

Planning Committee Report LA01/2017/1101/O	28th November 2018
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	Shane Mathers
Cost: (If applicable)	N/a

<u>App No:</u>	LA01/2017/1101/O	<u>Ward:</u>	Atlantic
<u>App Type:</u>	Outline Planning		
<u>Address:</u>	77 Central Avenue, Portstewart		
<u>Proposal:</u>	Proposed demolition of existing dilapidated dwelling & 2-storey replacement dwelling and associated works		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	01.09.2017
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Applicant:	C McKee 236 Gortgole Road, Portglenone BT44 8AT		
Agent:	Gary McNeill 14 Cave Road, Cushendun BT44 0PN		
Objections: 0	Petitions of Objection: 0		
Support: 0	Petitions of Support: 0		

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

1.0 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.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The existing site is located between No. 75, and No. 81 Central Avenue, Portstewart. The existing site contains a 1½ storey detached building within the rear garden of No. 81 with a shared alley way providing access from both Central Avenue and Lever Road. The front North Western boundary of the site is undefined with an area of grass open to the adjoining public footpath. The North Eastern side boundary is defined by the party gable and garden walls of the neighbouring property of No. 75. The rear South Eastern boundary is defined by 2m high close boarded fencing and gates providing access from the alley way to the rear of No. 81. The South Western side boundary is undefined being open plan to the existing rear garden of No. 81 and defined towards the front of the site by the gable and garden wall of No. 81. The alley way is defined on both sides by a mix of boundaries including mature vegetation, fencing, and boundary walls. The topography of the site is essentially flat with a gentle fall in ground levels toward the rear.

- 2.2 The site is located on the Southern side of Central Avenue, opposite Portstewart Primary School and in close proximity to Portstewart Town Centre. The surrounding area is made up predominantly of well-established residential properties, and community buildings.

3.0 RELEVANT HISTORY

- 3.1 There is no recent relevant planning history relating to this site.

4.0 THE APPLICATION

- 4.1 The application seeks outline planning permission for the demolition of an existing dwelling, and 1 No. detached replacement dwelling.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

Two (2) letters of correspondence have been received. They raise the following queries and statements:

- Querying the documents available online
- Require the protection of the boundary wall
- To ensure that there is no overlooking of the property in particular to the rear.

5.2 Internal:

DFI Roads: Refusal recommended

NI Water: No objections

Environmental Health: No objections

NIEA Drainage and Water: No objections

6.0 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)

PPS 3: Access, Movement and Parking

PPS 7: Quality Residential Environments

PPS 7 Addendum: Safeguarding the Character of Established Residential areas.

Supplementary Planning Guidance

Development Control Advice Note 15 Vehicular Access Standards

DCAN 8 – Housing in Existing Urban Areas

Creating Places

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The proposed dwelling must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.

- 8.2 The main considerations in the determination of this application relate to: the principle of development; residential amenity; and, access.

Local Character, Environmental Quality and Residential Amenity

- 8.3 PPS 7 promotes quality residential development in all types of settlements. DCAN 8 and Creating Places is additional guidance intended to supplement this policy in terms of improving the quality of new housing development.

Policy QD1 – Quality in New Residential Development

This policy sets out a presumption against housing development in residential areas where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. Proposals for new residential development should comply with 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;**

The proposed site is within the settlement of Portstewart. There is an existing building on the site is orientated towards the rear of the site, with the front elevation onto Central Avenue having no window or door openings.

Given the narrow width of the proposed site, any development would result in a detrimental change to the character of the streetscape. The immediate context is 2 storey detached dwellings. The necessary maintenance strips required to the side elevations of both the existing dwellings together with any proposed development would result in a design with a considerably narrow frontage which would not be in keeping with the large detached character of the neighbouring properties. Due to the site restrictions, development of the site has the potential to overlook the rear amenity and adversely affect the privacy of neighbouring properties. The proposed dwelling

would result in overdevelopment of the site and contrary to Policy LC1 of PPS7 Addendum.

(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;

There are no features of the archaeological and built heritage within the site in need of protection. There are no important landscape features within the site in need of protection.

(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;

Adequate provision for public and private open space and landscaped areas should be an integral part of the development. Creating Places, paragraph 5.19 states all houses should have an area of private open space behind the building line and it should be approx. 70m² per house or greater. Smaller areas may be more appropriate for houses with 1 or 2 bedrooms but any individual house with an area of less than around 40m² will generally be unacceptable. The proposed footprint of the dwelling as shown in the block plan shows that the amenity space is available to the appropriate standards.

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

(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;

Given the proposal is in the settlement limit of Portstewart which contains various facilities such as schools, shops, recreational grounds, play parks etc, the developer is not required to make provision for local neighbourhood facilities as an integral part of the development nor provide a movement pattern as access to public transport and the amenities of Portstewart is already available.

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

The proposal is acceptable in terms of the parking provision necessary for a dwelling on the site. However, DFI Roads have raised objection to the access and substandard lane.

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

As this proposal is an outline application for a two storey dwelling, the detailed design is not submitted. The proposed design should be reflective of other dwellings within the surrounding area with complementary materials/finishes. The detailed design including; scale, form, massing and appearance, materials and detailing of the dwelling is assessed at reserved matters stage. However, Planning would have concerns that the dwelling from the block plan submitted would with the narrow frontage (5m) not be in keeping with the scale and form of development in the area. The dwelling would be incongruous in the streetscape due to the narrow width of the site.

