



Title of Report:	Planning Committee Report – LA01/2020/0975/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	28th September 2022
For Decision or For Information	For Decision - Referred Application by Cllr Beattie

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Senior Planning Officer

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:

	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

No: LA01/2020/0975/F **Ward:** Kilrea

App Type: Outline

Address: Lands due south of 56 Lisnagrot Road, Kilrea

Proposal: Provision of 2 no infill detached dwellings with associated detached garages, shared access onto Lisnagrot Road & landscaping

Con Area: N/A **Valid Date:** 24.09.2020

Listed Building Grade: N/A

Agent: Manor Architects, 30a High Street, Moneymore

Applicant: Mr Barney Kielt, 59 Moneygran Road, Kilrea

Objections: 13 **Petitions of Objection:** 0

Support: 0 **Petitions of Support:** 1

EXECUTIVE SUMMARY

- This is a full planning application for two infill dwellings with associated detached garages, shared access and landscaping on lands due south of 56 Lisnagrot Road, Kilrea
- The site is located outside the settlement development limit of Kilrea.
- The proposal is not considered to be an exception under Policies CTY 1 and CTY 8 of PPS 21 and would result in the creation of ribbon development.
- The ancillary access works are not considered to integrate with their surroundings and is contrary to Policy CTY 13 of PPS 21.
- The proposal would result in a detrimental change to the rural character of the countryside.
- Thirteen (13) objections have been received in relation to the proposal. Three (3) of these are from separate addresses.
- One (1) petition of support has been received.
- 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** outline planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located on lands due south of 56 Lisnagrot Road, Kilrea.
- 2.2 The site comprises an area of agricultural land located at the roadside. There is an existing 1 1/2 storey dwelling, garage and outbuildings located directly north of the site. There is an existing single storey dwelling and garage located to the south of the site. There is existing timber fencing to the northern, eastern and southern boundaries. There is an existing hedgerow to the eastern boundary. There is existing mature vegetation including a hedgerow and trees to the western boundary at the roadside. The ground level of the site rises towards the eastern boundary.
- 2.3 The site is located within the countryside and is outside any defined settlement limit as defined within the Northern Area Plan 2016. It is not within any specific environmental designations.

3 RELEVANT HISTORY

There is no relevant planning history on this site.

4 THE APPLICATION

- 4.1 This is a full application for 2 no. infill dwellings with associated detached garages, shared access onto Lisnagrot Road & landscaping.

5 PUBLICITY & CONSULTATIONS

5.1 External

No letters of support were received on this application.

Thirteen (13) letters of objection have been received in relation to the application. Three (3) of these are from separate addresses. These are considered in detail in paragraph 8.16 of this Committee report.

5.2 Internal

Environmental Health: No objections

DFI Roads: No objections

NI Water: No objections

NIEA Water Management Unit: No objections

NIEA Natural Environment Division: 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 2 (PPS 2) – Natural Heritage

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

Planning Policy Statement 21 (PPS 21) – Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

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

Principle of Development

- 8.2 Policy CTY 1 of Planning Policy Statement 21 (PPS 21) sets out the types of development which in principle are considered to be

acceptable in the countryside and that will contribute to the aims of sustainable development.

- 8.3 Policy CTY 8 states 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 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 The site comprises an area of agricultural land. A 1½ storey dwelling and outbuildings at No. 56 Lisnagrot Road is located to the north of the site. A single storey dwelling and garage at No. 6 Drumimerick Road is located to the south of the site. The planning statement submitted (Doc 01) contends that there is a clear infill opportunity on this section of the Lisnagrot Road. It states that the two existing dwellings and outbuildings represent a built commitment and visual entity along this stretch of the Lisnagrot Road and fully meet the policy requirement of representing a substantial and continuously built-up frontage. The supporting statement makes reference to two appeal decisions where the PAC accepted the infilling of a gap between two dwellings and detached garages. Appeal 2016/A0146 (Appendix 1) accepts that a detached garage, though ancillary to the associated dwelling, is a building for the purposes of CTY 8 as it does not differentiate between the type, use or size of the building. Appeal 2019/A0198 (Appendix 1) considered that each building read as a separate entity with a road frontage.
- 8.5 A further supporting statement (Doc 04) was submitted by the agent on 20th April 2022. This supporting statement refers to the Planning Advice Note (PAN) on the “Implementation of Strategic Planning Policy on Development in the Countryside” published by the Department of Infrastructure Minister in August 2021. This PAN has since been withdrawn and is no longer a policy consideration. The supporting statement also refers to two planning applications relating to Policy CTY 8. Planning application LA09/2021/1507/O relates to an application which lies outside the Causeway Coast and Glens council area. Although outside of our district a review of the associated

drawings would indicate that the arrangement of buildings associated with this application are not directly comparable to this current application. Planning application LA01/2020/1159/O was approved for an infill dwelling in April 2021. In this case, an outbuilding was accepted as one of the 3 buildings included to meet the CTY 8 policy test. The site plan indicates that the outbuilding is located at the roadside along the same building line as the dwelling at No. 2 Laragh Road. Therefore, the building would be considered to have its own frontage along the road. This is not comparable to the current application as the outbuildings are located behind the rear building line of the associated dwellings and do not form part of the frontage for the purposes of the policy.

