

Planning Committee Report LA01/2019/1095/O	16th December 2020
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>	LA01/2019/1095/O	<u>Ward:</u>	Feeny
<u>App Type:</u>	Outline		
<u>Address:</u>	176m SE of 92 Muldonagh Road Claudy.		
<u>Proposal:</u>	Proposed infill dwelling and garage.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	08.10.2019
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	OJQ Architecture, 89 Main Street, Garvagh, BT51 5AB.		
<u>Applicant:</u>	Mr Michael McFeely, 130 Muldonagh Road, Claudy.		
<u>Objections:</u>	0	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	0

EXECUTIVE SUMMARY

- Outline planning permission is sought for a proposed infill dwelling and garage at 176m South East of 92 Muldonagh Road Claudy.
- The site is an agricultural field located within the rural countryside outside of any settlement limit.
- The site could accommodate 3 dwellings and is therefore not considered a small gap site sufficient only to accommodate a maximum of 2 dwellings and would add to ribbon development along the Muldonagh Road.
- The site is elevated and open and any new dwelling on the site would be prominent in the landscape and would result in a suburban style build-up of development.
- The western and northern boundaries would rely primarily on the use of new landscaping for integration.
- Refusal is recommended

Drawings and additional information are available to view on the Planning Portal- <http://epicpublic.planningni.gov.uk/publicaccess/>

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 on lands 176m South East of 92 Muldonagh Road, Claudy.
- 2.2 The application site is a portion of an agricultural field which fronts onto the Muldonagh Road. The site is positioned at a steep incline as the land rises from the road (south east corner) to the north western part of the field. The site is bound to the east by mature trees and an undesignated watercourse. The western boundary is undefined and open to the remainder of the agricultural field. The northern boundary is defined by post and wire fencing. The southern roadside boundary is defined by a post and wire fence and sporadic hedgerow on an earth bank.
- 2.3 The application site is located within the rural area outside of any settlement as defined in the Northern Area Plan 2016. The character of the area is defined by agricultural lands with a number of dwellings to the east and west fronting onto the Muldonagh Road. The A6 Foreglen Road runs to the south of the site.

3 RELEVANT HISTORY

- 3.1 There is no Planning history on the application site.
- 3.2 Planning history in the vicinity of the site includes;

- LA01/2017/1331/RM – Permission Granted for Proposed replacement dwelling for occupation by applicants, 108 Muldonagh Road, Claudy.
- LA01/2015/0249/O - Permission Granted for Site for Replacement Detached Dwelling for Occupation by Applicants, 108 Muldonagh Road, Claudy.
- B/2014/0187/F - Permission Granted for Erection of farm dwelling (change of housetype to previously approved dwelling under B2009/0340/F), 45m North West of 98 Muldonagh Road, Claudy.

4 THE APPLICATION

- 4.1 This is an outline application for a proposed infill dwelling and garage on lands 176m South East of 92 Muldonagh Road, Claudy.

5 PUBLICITY & CONSULTATIONS

5.1 External

Advertising: Advertised in the Coleraine Chronicle on the 23.10.2019.

Neighbours: No neighbours to notify

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

5.2 Internal

NIEA WMU: no objections.

NIEA NED: no objections.

NI Water: no objections.

Rivers Agency: no objections.

DFI Roads: no objections.

Environmental Health: no objections.

Loughs Agency: no objections.

Shared Environmental Services: 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:
- 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

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development and visual integration/ rural character.

Principle of Development

- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, and PPS policy documents specified above.
- 8.3 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, this includes the infilling of a gap site in accordance with Policy CTY 8.
- 8.4 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.
- 8.5 There are two buildings with road frontage to the west of the site to include no. 92 and the agricultural building closest to the road. There are three buildings with a road frontage to the east of the site to include an agricultural building, new built dwelling and no. 98. The

site is therefore located between a gap of 5 buildings within a substantial and continuously built up frontage along this Road.

- 8.6 The site has a frontage of approximately 73m. Surrounding frontages include no.92 frontage of approximately 59m, shed beside no. 92 frontage of approximately 46m, shed to the east frontage of approximately 54m, new build frontage of approximately 50m, 98 frontage of approximately 52m. The average frontage of these buildings is 52.5m. The proposed site will be above the average frontage by approximately 20.5m and is larger than all surrounding frontages.
- 8.7 The average plot size of the five buildings within this frontage is 1,760m². The proposed dwelling would have plot size of 3,930m². The proposed plot size does not reflect the average plot size and is out of character for the area.
- 8.8 The gap site proposed is between the agricultural building to the west and the agricultural building to the east. The total size of the gap between these buildings is approximately 190m. Considering the average frontage length (52.5m), this site could accommodate 3 dwellings and is therefore not considered a small gap site sufficient only to accommodate a maximum of 2 dwellings
- 8.9 The site is not considered a gap site in accordance with policy CTY 8. A dwelling at this location would add to ribbon development along the Muldonagh Road and fails policy CTY 8.
- 8.10 The agent submitted a support statement (Doc 01) on the 15.10.20 for this application. Para 3.3.4 of Doc 01 refers to the surrounding plots ranging from 45.5m – 107.04m with an average plot size of 65.63m. For clarity the agent is referring to frontages when he mentions plot size. The reference to the 107.04m frontage is for dwelling no.98. The agent has included a large side yard area of no. 98 within this frontage calculation. The frontage of no.98 is actually approximately 52m. This is measuring the frontage of the residential curtilage only. Not including the yard area, which is separate from the residential curtilage, with a separate access, and a boundary wall between the residential curtilage and the yard area. This is the view the PAC took in appeal 2015/A0086 in which the commissioner concluded that a separate yard area should not be included within a residential plot/frontage, noting; “the appellant however considered that the area to the south-west of No.80, which contains the access to the

