

**11A Glebe Road, Garvagh.**

**LA01/2015/0809/O**

**Outline Planning**

**24<sup>th</sup> August 2016**

<b><u>App No:</u></b>	LA01/2015/0809/O	<b><u>Ward:</u></b>	Garvagh
<b><u>App Type:</u></b>	Outline Planning		
<b><u>Address:</u></b>	11A Glebe Road, Garvagh.		
<b><u>Proposal:</u></b>	Proposed infill dwelling.		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	23 October 2015
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>Target Date:</u></b>	
<b>Applicant:</b>	Mr Chris White, 11A Glebe Road, Garvagh.		
<b>Agent:</b>	OJQ Architecture, 89 Main Street, Garvagh.		
<b>Objections:</b>	0	<b>Petitions of Objection:</b>	0
<b>Support:</b>	0	<b>Petitions of Support:</b>	0

Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://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 **REFUSE** planning permission subject to the reasons set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site is accessed off a private lane, located on the southern side of Glebe Road. The application site forms part of a wider curtilage or plot to 11 a Glebe Road which collectively comprises a dwelling, a detached garage, a log cabin and a shed. The site is relatively flat and accommodates the log cabin. The log cabin, which appears to be inhabited, has a shallow pitched roof and amenity area. A semi-mature hedge is located along the east

and west boundaries. The surface finish is gravel, with a garden located in the eastern portion of the site. Decking is located on the southern side of the log cabin. An outbuilding, garden shed and oil tank are located in the southern portion of the site.

- 2.2 11a Glebe Road is a one and a half detached dwelling finished in wet dash and black non-profiled roof tiles. The site is located to the rear (south) of the detached garage. Goat pens are located to the south of the site. Critical views are from Glebe Road, which is located 130m to the west.
- 2.3 The site is located within the rural area as defined in the Northern Area Plan 2016.

### **3 RELEVANT HISTORY**

C/2004/1014/O - Outline approval for 1 No. dwelling and detached garage at land 100m south of 11 Glebe Road. Approved 25.04.2005

C/2006/0012/F - Erection of 1 No. dwelling and detached garage at land 100m South of 11 Glebe Road Approved 15.11.2006

LA01/2015/0135/LDE – Existing use of land for log cabin and associated works within curtilage of dwelling house for purposes ancillary to enjoyment of dwelling house at 11a Glebe Road, Garvagh Approved 11.08.2015

### **4 THE APPLICATION**

- 4.1 Planning permission is sought for a proposed infill dwelling.
- 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 features or conservation objectives of Bann Estuary SAC or any European site.

## **5.0 PUBLICITY & CONSULTATIONS**

### **5.1 External**

**Neighbours:** There are no objections to the proposal.

### **5.2 Internal**

**NIEA Water Management Unit:** has no objection to the proposal.

**Transport NI:** has no objection to the proposal.

**NI Water:** has no objection to the proposal.

**Environmental Health:** 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 (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.

## **7.0 RELEVANT POLICIES & GUIDANCE**

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2 (PPS2) Natural Heritage

Planning Policy Statement 3 (PPS3) Access Movement and Parking

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

## **8.0 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of an infill dwelling in the countryside, the fall-back position, integration and design and rural character.

### **Planning Policy**

- 8.2 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.
- 8.3 The site is located within the rural area of the Northern Area Plan.

### **Principle of a dwelling in the countryside**

- 8.4 Policy CTY1 of PPS 21 states that there is a range of types of development which are considered to be acceptable in principle in the countryside. It states that planning permission will be granted for an individual dwelling house in the countryside in six cases. One of these is an infill dwelling, in accordance with Policy CTY8. It goes on to state that 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.

- 8.5 Policy CTY8 Ribbon Development states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception 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.
- 8.6 The subject site is already developed with a log cabin. Information supplied with the application indicates that the log cabin is to be removed to accommodate the proposed dwelling.
- 8.7 At this location there is a row of development along the frontage of the private lane. This comprises from north to south, a dwelling, a detached garage, a log cabin (to be removed) and a shed. As set out in 8.5, Policy CTY 8 allows the infilling of a small gap within an otherwise substantial and continuously built up frontage. For the purpose of this policy, this is defined as a line of 3 or more buildings without accompanying development to the rear. In this case, with the log cabin discounted, there is a line of 3 buildings. However, these are all within the one curtilage/ plot.
- 8.8 The existing development pattern is one of linear development located within a single, sizeable irregular-shaped plot located directly adjacent to an existing laneway. The applicant is essentially seeking to split the existing single curtilage/ plot to achieve planning approval for a further dwelling. Policy CTY 8 requires the development proposal to respect the existing development pattern along the frontage in terms of plot size.
- 8.9 The existing plot size has a frontage width of approximately 90 metres. The proposal will result in the plot frontage of 11a being reduced to approximately 60 metres. The proposed plot is to be approximately 30 metres. As such, the proposal will not respect the existing development pattern along the frontage in terms of plot size. The proposal patently fails this key policy test.

## **Fall-Back Position**

- 8.10 The log cabin on the site is subject to a Certificate of Lawful Use or Development (CLUD). Details are given in Section 3. This CLUD was granted on the basis that the time limit for enforcement action of five years had expired. Therefore the fall-back position is that the log cabin can remain on the site in the event that planning permission is refused. While this is a material consideration, it is not accorded substantial weight. This is because firstly, the subject application is made on the basis of Policy CTY 8 as an infill dwelling and the proposal fails to meet the relevant tests. Secondly, in terms of the possibility of replacing the log cabin with a dwelling, Policy CTY 3 of PPS 21 prohibits buildings of temporary construction (such as the log cabin in this case) being eligible for replacement. To approve the application on the basis that there would be betterment or equivalence in allowing a dwelling relative to a log cabin, would undermine the policy provisions of Policy CTY 3.

## **Integration and Design and Rural Character**

- 8.11 Policy CTY 13 of PPS 21 relates to integration and the design of Buildings in the countryside. In principle, the site is acceptable in terms of integration and could accommodate the proposal when assessed from the critical views on Glebe Road.

## **9.0 CONCLUSION**

- 9.1 This proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. It fails to meet the policy requirement of PPS 21 for an infill dwelling in the countryside in that the proposal does not meet the existing development pattern in terms of plot size. Refusal is recommended.

## **10 Refusal Reasons**

- 10.1 The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for NI and Policy CTY1 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.



10.2 The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for NI and Policy CTY8 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposal is not considered to be infill of a small site in an otherwise substantial and continuously built up frontage and if approved would result in ribbon development and would therefore result in a detrimental change to the rural character of the countryside.