- 8.6 The dwelling at No. 56 has a frontage onto the Lisnagrot Road. There is a garage and outbuildings located to the rear of No. 56. These buildings are set back behind the dwelling and do not have their own frontage onto the road, therefore are not considered to form part of a substantial and continuously built up frontage. The dwelling at No 6 Drumimerick Road is located at the junction of Lisnagrot Road and Drumimerick Road. The garden of this dwelling extends to the Lisnagrot Road and the gable wall of the dwelling faces onto the road. This dwelling is also considered to have a frontage onto Lisnagrot Road. There is a detached garage to the rear of No. 6 Drumimerick Road. Given the positioning of the garage behind the rear building line and its physical separation from the road, it is not considered to have a frontage onto the Lisnagrot Road. The ancillary buildings do not read as a separate entity with a road frontage. As there are only two buildings with a frontage onto the road, the application site is not considered to be located within a continuous and substantially built-up frontage for the purposes of this policy.
- 8.7 There are appeal decisions which support this position. Appeal 2019/A0075 (Appendix 1) refers to ancillary garages positioned behind the rear building line of their associated dwellings. The decision states that the positioning of the garages to the rear of the plots behind their respective dwellings ensures that they do not form part of a line of three buildings. Instead they read as ancillary and subordinate buildings which do not contribute to a substantial and continuously built-up frontage. Appeal 2016/A0005 (Appendix 1) makes a reference to an outbuilding and states that, despite its slightly higher ridge height, reads as being subordinate to and part of the dwelling given its overall design and position relative to the dwelling. It does not present as being a separate building along a road frontage.

In the case of the current application, the garages and outbuildings are located behind the rear building line of their associated dwellings and therefore read as ancillary and subordinate buildings which do not contribute to the substantial and continuously built-up frontage.

- 8.8 The frontage length of No. 56 Lisnagrot Road is 42m. No. 6 Druminerick Road has a frontage length of 22m onto the Lisnagrot Road. This gives an average of 32m. The gap between buildings measures approximately 98m, therefore this site could accommodate no more than 2 dwellings. Notwithstanding this, the application site is not located within a substantial and continuously built-up frontage therefore it is not considered to be an exception under Policy CTY 8.

Integration of buildings

- 8.9 The proposal is for two 1½ storey dwellings with detached garages. A paired access is proposed to serve the dwellings. The dwellings are similar in design and layout. The proposed dwellings have a ridge height of 6.5m from finished floor level, gable depth of 11m and frontage length of 13m. There is a single storey sunroom to the side, single storey rear return and small front porch. Proposed finishes include smooth painted render walls, grey/black flat profile concrete roof tiles & black PVC rainwater goods. The scale, massing and design of the buildings is similar to other dwellings in the area, including No. 56 Lisnagrot Road which is located to the north of the site. The gable depth of 11m is significant for a rural dwelling, however given the location of dwellings between the 2 existing dwellings and that views will be limited to along the site frontage, this will help to lessen the appearance of the gables. There is a small sunroom proposed which will help break up the deep gables. The ground levels of the application site rise gently from the western (roadside) boundary to the rear eastern boundary. The proposed dwellings have a finished floor level in keeping with the dwellings to the north and south of the site.
- 8.10 The application site comprises a roadside site which is located between 2 existing dwellings. Views of the site are limited travelling in both directions on Lisnagrot Road due to the existing roadside development and intervening vegetation. The existing trees along the frontage of the site have been removed, with the exception of a cluster of trees to the south-west corner of the site. These are to be retained as part of the proposal. Although the removal of trees opens up views

of the site frontage, views of the site are restricted to approaching the site frontage in both directions. There is an existing hedgerow to the eastern (rear) boundary of the site which is to be retained and enhanced with additional native species hedging. A new native species hedgerow is proposed to remaining boundaries with native species trees to be planted to the northern and western boundaries to enhance screening. The existing buildings and boundary vegetation provide a degree of enclosure. Given the location of the site between existing dwellings, surrounding topography and existing vegetation, the proposed dwellings could integrate on this site providing additional planting is carried out as shown in the submitted drawings.

- 8.11 The extent of the visibility splays proposed means that a significant portion of the existing hedgerow to the field (approximately 80 metres), opposite the application site, will need to be removed to facilitate these splays. Paragraph 5.73 of Policy CTY 13 states that the traditional field pattern should be preserved and roadside and field boundary hedges and stone walls retained or reinstated following any access works. The visibility splays proposed under this application will cut across the existing field boundary and the hedgerow removed. It is proposed to create a new field boundary approximately 5 metres to the rear of the bend in the road. This will create an artificial field boundary with a wide roadside verge which is out of character in this locality which has narrow rural roads and well defined, established roadside boundaries. Therefore, the ancillary access works will fail to integrate with the surroundings.

Impact on Rural Character

- 8.12 The proposal does not represent an exception to Policy CTY 8 as it is not located within a substantial and continuously built-up frontage. The proposal will create a ribbon of development by extending road frontage development along the public road. The proposed development, if permitted, would cause a detrimental change to the rural character of this area. As such, the proposal is contrary to Policy CTY 14.

Access

- 8.13 The proposed development involves the construction of a new paired access onto the public road. The proposal does not involve access to

a protected route and therefore does not conflict with Policy AMP 3. DfI Roads was consulted and have no objections to the proposal following submission of amendments.

