

Planning Committee Report LA01/2018/0595/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	Development Management & Enforcement Manager
Cost: (If applicable)	N/a

<u>No:</u>	LA01/2018/0595/O	<u>Ward:</u>	Garvagh
<u>App Type:</u>	Outline Planning		
<u>Address:</u>	Adjacent to 9 Killykergan Road, Garvagh		
<u>Proposal:</u>	Proposed single dwelling and garage		
<u>Con Area:</u>	No	<u>Valid Date:</u>	15.05.2018
<u>Listed Building Grade:</u>	N/A		
Agent:	OJQ Architecture, 89 Main Street, Garvagh, BT51 5AB		
Applicant:	Alan Farlow, 39 Ballynameen Road, Garvagh		
Objections: 0	Petitions of Objection: 0		
Support: 0	Petitions of Support: 0		

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 agricultural land located on Killykergan Road. An existing single storey detached dwelling is located immediately north-west of the site. A shared laneway runs along the south-west boundary of the site which serves a storey and a half detached dwelling and a further single storey dwelling.
- 2.2 The site slopes upward towards the south-west boundary. There are mature trees and hedging to the north-west boundary. The roadside boundary is defined by a post and wire fence and hedging. The south-eastern boundary is undefined.
- 2.3 The site is identified within the Northern Area Plan as land within the countryside and is not located within any settlement limit. The site is not within any specific environmental designations.

3 RELEVANT HISTORY

No relevant planning history on this site.

4 THE APPLICATION

- 4.1 This is an outline application for proposed single dwelling and garage.

5 PUBLICITY & CONSULTATIONS

5.1 External:

0 objections received

5.2 Internal:

DFI Roads: No objections.

Environmental Health: No objections.

NIEA Water Management Unit: 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 21: Sustainable Development in the Countryside

Advice and Guidance

Building on Tradition Design Guide

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to: principle of development, integration; rural character; natural heritage; and road safety.

Principle of Development

8.2 Policy CTY1 of PPS 21 identifies a number of instances when an individual dwelling house will be granted permission. The proposal will be considered under Policy CTY 2a and Policy CTY 8.

8.3 Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;

- the cluster appears as a visual entity in the local landscape;

- the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,

- the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;

- development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and

- development would not adversely impact on residential amenity.

8.4 There are 3 existing dwellings located within the immediate vicinity of the site. Planning permission was granted on 24/1/17 for an infill

dwelling to the north-west of No. 9 Killykergan Road, however this development has not commenced. The policy requires that 4 or more buildings are present in order to represent a cluster of development. This is not the case, therefore the proposal fails to meet this part of the policy.

- 8.5 When travelling south-east on Killykergan Road, No. 9 & No. 7 can be viewed together. The proposal site is screened by existing mature hedging and No. 7a is not viewed with the existing dwellings. Travelling north-west on Killykergan Road, the proposal site is viewed with No. 7a. The group of dwellings cannot be visually linked as a cluster and therefore is not a visual entity in the local landscape.
- 8.6 There is a Gospel Hall located at the junction with Killykergan Road and Drumcroon Road to the north-east of the site. The building cannot be linked with the proposal site due to the distance from the site. It is viewed with the buildings at No. 1, 3 & 5.
- 8.7 The existing boundary treatments to the north-west, north-east and south-west boundaries provide a degree of enclosure. However the south-east boundary is undefined and there are open views of the site when travelling north-west on Killykergan Road. The site is bounded to the north-west by No. 9 Killykergan Road. There is a laneway to the south-west and open field to the south-east. Therefore, the site is not bounded on 2 sides by other development.
- 8.8 The site is not visually linked with a cluster of development and therefore is not considered to be rounding off and consolidation with an existing cluster. As the site is located at the edge of a group of dwellings, it would intrude into the open countryside and alter the existing character of the area.
- 8.9 Given the physical relationship of the site with the surrounding dwellings, I am satisfied that a dwelling would not impact upon the residential amenity of nearby dwellings.
- 8.10 **Appeal Ref: 2018/A0018**, 20m North of 4b Liscall Road, Garavgh. The appeal was dismissed under Policy CTY 2a and is similar in that: the Commissioner did not rely on an approved dwelling not yet built as policy refers to 'built development' only; the appeal site also was not bounded on both sides by development; and the appeal site was road side, the Commissioner advised "that expanding development in a linear fashion along the road frontage cannot be said to "round off" or "consolidate".

- 8.11 Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development.
- 8.12 Nos. 1, 3 & 5 Killykergan Road have frontage onto the road which gives the appearance of a built up frontage. No. 9 also fronts onto the road. However, the length of the gap between No. 5 & No. 9 provides a break between dwellings. Although there is an infill dwelling approved on this site, development has not yet commenced. I do not consider this to be a substantial and continuously built up frontage.
- 8.13 Development of this site would have the effect of extending the built form in a linear manner along this part of the Killykergan Road, which would result in the creation of ribbon development which would be unacceptable under CTY 8.
- 8.14 A site must also meet other planning and environmental requirements. The proposal is considered in relation to Policies CTY 13 and CTY 14 below.

Integration

- 8.15 Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- (c) it relies primarily on the use of new landscaping for integration; or
- (d) ancillary works do not integrate with their surroundings; or
- (e) the design of the building is inappropriate for the site and its locality; or
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
- (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

8.16 The site has mature trees and hedging on 2 sides. There is a post and wire fence with some hedging to the front of the site. The south-west boundary is undefined and there are long range open views of the site from the south western side of the Killykerigan Road. The site also slopes slightly uphill towards the rear boundary and therefore a dwelling is likely to be slightly elevated on the site which increases views.

8.17 Policy CTY 14 states that all proposals must be sited and designed to integrate sympathetically with their surroundings. The proposal fails to comply with any of the exceptions identified under Policy CTY 1, therefore the proposal would further erode the rural character of the area by failing to respect the existing pattern of settlement in the surrounding area. It would result in a suburban style build-up of development and add to a ribbon of development when viewed with existing and approved dwellings. The proposal is contrary to the SPPS and Policy CTY 14 of PPS 21.

Access

8.18 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 2016 and other material considerations. The proposal does not accord with the principle of a dwelling in the countryside as set out by Policy CTY 1 of PPS 21. The proposal fails to comply with Policy CTY 2a of PPS 21 and would not be considered an exception under Policy CTY 8 of PPS 21. The proposal would require further planting to assist with integration under Policy CTY 13 and would further erode the rural character of the area which would be contrary to Policy CTY 14 of PPS 21. Refusal is recommended.

10 Refusal reasons

1. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland 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.

2. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the site is not located within an existing cluster, does not appear as a visual entity in the local landscape, is not bounded on at least two sides with other development and is not considered to be rounding off and consolidation with an existing cluster.
3. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Killykergan Road.
4. The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
5. The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings and would create a ribbon of development along Killykergan Road which would result in a detrimental change to and further erode, the rural character of the area.

