

<b>Planning Committee Report LA01/2017/1518/O</b>	<b>27<sup>th</sup> June 2018</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>	Development Management & Enforcement Manager
<b>Cost: (If applicable)</b>	N/a

<b><u>No:</u></b>	<b>LA01/2017/1518/O</b>	<b><u>Ward:</u> KILREA</b>
<b><u>App Type:</u></b>	<b>Outline Planning</b>	
<b><u>Address:</u></b>	<b>27 Drumagarner Road, Kilrea</b>	
<b><u>Proposal:</u></b>	<b>Proposed new access and site of dwelling with associated site works in garden of existing dwelling</b>	
<b><u>Con Area:</u></b>	<b>No</b>	<b><u>Valid Date:</u> 22.11.2017</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	
<b><u>Agent:</u></b>	<b>MDF Architecture, 11 Blackthorn Road, The brambles, Newtownabbey, BT37 0GH</b>	
<b><u>Applicant:</u></b>	<b>Mr T Holmes, 27 Drumagarner Road, Kilrea, BT51 5TB</b>	
<b><u>Objections:</u> 0</b>	<b><u>Petitions of Objection:</u> 0</b>	
<b><u>Support:</u> 0</b>	<b><u>Petitions of Support:</u> 0</b>	

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 refusal reasons set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The site comprises an area of land located to the rear of 27 Drumagarner Road. There is an existing semi-detached two storey dwelling on site with a garden to the side and rear.
- 2.2 The front of the site is level with the public road and slopes gently towards the rear (north-western boundary). The front boundary is defined by a low plastered wall and pillars which front onto the Drumagarner Road. The north-east, north-west and south-west boundaries are defined by 2m high maintained hedges. There are existing mature trees to the western corner of the site.
- 2.3 The site is located within the existing Settlement Development limit of Kilrea, as designated in the Northern Area Plan 2016.

## **3 RELEVANT HISTORY**

No relevant planning history on this site.

## **4 THE APPLICATION**

- 4.1 This is an outline application for proposed new access and site of dwelling with associated site works in garden of existing dwelling.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External:**

No objections received.

## 5.2 Internal:

DFI Roads: No objections.

Environmental Health: No objections.

NIEA Water Management Unit: No objections

Historic Environment Division (Historic Monuments): No objections

NI Water: 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:

- 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

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 6: Planning, Archaeology and the Built Heritage

Planning Policy Statement 7: Quality Residential Environments

Addendum to PPS7 – Safeguarding the Character of Established Residential Areas.

Advice and Guidance

Development Control Advice Note 8: Housing in Urban Areas

Creating Places: Achieving Quality in Residential Environments

## **8.0 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relates to: the principle of development; character and design; and access.

### **Principle of Development**

8.2 The principle of development must be considered having regard to the SPPS and PPS policy documents before mentioned.

8.3 Policy QD1 of PPS 7 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. All proposals for residential development are expected to conform to all of the outlined criteria.

### **Character and design**

*Criterion 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;*

8.4 The proposed dwelling is to be located in the rear garden of an existing dwelling at No. 27 Drumagarner Road. There are two pairs of

semi-detached dwellings located at the front of the site facing onto the road. The proposal involves the creation of a new access and driveway leading to the proposed dwelling at the rear of the site. The proposed dwelling is to be two storey with detached garage.

- 8.5 DCAN 8 states that there is potential in appropriate circumstances to integrate new residential development into backland area to produce a high quality residential environment. However, to be successful, there are a number of design principles to be followed. Proposals should aim to achieve continuity in design and character in terms of both the streetscape and landscape.
- 8.6 The existing row of properties to the front of the site are a similar style and are characterised by long extended gardens to the rear. The proposal would divide the existing garden of No. 27 into two plots which would affect the established character of the area. The proposal is situated behind the building lines of existing development. There are no other examples of backland development in the surrounding area and therefore the proposal would appear out of context with the area.
- 8.7 The scale and massing of new housing in backland areas should not exceed that of existing dwellings fronting the surrounding streets. The block plan shows the approximate size and location of the proposed dwelling. Although the proposal is of a similar size to an adjacent dwelling located east of the site, the scale and massing is much greater than the existing dwellings situated directly along the front of the site.