Impact on Natural Heritage

- 8.14 The proposed site is located on agricultural land and is surrounded by mature vegetation including trees and hedgerows. Some of the mature vegetation along the roadside boundary has already been removed. Approximately 80 metres of hedgerow on the opposite side of the Lisnagrot Road will need to be removed to facilitate the required visibility splays. While compensatory planting is proposed, the extent of hedgerow removal is significant.
- 8.15 Initially, the proposal was considered to be contrary to Policy NH 5 of PPS 2, Natural Heritage, in that no information was submitted to demonstrate that the proposal would not have an adverse impact on protected or priority habitats or species.
- 8.16 A biodiversity checklist was submitted following the application being placed on the contentious list. NIEA Natural Environment Division was consulted and advised that, on the basis of the information provided, they have no concerns with the proposed development. This is subject to a condition requiring all existing trees to be retained to be protected by appropriate fencing, prior to commencement of development. The proposal is considered to comply with Policy NH 5 of PPS 2 Natural Heritage.

Habitats Regulation Assessment

- 8.17 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.

Representations

8.18 Thirteen (13) letters of objection have been received in relation to the proposal. 3 of these are from separate addresses. The issues raised are as follows;

- the development would endanger the safety of road users
- visibility splays are inadequate
- the proposed development is not in keeping with the overall character of the area
- adverse impact on wildlife from removal of trees along the front of the site
- concerns with accessibility to soakaway which is located within the site
- potential for noise nuisance to proposed dwellings due to keeping of dogs in outdoor kennels
- poultry houses in close proximity to proposed development
- no precedent of infill development in this area

8.19 In response to these concerns Officials note the following;

- The proposal involves the construction of a new access to the public road. Following receipt of amended plans, DfI Roads have no objections to the proposal. It is not considered that the development would prejudice the safety of road users or significantly inconvenience the flow of traffic.
- Environmental Health have been consulted on the proposal and have been made aware of content of objection letters regarding noise and odour. Environmental Health have not raised any objections.
- The proposal has been assessed in terms of integration and rural character and it is considered that the proposal would have an adverse impact on rural character as it would create a ribbon of development along this part of the road.
- The issues regarding location of soakaways/land ownership is considered to be a civil matter.
- The applicant has indicated the extent of land ownership on the location map and has served notice on relevant landowners where necessary.