agricultural buildings to the rear of No.80, should be included within No.80's plot, thus making its frontage length approximately 80m. Irrespective of this area's use by the residents of No.80, given the informal agricultural nature of the area, the post and wire fencing located between it and the dwelling at No.80 and the main access to No.80 being to the north-east of the dwelling, I do not consider this area to be part of the residential plot of No.80."

- 8.11 When calculating the frontage of no. 98 correctly (excluding the separate yard) this takes the average frontage down to 52.5m as mentioned previously.
- 8.12 Para 3.3.5 and 3.3.9 of Doc 01 refers to the gap site being 146 meters. The agent has calculated the frontage of the field only. The size of the gap is measured between the gap between the two buildings, i.e the shed to the west and shed to the east and measures approximately 190m.
- 8.13 There are no overriding reasons why this development is essential and could not be located in a settlement and is contrary to CTY 1.
- 8.14 The application is contrary to CTY8 in that it will result in the creation of ribbon development along Muldonagh Road and would, not respect the existing development pattern along the frontage in terms of scale, siting and plot size.

Visual integration, Rural character

- 8.15 All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations. Para 6.70 of the SPPS notes all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed.
- 8.16 Planning Policy Statement 21 – Sustainable development in the Countryside notes that the proposal must also meet the requirements of policy CTY 13 and CTY 14.
- 8.17 CTY 13 notes 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.

8.18 Policy CTY 14 notes that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

8.19 As this is an outline application the design of any dwelling at this stage would not be assessed.

8.20 The application site is a portion of an agricultural field which fronts onto the Muldonagh Road. The site is positioned at a steep incline as the land rises from the road (south east corner) to the north western part of the field. The site is bound to the east by mature trees and an undesignated watercourse. The western boundary is undefined and open to the remainder of the agricultural field. The northern boundary is defined by post and wire fencing. The southern roadside boundary is defined by a post and wire fence and sporadic hedgerow on an earth bank.

- 8.21 Given the characteristics of the application site, in particular its topography and its open and prominent setting along this stretch of the Muldonagh Road which is elevated in the landscape, any new dwelling on the site would be prominent. It would fail to blend with the landform as it would require significant cut into the land. A dwelling on the site would be unduly prominent in the landscape and would result in a suburban style build-up of development in this rural location. On approach to the site from the west a dwelling would sit prominently within the site and be clearly visible on this approach. Development of the site would fail to respect the existing pattern of development due to the size of the proposed plot, extent of the site frontage and the gap between existing buildings.
- 8.22 The western boundary of the site is undefined and open to the remainder of the agricultural field. The western boundary would rely primarily on the use of new landscaping for integration. The northern boundary is defined by post and wire fencing and would require additional planting to assist in the integration of a dwelling at this location.
- 8.23 As assessed under CTY 8 the development is not considered a gap site sufficient to accommodate up to a maximum of two dwellings and will add to a ribbon of development along this Muldonagh Road.
- 8.24 The application site would fail to integrate appropriately into the landscape and will erode the rural character of the area and is contrary to Policy CTY 13 and CTY 14.

Habitats Regulation Assessment

- 8.25 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 Planning Policy Statement 21 – Sustainable development in the Countryside, CTY 1, CTY 8, CTY 13 and CTY 14. Refusal is recommended.

10 Reasons for Refusal

1. The proposal is contrary to 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 Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site is not a small gap site sufficient only to accommodate a maximum of 2 dwellings, would result in the creation of ribbon development along Muldonagh Road and would not respect the existing development pattern along the frontage in terms of scale, siting and plot size.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the dwelling is a prominent feature in the landscape; the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed dwelling relies primarily on the use of new landscaping for integration; and the proposed building fails to blend with the landform.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the dwelling would, if permitted, be unduly prominent in the landscape; would, result in a suburban style build-up of development when viewed with existing buildings; would, not respect the traditional pattern of development in that area; would create a ribbon of development; and would therefore result in a detrimental change to erode the rural character of the countryside.

Site location Map

