

<b>Planning Committee Report LA01/2019/0079/O</b>	<b>25<sup>th</sup> September 2019</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

**No: LA01/2019/0079/O** **Ward: Rasharkin**

**App Type: Outline Application**

**Address: Between 31 and 33 Killymaddy Road Ballymoney**

**Proposal: Proposed infill site for dwelling and garage**

**Con Area: N/A** **Valid Date: 31/01/2019**

**Listed Building Grade: N/A**

**Agent: SW Atkinson Architectural Services, 51 Castle Street  
Ballymoney**

**Applicant: Mr Alastair Henry, 73 Vow Road, Ballymoney**

**Objections: 1      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](http://www.planningni.gov.uk)**

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for 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 conditions set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site is located adjacent to No 31 Killymaddy Road and to the south west of No 33. The site is accessed along a laneway which runs adjacent to a lane servicing another dwelling which has yet to be completed. The land is flat and although the site is set back from the public road is visible travelling west to east along the Killymaddy Road.
- 2.2 The laneway is defined with a native species hedge to the left hand side and a post and wire fence to the right hand side. The site itself is defined with ranch type fencing to the south and eastern boundaries with an open board fence to the boundary of No 31. The lane continues past the site to a further dwelling house which has mature trees and hedging around.
- 2.3 The site is located in the open countryside outside any settlement limits as defined in the Northern Area Plan 2016. There are no specific zonings or designations covering the site.

## **3 RELEVANT HISTORY**

D/2004/0216/F

2 Storey dwelling with detached garage (domestic use)

Land at Killymaddy Road (approx. 90m South of 53 Vow Road Ballymoney. Granted 01/03/2005

D/2005/0100/F

Private Dwelling with Detached Garage on infill site

Site at Killymaddy Road Ballymoney (approx. 110m S and 25m E of 53 Vow Road Ballymoney. Appeal Dismissed.

D/2004/0795/RM  
Private Dwelling with Detached Garage  
Site at Killymaddy Road Ballymoney (approx 30m South and  
70m East of 53 Vow Road). Granted. 26/01/2005

D/2003/0459/O  
Site for two storey dwelling and domestic garage  
Land at Killymaddy Road (approx. 40m S of 53 Vow Road  
Ballymoney). Granted. 20/11/2003

D/2002/0345/O  
Site for dwelling (renewal of D/99/0178)  
Diagonally to rear of 59 Vow Road Ballymoney. Granted  
21/08/2002

#### **4 THE APPLICATION**

4.1 The application is for an infill dwelling and garage.

#### **5 PUBLICITY & CONSULTATIONS**

##### **5.1 External**

Neighbours: One objection has been received.

##### **5.2 Internal**

Environmental Health: No objection

Rivers Agency: No objection

DFI Roads: No objection

DAERA, Water Management Unit: No objection

NI Water: No objection

#### **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 both 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

The Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 21 Sustainable Development in the Countryside

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 15: Planning and Flood Risk

**Supplementary Planning Guidance**

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

## **8 CONSIDERATIONS & ASSESSMENT**

**Planning Policy**

- 8.1 The main considerations in the determination of this application relate to: principle of development; ribbon development; integration and rural character; and access.

### **Principle of Development**

- 8.2 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 the infilling of a gap site in accordance with Policy CTY 8.
- 8.3 Policy CTY 8 notes that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.
- 8.4 This site is located along a private laneway which serves two other dwellings, Nos 31 and 33 Killymaddy Road. The site is located immediately east of no. 31 and is separated from its curtilage by a close boarded timber fence. The laneway which serves the site and dwelling runs along the front of no. 31 and the site before turning in a northerly direction along the eastern boundary of the site and ending at the entrance to No. 33. When travelling along the laneway in a northerly direction from the Killymaddy Road the dwelling at no. 31 and the site are clearly visible due to the flat topography and lack of intervening vegetation. However, the dwelling at no. 33 is set further back in the landscape and is screened from view by mature vegetation along the eastern boundary of the laneway, providing no visual linkage or common frontage. Therefore, the proposed site is not considered to be part of a substantial and continuously built up frontage including a line

of 3 or more buildings and is contrary to Policy CTY 8 of PPS 21. The permission of a dwelling at this site would add to a ribbon of development and create a built-up appearance. The site provides relief and a visual break in the developed appearance of the locality.

### **Integration and Rural Character**

- 8.5 Views of the site are achieved from along the Killymaddy Road and from the laneway. The site becomes visible on approach to no. 28 Killymaddy Road when travelling in an eastwards direction for approximately 130m. There is a mature row of trees to the east of the site, and to a lesser extent to the north, providing a certain level of backdrop. As such a modest scale, single storey dwelling would integrate satisfactorily into the landscape. A dwelling on the proposed site would be visible from Killymaddy Road and the access lane over an expanse of open field and there would be intervisibility between the proposed site and existing and approved development resulting in a suburban style of build-up in the area. The proposal is contrary to Part (b) and (d) of Policy CTY 14.

### **Representations**

- 8.6 One letter of objection has been received from no. 31 Killymaddy Road citing ownership query. Certificate C of the P1 Form has been completed and notice served on No. 31 Killymaddy in relation to ownership of the laneway. The objector also highlighted the planning history of the site which is referred to in Part 3 of the Committee report.