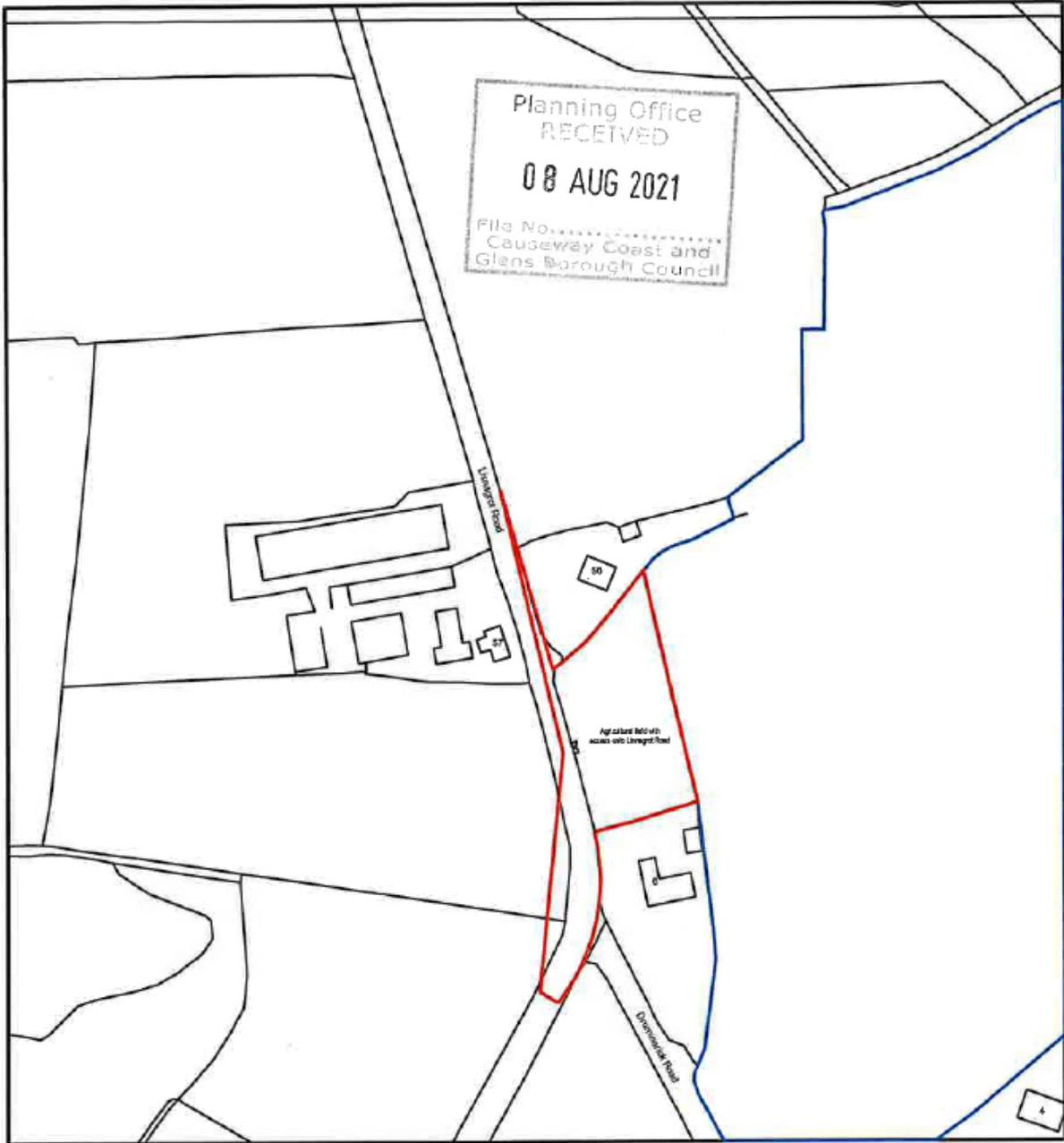
9 CONCLUSION

- 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 and PPS 21. The proposal is not considered to be an exception under Policies CTY 1 and CTY 8 and would result in the creation of ribbon development along this part of the Lisnagrot Road. Ancillary access works would fail to integrate and the proposal would result in a detrimental change to the rural character of the area. Refusal is recommended.

10 Refusal Reasons

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) 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 (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site is not considered to be an exception under CTY 8 and the proposal would, if permitted, result in the creation of ribbon development along Lisnagrot Road.
3. The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy for Northern Ireland (SPPS) and part (d) of Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the ancillary access works do not integrate with the surroundings.
4. The proposal is contrary to Paragraph 6.77 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a dwelling on this site would create a ribbon of development along this part of Lisnagrot Road and would result in a detrimental change to the rural character of the countryside.

Site Location Map



Annex A

Sent: 25 March 2022 15:05

To: Planning <Planning@causewaycoastandglens.gov.uk>

Subject: Planning deferral

Ref: LA/2020/0975/F

Good afternoon,

Could I request that the above planning application be deferred to the planning committee for decision?

The agent believes that the proposal is in line with the spirit of CTY 8 and CTY21 in that approval would see the sustainable rural development of a small gap site capable of accommodating no more than 2 dwellings. The site is on a line of 4 buildings (2 dwelling houses and 2 associated garages). The site is integrated, would sustain a rural farming community and the dwellings are modest and in keeping with the area. Furthermore, the access is a paired access and does not cause a ribbon of development and I don't believe the infilling would detract from the rural character or nature of the area.

Kind regards,

Councillor Orla Beattie



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 0289024 4710
E: info@pacni.gov.uk

Appeal Reference:	2019/A0075
Appeal by:	Mr Kevin Scallan
Appeal against:	The refusal of full planning permission
Proposed Development:	Proposed two No. sites for a dwelling and garage
Proposed Address:	65m west of 16 Mullaslin Road, Glebe, Sixmilecross
Planning Authority:	Fermanagh and Omagh District Council
Application Reference:	LA10/2019/0230/F.
Procedure:	Written Representations and Commissioner's site visit on 15 November 2019
Decision by:	Commissioner Pauline Boomer, dated 17 February 2020.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the appeal proposal is acceptable in principle and its impact on visual amenity and rural character.
3. The Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Omagh Area Plan 1987-2002 (OAP) is the local development plan for the area which contains no plan policies pertinent to the appeal proposal. As the appeal site is located outside any settlement development limits within the OAP, the relevant planning policy context is provided by Planning Policy Statement 21 - Sustainable Development in the Countryside (PPS 21) which is identified by the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development (SPPS) as a retained policy document.
4. Policy CTY 1 of PPS 21 sets out 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. A number of instances when planning permission will be granted for an individual dwelling house are outlined. The appellant argues that the appeal proposal represents the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance was acceptable as part of a gap

site in accordance with Policy CTY 8 of PPS 21. It automatically follows that if the proposal is in accordance with Policy CTY8, it will comply with Policy CTY1.

5. The appeal site is located on the eastern side of Mullaslin Road and comprises a long narrow plot of land which extends up to 137m back from the public road. With a narrow roadside frontage of 52m, it increases in width to 87m as you move to the north east through the field. The gradient rises gently in north easterly direction from the roadside with a more significant differential in levels between the south eastern boundary, falling away towards the north west. An agricultural lane runs along the south eastern boundary. With the exception of some intermittent hedging along the north eastern field boundary, the plot is enclosed by post and wire fencing, interspersed with a few gorse bushes. To the north-west of the appeal site sits a 1½-storey dwelling and detached garage, set well back from the road whilst immediately to the south east there is a 1½-storey dwelling with a detached garage. This a full planning application where it is proposed to erect a 1½-storey dwelling and detached single storey garage on the northern half of the plot with a 1¾-storey dwelling and detached single storey garage in the residual. Both dwellings would be set back 55-65m from the road within substantial elongated curtilages.
6. Policy CTY 8 entitled 'Ribbon Development' states that planning permission will be refused for a building which creates or adds to a ribbon of development. Paragraph 5.32 of its Justification and Amplification Text states that ribbon development is detrimental to the character, appearance and amenity of the countryside. While ribbon development is not defined in policy, Paragraph 5.33 states that a ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. It clearly states that buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development where they have a common frontage onto a road or are visually linked when viewed from that road (my emphasis). The appellant has mistakenly interpreted the references to buildings with a common frontage or visual linkage as identifying the tests set out to meet the specified exception for an infill development under Policy CTY8 rather than clarifying what constitutes "ribbon development" which the policy seeks to prevent. Instead Policy CTY 8 confirms that only in those circumstances where a site lies within an otherwise substantial and continuously built up frontage comprising a line of three or more buildings where each plot has a frontage onto a public road will an infill development be treated as an exception under Policy CTY8.
7. Notwithstanding the fact that ribbon development has been consistently opposed, Policy CTY 8 goes on to state that an exception will be permitted for the development of a gap site. The amplification text at paragraph 5.34 is clear that the gap is between houses or other buildings. An exception will be permitted, even where the gap provides relief and a visual break in the developed appearance of the locality that helps maintain rural character, providing four elements are met. Namely, the gap site must be within an

