

<b>Planning Committee Report Item I</b>	<b>27<sup>th</sup> July 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 I**

**8 Carneybaun Road  
Portrush  
BT56 8JB**

**LA01/2016/0564/F  
Full Planning**

**27<sup>th</sup> July 2016**

<b><u>App No:</u></b>	LA01/2016/0564/F	<b><u>Ward:</u></b>	Hopefield
<b><u>App Type:</u></b>	Full Planning		
<b><u>Address:</u></b>	8 Carneybaun Road, Portrush		
<b><u>Proposal:</u></b>	Retrospective planning permission for a first floor decking area. This is situated above a raised patio in the rear garden of the above property. Access to the decking area is via decking stairs within the rear garden.		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	28 <sup>th</sup> April 2016
<b>Applicant:</b>	Mr A Deal		
<b>Agent:</b>	N/A		
<b>Objections:</b>	3	<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 & 8 and resolves to **REFUSE** planning permission for the reasons set out in section 10.

## 2 SITE LOCATION & AREA

- 2.1 The site is located at 8 Carneybaun Road, Portrush. On the site is a two-storey detached dwelling which has a mix of finishes consisting of a white render and red brick. At the rear of the site is an existing garden area, paved area and the proposed raised decked area has been erected at the rear of the premises. There is an existing single-storey conservatory at the rear of the premises and the boundary treatment at the rear consists of approximately 2m high fencing and high vegetation.
- 2.2 The area is predominately residential and is characterised by two-storey and single-storey dwellings.

### **3 RELEVANT HISTORY**

None.

### **4 THE APPLICATION**

- 4.1 The proposal is for retrospective planning permission for a first floor decking area. This is situated above a raised patio in the rear garden of the above property. Access to the decking area is via decking stairs within the rear garden.

### **5 PUBLICITY & CONSULTATIONS**

#### **External**

- 5.1 **Neighbours:** There are 3 (three) letters of objection to the scheme. Issued raised include:

- a) Noise and Nuisance
- b) Privacy/Overlooking
- c) Value of the neighbour's property would decrease due to the raised decking
- d) The proposed decked area is invasive
- e) Character of the area

#### **Internal**

- 5.2 **NI-Water-** Has no objections to the scheme subject to conditions and informatives.

### **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:

- 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)

The Regional Development Strategy 2035

Planning Policy Statement 7 (Addendum): Residential Extensions and Alterations

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to: permitted development rights; character of the area; impact on residential amenity and; other matters.
- 8.2 The site is located within Portrush area and is located within the defined settlement limit as outlined in the Northern Area Plan 2016.
- 8.3 The principle of the proposed development must be considered having regard to the policy documents specified above and the supplementary guidance.

## **Permitted Development Rights**

- 8.4 Planning permission is required for a raised decking area or raised platform when any part of the deck or raised platform would exceed 0.3m above ground level. This is outlined under the Planning (General Permitted Development) Order (NI) 2015, Schedule 1, Development Permitted under Article 3, Part 1, Class I. In this case as the height of the raised platform is 3m above ground level, planning permission is required. The height of the platform, 2.7m higher than that achievable as permitted development, makes it readily distinguishable from the fall-back position.
- 8.5 The SPPS and PPS7 (Addendum) provide the policy context for development affecting a residential dwelling. Policy EXT1 of PPS7 states that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:
- (a) The scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;
  - (b) The proposal does not unduly affect the privacy or amenity of neighbouring residents;
  - (c) The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and
  - (d) Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

## **Character of the Area**

- 8.6 The proposed raised decking area is located at the rear of the dwelling and has been finished with timber and has been raised 3m above ground level and has 1m timber balustrade which

surrounds the raised decking. This increases its height to 4m in total.

- 8.7 In terms of design the proposed decking is of a poor design and detracts from the character of the area by introducing a structure which is not in keeping with the character of the area. The proposed decking is out of scale and is a dominant feature in the rear garden which creates a dominant and overbearing effect to the adjacent neighbours at No. 6 and 10 Carneybaun Road. The decking is not acceptable in terms of its massing and does not respect the surrounding neighbours. There are no other similar examples of this form of decking in the immediate area and therefore the proposed decking is out of character in the locality when collectively viewed from the rear gardens of adjoining properties. The proposed decking has failed part (A) of policy EXT1 and is unacceptable in terms of design, scale and massing.

### **Impact on Residential Amenity**

- 8.8 The proposed decked area will impact the adjacent neighbours significantly at No. 6 and 10 Carneybaun Road and No. 82 Ballywillan Road in terms of overlooking. When standing on the raised decked area it was noted that the residents at No.8 would be able to overlook the most private amenity space of these adjacent properties. The impact on Nos. 6 and 10 Carneybaun Road is particularly harmful given the immediate proximity. The degree of overlooking caused by the raised decked area to these adjacent neighbours is severe and therefore is unacceptable. This issue was raised in the objections. The partial use of bamboo/ cane screens are not considered to mitigate the overlooking in this case.
- 8.9 The decked area overlooks all of the rear windows of No. 10 and No. 6. The proposed decked area impacts the privacy and residential amenity of the adjacent neighbours and is therefore an unacceptable form of development. The proposed development does not comply with the policy test as outlined under policy EXT1 part (B). While the subject property shares a boundary with No 2 Carneybaun Park, the proposal does not have a substantive negative effect on its amenity be reason of existing vegetation which provides screening.

8.10 The size of the decked area is substantial at approximately 22 sqm. This size would allow for the congregation of people and the potential for a social gathering. This compounds the harm by reason of the likelihood of intensifying the overlooking by a greater number of people and the greater potential for noise by reason of music, loud talking etc. This issue was raised in one of the objections.

## **Other Matters**

8.11 One of the objections raised the issue of property devaluation. In terms of the value of a neighbour's premises being decreased as a result of a development, this is not a material planning consideration and no weight has been attached to this point in the assessment of this proposal. The Planning system does not exist to protect the private interests of one individual over another.

## **9 CONCLUSION**

9.1 The proposal has a negative effect on the character of the area and a particular negative effect on the residential amenity of the adjacent neighbours at No. 6 and 10 Carneybaun Road and 82 Ballywillan Road by reason of unacceptable overlooking. There is a further potential for noise disturbance. The proposal is contrary to policy. Refusal is recommended.

## **10 REASONS FOR REFUSAL**

### **10.1 Reasons:**

1. The proposed development is contrary to the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations Policy EXT1 part (A) in that the proposed raised decking, would, if permitted, be out of keeping with the character of the area by reason of the design, scale, height and massing.
2. The proposed development is contrary to the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations Policy EXT1 part (B) in that, if permitted, the proposed raised decking area would harm the living



conditions of the residents in No. 6 and 10 Carneybaun Road and No 82 Ballywillan Road by reason of unacceptable overlooking and detrimental impact on residential amenity.