*Criterion 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;*

- 8.8 The site is located within the buffer zone of an archaeological site and monument so consultation was carried out with HED. Their response indicated no archaeological objection. The illustrative site plan identifies the existing boundaries of the site and seeks to retain the existing boundary hedging and trees and incorporate these into the overall design and layout of the development. A new post and wire fence, hedging and trees are proposed to provide separation and screening between the existing and proposed dwellings.

*Criterion 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;*

8.9 As the proposal consists of a single dwelling, there is no requirement for the provision of public amenity space as defined in Policy OS2 of PPS8.

8.10 Creating Places guidance states that back garden provision should be calculated as an average space standard for the development as a whole and should be around 70 sq m per house or greater. For any individual house, an area less than around 40 sq m will generally be unacceptable. The rear garden of the proposed dwelling exceeds 70 sq m and therefore would be acceptable.

8.11 The site plan shows that the proposal will significantly reduce the private open space of the existing dwelling at No. 27. The area of private open space behind the existing dwelling would still be acceptable, however the privacy of this area would be reduced due to the positioning of the proposed dwelling.

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

8.12 The proposal site is located within the settlement where local neighbourhood facilities are available.

*Criterion (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; and*

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

8.13 The proposal site is located within the settlement where a movement pattern is provided. The proposal is acceptable in terms of parking.

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

8.14 There are no particulars of design at this stage.

*Criterion (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;*

8.15 DCAN 8 states that backland development on plot depths of less than 80m is unlikely to be acceptable, except where the existing urban grain is very urban in character, and where careful design can overcome concerns of overlooking and day lighting. The application site has a plot depth of around 45m. There are no particulars of design at this stage. Though the site is within the settlement development limit, it is edge of settlement and low density. The proposed dwelling would be detrimental to the character and impact on the surrounding amenity.

8.16 Proposals should seek to minimise overlooking between dwellings and provide adequate space for privacy. Guidance states that a separation distance of around 20 m+ between opposing rear first floor windows is acceptable. Where development abuts private garden areas of existing properties, a separation distance of greater than 20m is generally appropriate and a minimum of 10 m between rear of new houses and common boundary. The proposed dwelling is to be located approximately 7 metres from the common boundary with No. 27 Drumagarner Road and approximately 15 metres from the rear of the dwelling. The separation distances are inadequate and will give rise to privacy issues given the location of the proposal.

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

8.17 The development is designed to deter crime and promote personal safety.

### **Safe guarding the character of established residential areas**

8.18 Policy LC 1 states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or infilling of vacant sites to accommodate new housing,

where all the criteria set out in Policy QD1 of PPS 7, and 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

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

- 8.19 The surrounding area consists of two blocks of semi-detached dwellings at the front of the site with extended gardens to the rear. Towards Kilrea, there are a number of detached dwellings situated on relatively large plots of land which create space between dwellings. The proposal will divide the site into two smaller plots. This pattern of development would not be in keeping with the overall character of the established residential area.

### **Access**

- 8.20 DFI Roads were consulted in relation to this application and offer no objections.

## **9.0 CONCLUSION**

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal fails to provide a Quality Residential Environment in that it is not in keeping with the character of the local area and the plot depth (45m) is nearly half of the recommended plot depth for backland development (80m) and as a result would have an adverse impact on new and existing occupants by way of overlooking and a detrimental impact on residential amenity. Refusal is recommended.

## **10 Refusal reasons**

1. The proposal is contrary to paragraph 6.137 of SPPS, DCAN 8 and Policy QD1 of PPS 7 in that the development fails to meet criteria (a) and (h) as it does not respect the surrounding context and established character of the area and will cause unacceptable overlooking of private amenity space of No. 27 Drumagarner Road.

2. The proposal is contrary to paragraph 6.137 and Policy LC 1 Addendum to PPS 7 in that the pattern of development is not in keeping with the overall character and environmental quality of the established residential area.