otherwise substantial and continuously built up frontage; the gap site must be small; the existing development pattern along the frontage must be respected; and other planning and environmental requirements must be met.

8. The first element that is required in order to qualify as an infill site is that the appeal site lies within a substantial and continuously built up frontage along a public road or shared lane and the Local Planning Authority (LPA) consider that the appeal site fails to meet this first test set out in Policy CTY 8. The appellant relies on the dwelling and garage at No. 10 and the dwelling and garage at No. 16 which he considers represent a line of three or more buildings which front onto the public road.
9. Whilst the dwelling at No 16 has a frontage onto the road, the sizeable 1½-storey garage lies behind the rear building line of that dwelling. Likewise, the more modest single storey garage at No. 10 is also positioned behind the dwelling. Whilst both garages are visible from the road, as shown in the photographs submitted with the appellant's Statement of case, I agree with the LPA that they are ancillary buildings which are subordinate to the main dwellings.
10. The appellant has referred me to a number of appeals where garages were assessed as part of a substantial and continuously built-up frontage. In Appeals 2012/A0175 and 2015/A0207, the respective garages were found to contribute to the substantial and continuously built-up frontage as they were sited alongside the dwelling rather than to the rear. The appellant considers that Appeal 2014/A0152 mirrors the current appeal site where it involved a gap site with a dwelling and garage on either side. Whilst one of the garages was set behind the dwelling, the other garage was aligned with the gable wall of the residential property. The latter garage was found to contribute to the continuously built-up frontage unlike the garage to the rear. I disagree with the appellant's assessment that these circumstances reflect the current appeal site.
11. I am satisfied that the current appeal proposal is distinguishable from all of these appeals in so far as both garages on which the appellant relies are sited behind the rear elevation of their associated dwellings. Their positioning to the rear of the plots behind their respective dwellings ensures that they do not form part of a line of three buildings (my emphasis). Instead they read as ancillary and subordinate buildings which do not contribute to a substantial and continuously built-up frontage. I agree with the LPA's conclusions that as the dwellings at No. 10 & 16 represent the only two buildings with a common frontage to the road, there is no substantial and continuously built-up frontage along this section of the Mullaslin Road. In these circumstances, I do not consider it necessary to assess the other elements set out to meet the exception as an infill. In this evidential context, I conclude that the appeal proposal does not constitute an exception as an infill in accordance with Policy CTY 8 and the first reason for refusal has been sustained.

12. In concluding that the appeal site does not constitute a gap site, the introduction of two dwellings and garages on the appeal site would result in the creation of a ribbon of development. Despite their setback from the road, the limited vegetation around and between these plots would ensure that all of these buildings would be visually linked. In so doing, it would conflict not only with Policy CTY 8 but also with Policy CTY 14 which seeks to ensure that the rural character is not eroded. Given its restricted width, I do not consider that the appeal site represents a visual break of any significance. However I do agree with the LPA that the existing properties at Nos. 10 and 16 represent a dispersed pattern of development and the introduction of two further dwellings and garages would have a detrimental impact on that rural character. I therefore conclude that as the appeal proposal would result in a suburban buildup of development, it conflicts with Policies CTY 8 and CTY 14. In this respect, the LPA has sustained the second and fourth reasons for refusal.
13. As the development does not meet CTY8, it does not meet CTY1. There are no overriding reasons why the development is essential and could not be located in a settlement. The LPA's fifth reason for refusal is also sustained.
14. The third reason for refusal deals with the issue of integration. Policy CTY13 of PPS21 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. The LPA confirmed that whilst the size, scale and design of both properties is considered appropriate, their concerns relate to the lack of enclosure within and around the plot and the failure to blend into the landscape. The submitted block plan shows that both plots are reliant on new landscaping which conflicts with Criterion (c) of Policy CTY13. The appellant has not addressed this issue in his Statement of Case but rather in his rebuttal argues that a landscaping scheme has been submitted as part of this full planning application which produces a design solution to integrate the new buildings. Even if found acceptable under Policy CTY8, this requires that all development proposals meet all other planning policy and environmental considerations. This is reinforced in Paragraph 4.30 of the SPPS which states that within PPS21, all proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings including the natural topography and to meet all other planning policy and environmental considerations.
15. The appeal site has an unusual configuration with a narrow frontage but extending 137m in depth. The land rises in a north easterly direction from the road, with a more significant differential in gradient running from south east to northwest. This is a full planning application yet no details of levels or cross sections were provided to clarify the extent of excavation required to accommodate the two substantial dwellings and garages now proposed. Whilst I acknowledge that Paragraph 5.34 of PPS21 indicates that applicants can produce a design solution to integrate the new buildings, this relates to designing the dwellings to reflect the existing pattern of development rather than addressing the issue of new landscaping. Given the lack of natural boundaries and the reliance on new planting which would take time to mature, I

agree with the LPA that both properties would appear elevated and prominent, failing to blend into the landscape. I therefore find that as the appeal proposal conflicts with Policy CTY 13, the third reason for refusal is also sustained.