### **Habitats Regulation Assessment**

- 8.7 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, and other material considerations, including the SPPS and PPS 21 Policies CTY 1, CTY 8, 13 and 14. The proposal fails to meet the tests of these policies as the site is not considered a gap within an otherwise continuously built up frontage, and it would lead to a ribbon of development and have a damaging impact on the rural character of the area. Refusal is recommended.

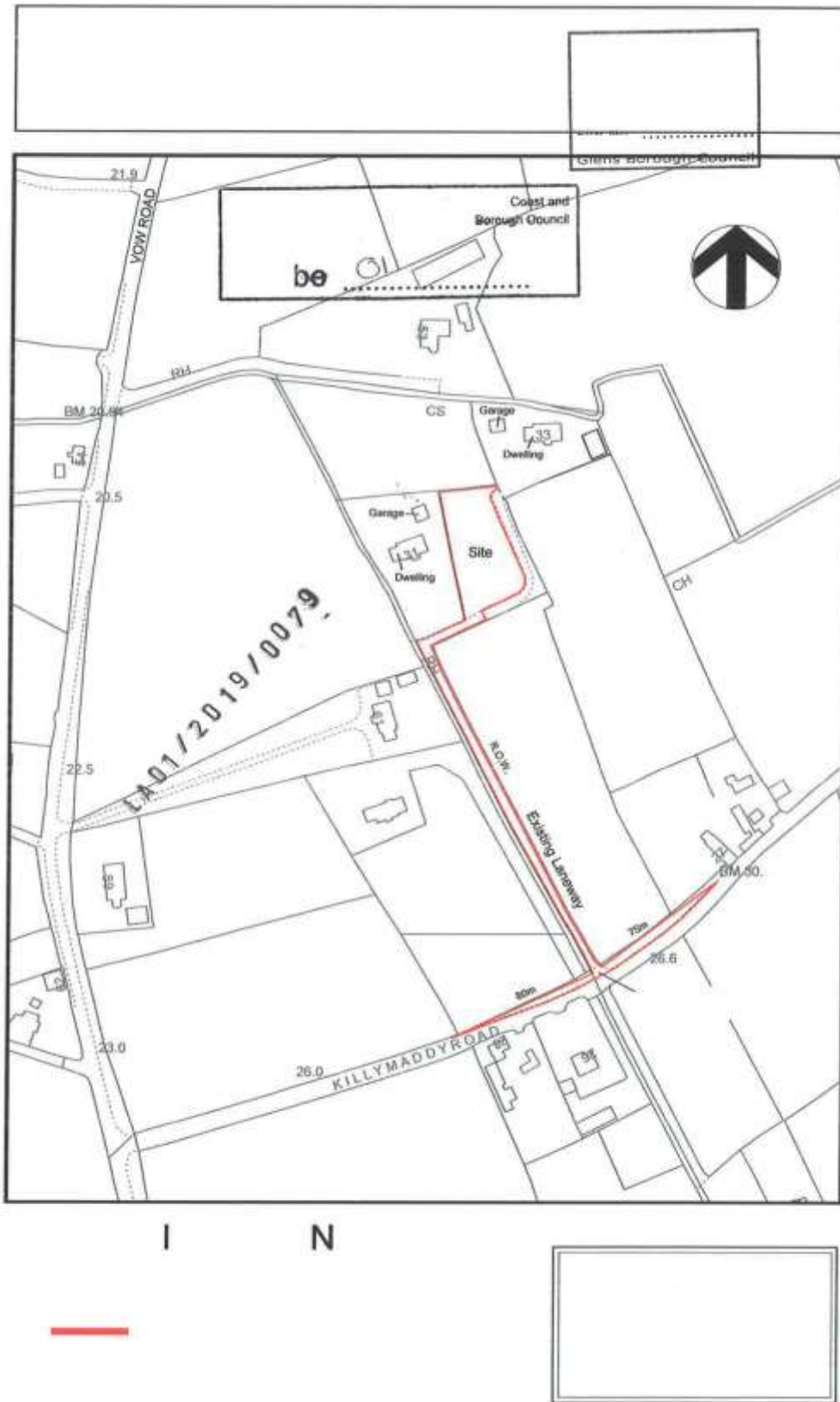
## **10 Reasons for Refusal:**

10.1 The proposal is contrary to SPPS Para 6.71 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.

10.2 The proposal is contrary to SPPS Para 6.73 and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not considered to be infill of a small gap within an otherwise substantial and continuously built-up frontage.

10.3 The proposal is contrary to SPPS Para 6.73 and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create or add to a ribbon of development; result in a suburban style build up of development and would therefore result in a detrimental change to the rural character of the countryside.

Site Location:





# Addendum

## LA01/2019/0079/O

### 1.0 Update

1.1 An additional objection letter has been received from Jim Allister MLA on behalf of neighbouring property No. 31 Killymaddy Road, Ballymoney. This additional objection letter raised the following points:

- Hedge and trees have been cut-down recently at no. 33 to increase inter-visibility between the sites.
- No. 33 has no frontage to the road but rather has a backland setting and has no frontage to the access laneway. As a consequence it cannot meet the road frontage requirement of Policy CTY 8.

1.2 The Planning Appeals Commission (PAC) have previously determined on what is considered to be a road frontage building. PAC decision ref: 2016/A0005 considers that an outbuilding reads as being subordinate to the host dwelling by reason of its overall design and position relative to the host dwelling. It does not present as being a separate building along the road frontage.

### 2.0 Recommendation

2.1 That the Committee note the contents of this Addendum and agree with the recommendation to refuse as set out in paragraph 9.1 of the Planning Committee Report.