

Planning Committee Report LA01/2018/1343/F	28th August 2019
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>	LA01/2018/1343/F	<u>Ward:</u>	Limavady
<u>App Type:</u>	Full		
<u>Address:</u>	83 Dogleap Road, Limavady.		
<u>Proposal:</u>	Proposed replacement storey & a half dwelling, detached garage and associated site works.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	29.10.2018
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	AQB Architectural Workshop Ltd, 12a Ebrington Terrace, Waterside, Derry.		
<u>Applicant:</u>	Cathal & Elaine Mullin, 83 Dogleap Road, Limavady.		
<u>Objections:</u>	0	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	0

Drawings and additional information are available to view on the Planning Portal- 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** full planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located at 83 Dogleap Road, Limavady.
- 2.2 The application site is a roadside site fronting onto the Dogleap Road. On site is an existing bungalow finished in dashed render. The dwelling is currently occupied. To the front of the property is a garden area and driveway. The front boundary to the Dogleap Road is defined by a boundary wall approximately 0.6m high.
- 2.3 The western side boundary is defined by a hedgerow approximately 2m high. To the rear of the property is a detached garage. The proposed red line extends beyond the existing curtilage of the dwelling into a portion of land to the east of the dwelling which extends to the Ballyquin Road. This portion of land appears to have once been part of a larger agricultural field but has since been fenced off. The boundary vegetation that once existed to side of the dwelling to this land has been removed on site.
- 2.4 The site is located within the rural area outside of any settlement limit as defined in the Northern Area Plan 2016. Surrounding the site are agricultural fields.

3 RELEVANT HISTORY

Relevant planning history on the site includes the following;

- B/2012/0304/F – Demolition of garage and alterations to change dwelling from single storey to 1 and half storey dwelling, with

extension to rear and new shed - 83 Dogleap Road, Limavady –
Granted 11.02.2013.

4 THE APPLICATION

- 4.1 This is a full application for a new storey & a half replacement dwelling, detached garage and associated site works at 83 Dogleap Road, Limavady. The existing curtilage will be extended to include the portion of land to the east of the existing dwelling, extending the curtilage right to the boundary to the Ballyquin Road.

5 PUBLICITY & CONSULTATIONS

5.1 External

Advertising: Advertised in the Coleraine Chronicle on the 14.11.2018.

Neighbours: 0 neighbours were notified on the application.

No letters of objection or letters of support were received on this application.

5.2 Internal

NI Water: no objections to the proposal.

Environmental Health: no objections and recommended informatives.

DFI Roads: requested amendments. On receipt of amended plans DFI were re-consulted and raised no objections and provided recommended conditions/informatives.

NIEA Water Management Unit: no objections.

NIEA NED: advised that the buildings and mature treeline may support roosting bats and a Bat Roosting Potential Survey may be required. Additional consultation was undertaken with NIEA NED who advised that they have no concerns and provided 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:
- The 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 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

The Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking

Planning Policy Statement 21 – Sustainable Development in the Countryside

Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside

8 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The proposal must be considered having regard to the NAP 2016, SPPS, and PPS policy documents specified above.
- 8.2 The main considerations in the determination of this application relate to the principle of development, design, visual integration and impact on rural character and other policy requirements.

Principle of Development

- 8.3 Paragraph 6.73 of the Strategic Planning Policy Statement (SPPS) and Planning Policy Statement 21 – Sustainable development in the Countryside, Policy CTY 1 notes there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development one of which is a replacement dwelling in accordance with Policy CTY 3.
- 8.4 CTY 3 notes that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to ‘dwellings’ will include buildings previously used as dwellings.
- 8.5 The dwelling on site no. 83 Dogleap Road, is a bungalow finished in dashed render. The dwelling is in good condition and is currently occupied. The dwelling exhibits the essential characteristics of a dwelling. All external structural walls are substantially intact. The dwelling is considered an eligible replacement dwelling.