16. As all five reasons for refusal have been sustained, the appeal must fail.

This appeal relates to the following drawings, all date stamped received by Fermanagh and Omagh District Council on 15 February 2019:

- Drg No L01 REV A 1: 2500 site location plan;
- Drg No L03 REV A 1:100 floor plans and elevations of House Type A and garage; and
- Drg No L04 REV A 1:100 floor plans and elevations of House Type B and garage; as well as
- Drg No L02 REV A 1:500 block/site plan and 1:200 access detail date stamped received by Fermanagh and Omagh District Council on 10 April 2019.

COMMISSIONER PAULINE BOOMER

2019/A0075

List of Documents

LPA 1	Statement of Case and Appendix from Fermanagh and Omagh District Council
LPA 2	Rebuttal from Fermanagh and Omagh District Council
APP 1	Statement of Case from Appellant
APP 2	Rebuttal from Appellant

Appeal Reference:	2016/A0005.
Appeal by:	Mr Michael Horner.
Appeal against:	The refusal of outline planning permission.
Proposed Development:	Infill Dwelling and detached Garage.
Location:	Adjacent to and north of 36 Belmont Road, Kilkeel.
Planning Authority:	Newry, Mourne & Down District Council.
Application Reference:	P/2014/0303/O
Procedure:	Written representations and accompanied site visit on 10 August 2016.
Decision by:	Commissioner Mark Watson, dated 24 August 2016.

Decision

1. The appeal is dismissed.

Claim for Costs

2. A claim for costs was made by Newry, Mourne & Down District Council against the Appellant. This claim is the subject of a separate decision.

Reasons

3. The main issues in this appeal are:
 - The principle of development; and
 - its potential impacts on the visual amenity and rural character of part of the Mourne Area of Outstanding Natural Beauty (AONB).
4. The Banbridge, Newry & Mourne Area Plan 2015 (BNMAP) operates as the statutory local development plan for the proposal. In it, the site lies within the countryside. The BNMAP offers no specific policy or guidance in respect of the proposed single dwelling and is not material. There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland and those of Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21) in respect of the appeal proposal. The policy provisions of PPS21 remain applicable to the proposed development.
5. The site comprises a portion of agricultural land on the western side of Belmont Road. It sits slightly above the level of the road along the frontage and slopes upwards steadily towards a hillock in the middle. The frontage is defined by a grassed bank and hedge. The northern and western boundaries are defined by a mature hedgeline, whilst the southern boundary is defined by a ranch style fence. The site lies adjacent and north of No. 36, a single storey dwelling with a yard and

outbuilding to its side and rear. To the south of No. 36 there is a dwelling under construction. It has reached the subfloor stage. There is a mobile home on land to the rear of No. 36. To the north of the site sits No. 38, a chalet bungalow. The site lies in a rural area with an undulating landform. It also lies within the Mourne AONB.

6. Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. It goes on to state that planning permission will be granted for an individual dwelling house in the countryside in six cases. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8. It follows that if the development complies with CTY8 it will comply with Policy CTY1 of PPS21.
7. Policy CTY8 of PPS21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Policy CTY8 states that 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. The policy states that for its purposes, 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. The Appellant considered that the appeal site was such a gap site, falling within a substantial and continuously built up frontage comprising the approved site, No. 36, its outbuilding and No. 38. The approved dwelling to the south of No. 36 was constructed only to sub floor level at the time of the site visit. Whilst it was stated that it would be finished early next year I must judge the appeal site and surrounding environment as it stands at the time of making the appeal decision. Although development on the approved site has commenced, there is no building on the site, merely the footings and subfloor for one. It does not present as a building taken in the ordinary sense of the word and cannot count as a building within the frontage.
9. The outbuilding belonging to No. 36, despite its slightly higher ridge level, reads as being subordinate to and part of No. 36 given its overall design and position relative to the host dwelling. It does not present as being a separate building along the road frontage. Consequently there are only two buildings, Nos. 36 and 38, which have a frontage to Belmont Road. The appeal site cannot be considered to represent a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. Given my conclusions elsewhere in this decision relating to integration and rural character, it also does not meet the other planning and environmental requirements element of the policy. The proposed development does not meet the exception under Policy CTY8 of PPS21. The site currently serves as an important visual gap between the existing dwellings, arising from its elevated topography and position on the curve in the road. Development of the site would result in the creation of ribbon development, comprised of No. 36, the appeal dwelling and No.

38 when viewed both directions travelling along this part of Belmont Road. The proposed development does not comply with Policy CTY8.

