

<b>Planning Committee Report LA01/2019/0600/O</b>	<b>24th February 2021</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

<b><u>No:</u></b> LA01/2019/0600/O	<b><u>Ward:</u></b> RASHARKIN
<b><u>App Type:</u></b> Outline	
<b><u>Address:</u></b> Between 271 & 273 Townhill Road, Rasharkin	
<b><u>Proposal:</u></b> Proposed 1 & ½ storey infill dwelling and garage	
<b><u>Con Area:</u></b> N/A	<b><u>Valid Date:</u></b> 05.06.2019
<b><u>Listed Building Grade:</u></b> N/A	
<b>Agent:</b> P J Carey 21 Slaght Lane, Glarryford, Ballymena BT44 9QE	
<b>Applicant:</b> Mr O'Neill, 273 Townhill Road, Rasharkin, BT44 8RN	
<b>Objections:</b> 0	<b>Petitions of Objection:</b> 0
<b>Support:</b> 0	<b>Petitions of Support:</b> 0

## **EXECUTIVE SUMMARY**

- Outline planning permission is sought for an infill site for 1.5 storey dwelling and detached garage.
- The site is not located within any settlement development limit as defined in the Northern Area Plan 2016 and is not subject to any specific designations.
- The principle of development is considered unacceptable having regard to Policy CTY 8 as the site is not within a substantial and built up frontage of a line of 3 or more buildings along a road frontage without accompanying development to the rear.
- As the proposal fails to comply with Policy CTY 8, it is also unacceptable under Policy CTY 14 as it will create a ribbon of development along Townhill Road.
- DFI Roads, DAERA (Natural Environment Division), NI Water and DAERA (Water Management Unit), Environmental Health were consulted on the application and raise no objection.
- There are no objections to the proposal.
- The application is recommended for Refusal.

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 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 between Nos 271 and 273 Townhill Road, Rasharkin. There are dwellings located adjacent to the site. The southern boundary of the site has mature trees and hedging bounding it. The northern boundary is bounded with a ranch type fencing and the rear with trees and hedging.
- 2.1 This application site is within the open countryside, outside of any settlement limit as defined by the Northern Area Plan 2016. The area is agricultural in nature and has dwellings interspersed ranging from bungalows to 1.5 storey and 2 storey detached dwellings.

## **3 RELEVANT HISTORY**

LA01/2020/0618/F  
273 Townhill Road, Rasharkin  
Alterations and additions to existing dwelling to provide side extension.  
Permission Granted 27.10.2020

LA01/2018/1453/F  
273 Townhill Road, Rasharkin,  
Alterations and additions to dwelling to provide front return extension, new roof, side extension to provide granny flat and detached domestic garage.  
Permission Granted 16.04.2019

## **4 THE APPLICATION**

- 4.1 Outline planning permission is sought for a one and a half storey infill dwelling and garage.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

**Neighbours:** There are no objections to the application.

### **5.2 Internal**

**Environmental Health Department:** No objection

**NI Water:** No objections

**DFI Roads:** No objection

**DAERA Water Management Unit:** No objection

**DAERA Natural Environment Division (NED):** No objection.

**DFI Rivers:** 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 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

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

DCAN 15: Vehicular Access Standards

## **8.0 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relates to: the principle of development; design; integration and character, and access.

### **Principle of Development**

- 8.2 The principle of development must be considered having regard to the SPPS and PPS policy documents.
- 8.3 The policies outlined in paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21 state that there are a range of types of development which are considered acceptable in principle in the countryside. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a

development plan. The application was submitted as an infill dwelling and therefore falls to be assessed against 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.
- 8.5 The application site lies within the rural area and is located adjacent and south of a dwelling at No 273 Townhill Road. The application site seeks to rely on dwellings nos. 271 and 269 A, south of the site, to meet the criteria for a gap within a continuously built up frontage. These two dwellings (nos.271 and 269A) are accessed off a shared laneway which adjoins the Townhill Road. The planning permission for these dwellings were only approved with the shared access point adjoining the road and the land between the two sites and the road is not included in the curtilages. Also, the entrance points to both sites, demarked by stone pillars and gates, is set approximately 18 metres back from the road. The area between the site and the road comprises a heavily vegetated area of mature trees and hedging and there is no awareness of a line of three buildings when travelling along this section of Townhill Road. An access alone does not constitute a road frontage, a view which has been endorsed in PAC decisions including 2015/A0221, 2018/A0191 and 2016/A0178. The dwelling further south of the site is also set back from the road frontage via a long laneway. As there is only one dwelling with a road frontage there is not a substantial and continuously built up frontage and subsequently no gap in which to infill. The proposal is therefore contrary to Paragraph 6.73 of the SPPS and Policy CTY8.
- 8.6 In a supporting statement the agent has made reference to a large detached garage at the adjacent site at no. 271. The agent believes that this should be identified as a separate building for the purposes of a continuous and built up frontage. On inspection of this site the garage is attached to the dwelling and therefore would not be considered as a separate building. The agent also made reference to a PAC decision ref. 2014/A0207 for 2no. infill dwellings at Garryduff Rd, Ballymoney. It would appear from the appeal decision that the Commissioner based his decision on outbuildings which lay outside