Design, Visual integration and Impact on Rural Character

- 8.6 CTY 3 also advises that proposals for a replacement dwelling will only be permitted where 5 criteria are met. The first requires that the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.
- 8.7 The proposed dwelling extends outside the existing curtilage of the dwelling. The existing curtilage is being extended approximately 35m towards the east of the dwelling right to the boundary to the Ballyquin Road. The existing curtilage is not so restricted that it could not accommodate a new modest sized dwelling on site. This is highlighted by the fact that the existing curtilage has a frontage of approximately 31m to the Dogleap Road and houses an existing detached dwelling and garage on site. The proposed extension of curtilage will more than double that of the existing curtilage. The proposed footprint of the dwelling extends beyond the existing curtilage by approximately 5m. No reason has been forthcoming as to why the current dwelling cannot be located within the existing curtilage, with adequate space within the existing curtilage to accommodate the dwelling. The previous approval on site (refer to para 3) demonstrates that a modest sized dwelling can be accommodated on a similar footprint as the existing dwelling within the existing curtilage. It has not been demonstrated that the extension of the curtilage and the relocation of the dwelling to extend beyond the existing curtilage will result in demonstrable landscape, heritage, access or amenity benefits. The proposed 35m extension to the curtilage offers no demonstrable benefits and would make the visual appearance of this dwelling more dominant.
- 8.8 The existing dwelling on site is a modest bungalow. The proposed dwelling with a ridge height of approximately 7.8m and an overall frontage length of approximately 22m is a considerable increase in scale and massing from what is currently on site. The proposed scale and massing of the dwelling in conjunction with the proposed extension of the curtilage will have a greater visual impact than the dwelling currently on site. The proposed design and scale, coupled with the extension of the curtilage, will result in prominent

development that will have a significantly greater visual impact than the existing dwelling.

- 8.9 The second and third criteria applicable to all replacement dwellings under CTY 3 require that; • the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building; • the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness. In addition, paragraph 6.70 of the SPPS requires all development in the countryside to integrate into its setting, respect rural character, and be appropriately designed. Policy CTY 13 and 14 of PPS 21 are the relevant policies dealing with the integration of buildings and impact on rural character.
- 8.10 The proposed dwelling will have an overall ridge height of approximately 7.8m. The dwelling has a single storey side and rear projection, a two storey front projection and dormer windows to the front and rear elevations. The dwelling has a pitched roof and is finished in a combination of smooth render and stone. The gable width is approximately 11.2m (eastern elevation) and it will have an overall frontage length of approximately 22m.
- 8.11 The existing dwelling on site is a modest bungalow. The dwelling has an overall frontage of approximately 14.5m with a gable depth of approximately 7.2m. The proposed scale, massing and design of the proposed dwelling is a considerable increase in scale from what is currently on site.
- 8.12 The planning history on the site, although expired, is a material consideration in the assessment of this application. The current proposal is an increase in scale and massing from the previous approval on site as well as an increase to the curtilage. The previous approval was located within the established curtilage of the dwelling. The proposed scale and massing of the dwelling in conjunction with the proposed extension of the curtilage will make the dwelling appear prominent at this location and will result in a visual impact substantially greater than the existing building to be replaced. The application fails CTY 3, criteria e of CTY 13, and paragraph 6.70 and 6.73 of the SPPS.
- 8.13 The proposed application will situate the dwelling closer to the Ballyquin Road. The existing boundary treatment on site consists of a

hedgerow to the Ballyquin Road. The significant increase in scale and massing of the proposed dwelling in comparison to the dwelling currently on site as well as the proposed extension of curtilage will require additional planting along the sites eastern, north eastern and south eastern boundaries to integrate and screen a new dwelling at this location. The proposed scale and design of the dwelling along with the increase in curtilage will create a greater visual impact when travelling along the Ballyquin Road in both the northern and southern direction. The proposed design and extension of the curtilage will therefore make the dwelling appear significantly more prominent to the current dwelling and the application fails criteria a of CTY 13 and CTY 14.

- 8.14 The sites lack of long established and mature natural boundaries means it is unable to provide a sense of enclosure and screening to the proposed dwelling. The dwelling will therefore rely primarily on the use of new landscaping for integration and fails of criteria b and c of CTY 13.
- 8.15 As no overriding reasons have been demonstrated as to why the development is essential the proposal is contrary to CTY 1 of PPS 21.

Other policy requirements

- 8.16 Planning Policy Statement 21 – Sustainable development in the Countryside CTY 3 also require that • all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and • access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.
- 8.17 All necessary services can be provided without significant impact. NIEA Water Management Unit, Environmental Health and NI Water were consulted on the application and raised no objections or concerns.
- 8.18 The existing access point to the dwelling is to be retained and widened. DFI Roads were consulted on the application and have raised no road safety concerns or objections.

Habitats Regulation Assessment

8.19 The potential impact this proposal on Special Areas of Conservation, Special Protection Areas 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, conservation objectives or status of any of these sites.