10. I was informed that a senior planning officer had told the Appellant's representative that if the foundations were laid for the approved dwelling south of No. 36, it would count as a building. Reference was also made to a previous DoE decision at Carrogs Road, Newry, where I am informed the Department accepted that an approved site with only foundations laid constituted a building for the purposes of Policy CTY8. Whilst anecdotal in nature, even if these matters were the case, I do not agree that in-situ foundations on site constitute a building for reasons already given elsewhere in this decision. Nor would it be in the public interest to perpetuate poor decision making. I note the Ministerial statement that included reference to Policy CTY8 but its contents would not persuade me that the objections to the development under this policy should be set aside.
11. As the development does not meet CTY8, it does not meet CTY1. There are no overriding reasons why the development is essential and could not be located in a settlement. The Council's first and second reasons for refusal are sustained.
12. Policy CTY13 of PPS21 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. The site is elevated in nature and any dwelling on the site would require a substantial amount of cutting into the site, as shown on the illustrative sectional drawing accompanying the Appellant's Statement of Case. The extent of the excavation works required is indicative of the site's unsuitability for development. I am mindful of paragraph 5.64 of PPS21 which states that a new building that relies on significant earthworks, such as mounding or cut and fill for integration will be unacceptable. Given the elevated topography and despite the existing boundary vegetation, the site lacks sufficient enclosure to integrate a dwelling and garage, even one of the design suggested by the Appellant. Although longer distance views of the dwelling and garage travelling south on Belmont Road towards the site would be partly obscured by No. 38, this effect would diminish the closer one gets to the site and the development would nonetheless appear as a prominent feature in the landscape due to the site's elevated nature and position on the curve of the road. The appeal development would not visually integrate into the landscape, even if it would sit no higher in the landscape than No. 38 following the excavation process. This would not justify the development, which I find contrary to Policy CTY13 of PPS21. The third reason for refusal is sustained.
13. Policy CTY14 of PPS21 states 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. Although the locality has experienced some degree of built development, the site serves as an important visual gap between existing buildings. Approval of the appeal dwelling would result in a consolidation of buildings along this part of Belmont Road, resulting in a suburban style build-up of development. It would also create ribbon development for reasons outlined earlier. The Council considered that the appeal dwelling would not respect the traditional pattern of development in the area. However, given the mixture of roadside dwellings and those set slightly back from the roadside in the immediate locality, I am not persuaded that a dwelling sited as suggested in the Appellant's illustrative layout would be at odds with this. Nonetheless, for the

reasons given above the development would still result in a further erosion of the rural character in this area. The development is contrary to CTY14 and the Council's reason for refusal is sustained to the extent specified.

14. Policy NH6 of Planning Policy Statement 2 – Natural Heritage (PPS2) states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and all of three criteria are met. The Council's objections fell under the first criterion; that the siting and scale of the proposal is sympathetic to the special character of the AONB in general and of the particular locality. Siting the dwelling on the appeal site would require cutting into the site in order to achieve any level of acceptable integration, an unacceptable solution in the first instance and even then it would still give rise to issues already addressed earlier in this decision. Although the scale of the proposed dwelling would not be objectionable, its siting is such that it would not be sympathetic to the special character of the Mourne AONB in general and of the particular locality given the resultant impacts of the development and harm to the rural character of the area. The development does not fully meet criterion (a) of Policy NH6 of PPS2 and given the critical nature of this deficiency, the policy read as a whole. The fifth reason for refusal is sustained.
15. Whilst the Appellant's representative sought a further opportunity to discuss the proposed development, the appeal decision must be based upon the evidence submitted during the process. The appeals process is not one which allows for further negotiation subsequent to the conclusion of proceedings, even if circumstances prevented the Appellant's representative from attending the site visit.
16. As the Council's reasons for refusal have been sustained to the extent specified and are determining, the appeal must fail.

This decision is based on the 1:2500 scale Site Location Plan numbered 01 submitted with the application.

COMMISSIONER MARK WATSON

List of Appearances

Planning Authority:- Mrs L Grant
Ms O Rooney

List of Documents

Planning Authority:- 'A' Statement of Case & Appendices

Appellant:- 'B' Statement of Case & Appendices (J M Kearney,
Architectural Design Service)





Planning Appeals
Commission

Appeal Decision

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Appeal Reference: 2019/A0198
Appeal by: Mr Jason McCullagh
Appeal against: The refusal of outline planning permission
Proposed Development: Site for dwelling and domestic garage
Location: 40m west of No.28 Rockstown Road, Ballymena
Planning Authority: Mid & East Antrim Borough Council
Application Reference: LA02/2019/0683/O
Procedure: Written representations and Commissioner site visit on 1 July 2020
Decision by: Commissioner Brigid McGlinchey, dated 10 July 2020

Decision

1. The appeal is allowed and outline planning permission is granted, subject to the conditions set out below.

Reasons

2. The main issues in this appeal are whether the proposal is acceptable in principle in the countryside and its impact on rural character.
3. The Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Ballymena Area Plan 1986-2001 (BAP) is the local development plan for the area where the appeal site is located. In it, the site is located outside any settlement development limit and is within the countryside. The BAP contains policies relating to residential development in the rural area. These are however outdated and therefore do not attract determining weight in considering the merits of the appeal proposal.
4. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. The SPPS retains certain existing planning policy statements and amongst these is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) which provides the relevant policy context to consider the appeal proposal. Policy CTY1 of PPS21 sets out 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. A number of instances when planning permission will be granted for a single dwelling are outlined. The appellant argues that the appeal proposal represents the development of a small gap site within and otherwise substantial and continuously built up frontage in accordance with Policy CTY 8.