(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;

The site is closely bounded on development on both side. No. 75 Central Avenue to the NE is a large two storey dwelling that adjoins the boundary line. No 81 to the south is a large two storey dwelling that is set off the shared boundary by

approximately 1 m. No 81 has gable windows onto the existing green space. No 75 has no windows at first floor and one single gable window overlooking the site. To protect the amenity of the adjacent dwellings no windows would be acceptable to the gables of the proposed dwelling, particularly at first floor level. Though this is an outline application it is warranted in this case for the agent to provide more details on how the site could be developed and that would not have a detrimental impact on adjacent properties. This has not been demonstrated.

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

The development has been designed to deter crime and promote personal safety.

Safeguarding the character of established residential areas

- 8.4 Policy LC 1 of PPS 7 Addendum is also applicable. It states that in established residential area planning permission will only be granted for the redevelopment of existing buildings or the infilling of vacant sites to accommodate new housing where all the criteria set out in Policy QD 1 as set out above, have been met along with the additional criteria of LC1.
- 8.5 The first of the three criteria of Policy LC 1 relates to density that the proposal is not significantly higher than that around in the established residential area. This is an urban site and would meet with this criteria, the proposal is for a single dwelling and would be appropriate density.
- 8.6 The second criteria is that the pattern of development is in keeping with the overall character and environmental quality of established residential area. The development of this site for a dwelling would not match the surrounding development in relation to plot sizes, Nos 83 to 75 are detached dwellings in relatively large plots. The terraced dwellings have long linear gardens of substantial length. The proposal would divide the plot of No. 81 into two, the spacing between the buildings and the scale and massing of the proposed development would not be in keeping with the local residential character.

- 8.7 The thirds criteria set out space dimensions for dwelling units and apartments. This would be discussed at reserved matters stage.

Access and Movement

- 8.8 Vehicular and pedestrian access is proposed to the front of the site at Central Avenue, together with vehicular access to car parking spaces to the rear of the site along the existing alley way. DFI Roads were consulted as part of the assessment. They have advised that if the building is not a valid replacement then they would recommend refusal as the vehicular access is substandard and the visibility splays are not available.
- 8.9 The Agent has submitted detailed information as to whether the building was a dwellings asses below.
- 8.10 The only fenestration to the building consists of a single door opening, and 3 No. window to the ground floor rear elevation, all of which are boarded up. There are also 2 No. roof lights to the rear slope of the roof. While the building is structurally intact it does not exhibit the appearance or characteristics of a dwelling, with unusual and minimal fenestration, together with no chimney structures. The existing building is located substantially behind the established building line of Central Avenue, and in line with the rear building line of both No. 75 and No. 81. The design, position, and relationship of the building with No. 81 Central Avenue suggests that it was constructed to serve the rear of this property as ancillary accommodation or as storage. Internally, the building contains a staircase and the remains of a stove with an external flue. The internal layout is sparse with simple partitions dividing up the space, together with remnants of old furniture. There would appear to be a lack of any proper sanitary fixtures, or dedicated cooking facilities which would coincide with the opinion that the building is ancillary to the main dwelling, No. 81 with no evidence to suggest otherwise. Currently the building appears to be used for storage, with any occupation having taking place some time ago. The application is addressed as No. 77 Central however, confusion exists as to the validity of this as a postal address. The applicant agrees with this point in supporting evidence, stating that following research, the building was once known as 81A Central Avenue. This is backed up by the submission of an extract from the electoral register dated 15th September 1961 which lists Mr. R. Campbell residing in No. 81A with his brother Mr. E. Campbell. A

letter from a previous neighbour confirms that ‘the building’ adjacent to No. 81 Central Avenue was occupied by the brothers in 1963 and for a considerable time thereafter. A copy of a handwritten letter also submitted in support of the application dated 15th October 1969 suggests occupation of 81A Central Avenue on this date. While the supporting evidence indicates that the building was occupied during the 1960’s, no further evidence has been provided to show that the building has been used as a dwelling in the last 49 years, and therefore it can be assumed that a considerable period of time has passed since any form of occupation last occurred. This can be confirmed by the photographs of the building’s interior which suggest somewhat of an abandoned state. Taking into account the current arrangements, and the relationship between the building and No. 81 Central Avenue, it would appear that the buildings use is ancillary to No. 81 with the overall design of the building resembling that of a store rather than a dwelling.

Other Matters

- 8.11 One representation has been received from a neighbouring property in relation to the application. They do not object to the proposal but raise concerns over the potential for any development on the site interfering with the party wall and any potential overlooking to the rear. An assessment of how the site will be developed has not been undertaken given that the application is for outline approval which establishes the principle of development, and detailed proposals regarding the development of the site have not been provided.

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 meet the requirements of planning policies, the proposal would be overdevelopment of the site resulting in a building that would be incongruous to the streetscape by way of its scale and form, harm residential amenity and fail to provide adequate parking and access. Refusal is recommended.

10. REFUSAL REASONS

1. The proposal is contrary to DCAN 8, Policy LC1, and Policy QD1, criteria (a) and (h) of Addendum to Planning Policy Statement 7 in that the proposal if permitted, would not create a quality residential development, and is not in keeping with the overall character and environmental quality of the established residential area, and would if approved have a detrimental impact on the adjacent properties.
2. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 2.0 metres x 60.0 metres cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.

Site Location Map