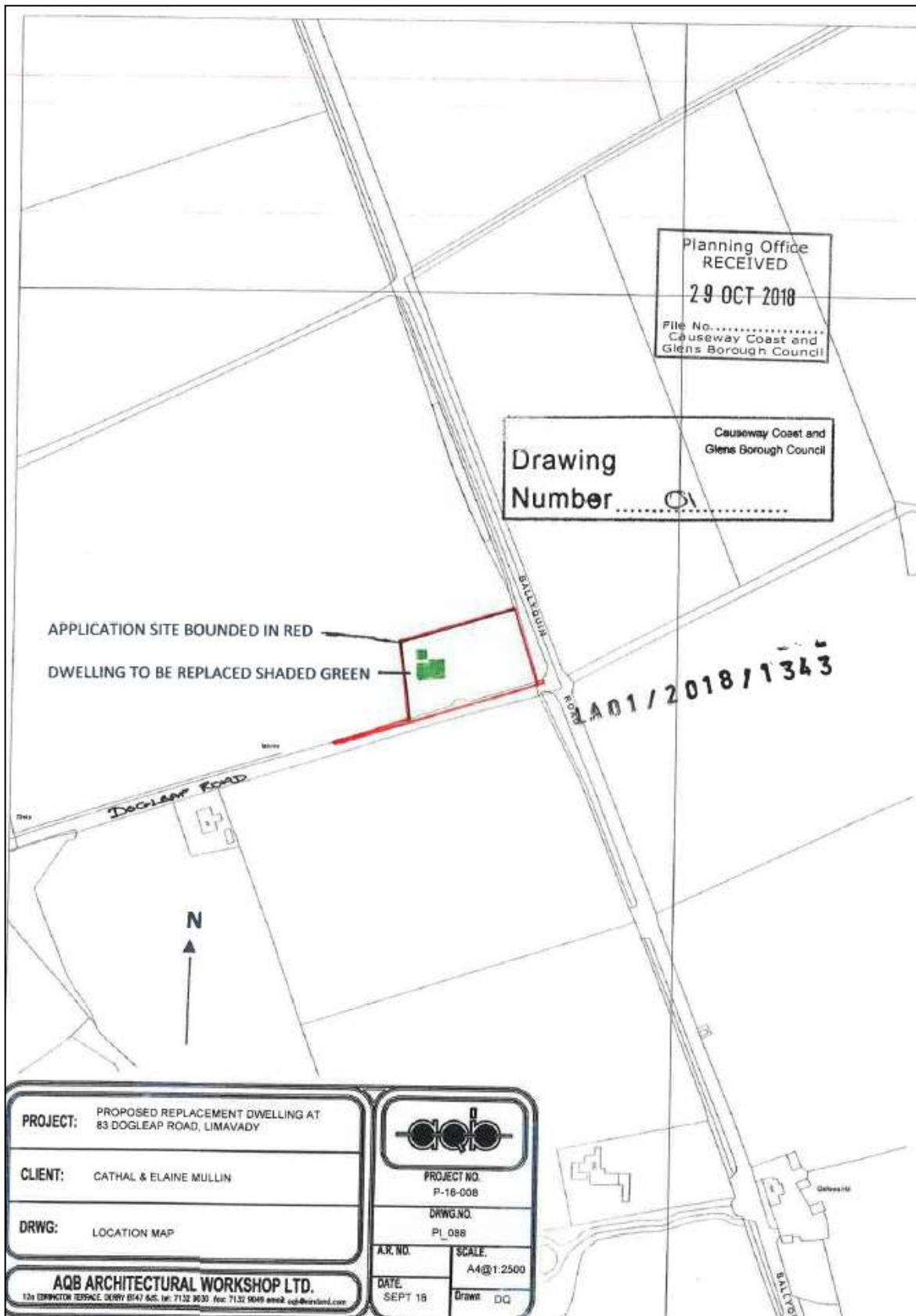
9 CONCLUSION

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including the SPPS, Planning Policy Statement 21 – Sustainable development in the Countryside, Policy CTY 1, CTY 3, Policy CTY 13 and CTY 14, in that design is unacceptable and coupled with the extension of the curtilage it will not integrate. Refusal is recommended.

10 Reasons for Refusal

1. The proposal fails to meet Planning Policy Statement 21, Policy CTY1 and CTY 3 in that the proposed replacement dwelling is not sited within the established curtilage of the existing building and it has not been shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits, and the proposed scale, massing and design of the dwelling will have a visual impact significantly greater than the existing building and will not integrate into the surrounding landscape and no overriding reason has been demonstrated as to why the development is essential and could not be located within a settlement.
2. The proposal fails to meet Planning Policy Statement 21, Policy CTY 13, criteria (a), (b), (c) and (e), and Policy CTY 14, criteria (a) in that the site will rely primarily on the use of new landscaping for integration and enclosure along the sites eastern, northern eastern and south eastern boundaries, the design of the building is inappropriate for the site and its locality, and the dwelling will be unduly prominent.

Site location Map



Block Plan