the immediate curtilage of the dwelling and that there was no physical separation between the plot and the frontage. The frontage appears open from the road. This is not comparable to our application site.

## **Visual impact and rural character**

- 8.7 CTY 14 Rural Character – 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 ; or
  - e) the impact of ancillary works (with the exception of visibility splays) would damage rural character.
- 8.8 Policy CTY13 of PPS21 states that 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.
- 8.9 A new dwelling at this location may appear prominent on approach from the north travelling in a southerly direction along Townhill Road.

However, the mature roadside trees travelling northbound and the established boundaries of the adjacent sites will help to provide a suitable degree of enclosure for the site and limit long distant views. It is considered that a suitably designed modest dwelling would integrate satisfactorily into the surrounding landscape. The proposal meets the criteria outlined in Policy CTY 13.

- 8.10 The proposal is not within a continuous and built up frontage to meet the policy requirements of CTY 8 and is therefore ribbon development along Townhill Road as set out in Paragraphs 8.4-8.6 above. As a dwelling would result in a suburban style build-up of development when viewed with existing buildings and creates a ribbon of development, it has an unacceptable impact on rural character. Therefore the proposal is also contrary to Policy CTY 14 of PPS 21.
- 8.11 As personal information was submitted to support this application consideration had to be given to it. It was subsequently considered under Policy CTY6 Personal and Domestic Circumstances. The criteria for which is:
- a) The applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and
  - b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.
- 8.12 The agent submitted information outlining the need for a dwelling at this location. The case advanced is that the applicant wishes to reside close to his elderly mother (who lives at no. 273) with a view to providing care for her as she gets older, less mobile and requires additional care. Planning permission was recently approved for the same applicant for alteration and additions to the dwelling at No 273 (LA01/2018/1453), which was approved 16/04/2019 and amended under LA01/2020/0618/F which was approved on 27/10/2020. The supporting information has referred to these planning approvals however have found them impractical due to: the inconvenience of moving their mother as work took place; and that the costs involved with the renovation were significant. Having considered the information submitted no compelling, and site specific reasons have

been advanced or satisfactory evidence submitted to indicate that genuine hardship would be caused if planning permission were to be refused and the alternative solutions of extending the existing dwelling at no. 273 are considered to meet the circumstances. The proposal is considered contrary to Policy CTY 6.

## **Access**

8.13 Access to the application site is via a proposed new access off the Townhill Road. DFI Roads were consulted on the application and have no objections, subject to the access being constructed as per the associated RS1 form which formed part of their response. The proposal is therefore acceptable when assessed against the road safety policy requirements of the SPPS and PPS3.

## **Habitats Regulation Assessment**

8.14 The potential impact of 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.

## **9.0 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. The proposal does not accord with the principle of a dwelling in the countryside as set out by Policy CTY 1 of PPS 21 including having regard to personal and domestic circumstances. It fails to meet the principle policy requirements for an infill dwelling in the countryside, as outlined in Policy CTY 8 as there is no substantial and continuously built up frontage within the rural area at this location, and consequently no gap to infill as there are not the required amount of buildings within the countryside to form a built up frontage. Furthermore, it will have a negative effect on rural character through ribbon development. The proposal is subsequently contrary to

the SPPS and Policies CTY1, CTY 6, CTY8 and CTY14. Refusal is recommended.

## **10 Refusal reasons**

10.1 The proposal is contrary to SPPS Para 6.73 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 paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the gap is not within a continuing and substantial built up frontage and would if permitted create a ribbon of development along the Townhill Road.

10.3 The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, create or add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

10.4 The proposal is contrary to SPPS Para 6.73 and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

# Site Location