5. Policy CTY8, entitled 'Ribbon Development', states that planning permission will be refused for a dwelling that creates or adds to a ribbon of development. Paragraph 5.32 of the supporting text of the policy states that ribbon development is detrimental to the character, appearance and amenity of the countryside. Even though this type of development has been consistently opposed, policy goes on to say that an exception will be permitted for the development of a gap site. Paragraph 5.34 indicates that the gap is between house or other buildings and that an exception will be permitted even where the gap provides relief and a visual break in the developed appearance of the locality that helps maintain rural character, provided four elements are met. Namely, the gap site must be within an otherwise substantial and continuously built up frontage, the gap must be small, the existing development pattern along the frontage must be respected and other planning and environmental requirements must be met.
6. Reference was made to a number of appeal decisions relating to infill development in other locations throughout Northern Ireland. I have not been persuaded that those sites, the surroundings and the issues arising are directly comparable with the appeal site. Each appeal must be assessed on the basis of its site specific circumstances and individual evidential context.
7. In considering whether an infill opportunity exists, it is first necessary to determine whether there is an otherwise substantial and continuously built up frontage present. The policy defines a substantial and built up frontage as including a line of 3 or more buildings along a road frontage without accompanying development to the rear. The appeal site is situated on a private tarmac laneway between the residential properties of Nos. 24 and 28 Rockstown Road. No.24 is positioned at a right angled bend on the laneway. Its plot has a narrow frontage that includes the access and part of the garden and then widens out. No.28 is positioned further along the laneway with its plot bounding the laneway that becomes a grassed hardcore surface leading to an agricultural field. Paragraph 5.33 of the supporting text of Policy CTY8 states that for the purposes of this policy a road frontage includes a footpath or private lane. As such and irrespective of the setback from Rockstown Road, the appeal site and the residential properties either side can be regarded as road frontage sites onto a laneway.
8. Each of the existing residential plots consist of a dwelling and garage. Whilst the dwelling and garage at No.24 face towards the laneway, the dwelling and garage at No.28 are presented gable end to the laneway. Each of the garages are ancillary and set behind the front building line of the dwellings. The policy does not state that ancillary buildings which form part of a residential unit or curtilage are to be discounted. I consider that a building has a frontage to a road if the plot on which it stands abuts or shares a boundary with the road. Despite the subordinate nature and disposition of the garages with the respective dwellings, each building reads as a separate entity with a road frontage. I therefore judge that that the existing development reads as a line of four buildings along the frontage of the laneway.
9. The appeal site appears as a gap site between these existing buildings and thus it lies within an otherwise substantial and continuously built up frontage as defined by the policy. No issue was raised with regard to the size of this gap. Based on the submitted drawings, I judge that the proposal for a dwelling and garage on the appeal site would respect the existing development pattern in terms of plot size

and therefore the subject site represents a small gap. I find that the proposal meets the first three elements that are required to qualify as an infill site.

10. The final element requires that the proposal meets other planning and environmental requirements. The planning authority raised concern about the impact on rural character under Policy CTY14. Policy CTY14 states 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 the area. Though the appeal proposal would represent another incident of development in the area, its location within an existing substantially and continuously built up frontage, means that it would not create a ribbon of development or result in a suburban style build up of development when viewed with the existing buildings. The Council has not sustained its objection under Policy CTY14 and the fourth element for an infill site is fulfilled.
11. I conclude that the proposal satisfies all the elements to qualify as an exception under Policy CTY8. It therefore represents one of the types of development considered acceptable in principle in the countryside under Policy CTY1. Accordingly, the Council has not sustained its two reasons for refusal.
12. In the interest of rural character and having regard to the neighbouring developments, I consider that ridge height and roof pitch restrictions as proposed by the planning authority are necessary. I note that these were uncontested by the appellant. Notwithstanding the appellant's indication on the location map that sight splays of 2.4m x 80m in both directions are already in situ at the point of access onto Rockstown Road, the consultation response from DfI Roads points that alterations to the access arrangement are required to provide the necessary visibility. This was not addressed by the parties. In the evidential context before me, the annotation on the map appears incorrect. I therefore consider that the draft condition presented by the planning authority is necessary to secure a safe means of access. In the interests of visual amenity, a landscaping scheme is required to be submitted.

Conditions

- (1) Except as expressly provided for by Conditions 2 and 3 the following reserved matters shall be as approved by the planning authority – the siting, design and external appearance of the dwellings and the means of access thereto.
- (2) The ridge height of the dwelling and garage shall not exceed 7.0 metres above finished floor level and the angle of roof pitch shall not exceed 40 degrees.
- (3) A scale plan and accurate site survey at 1:500 scale shall be submitted as part of the reserved matters showing the access onto Rockstown Road to be constructed with visibility splays of 2.4 metres by 80 metres in each direction. The access shall be laid out before any building operations commence and shall be permanently retained thereafter.
- (4) A landscaping plan shall be submitted as part of the reserved matters application showing trees and hedgerows to be provided along the boundaries of the site, the location, numbers, species and size of trees to be planted during the first planting season after the dwelling is occupied. Trees or shrubs dying, removed or becoming

seriously damaged shall be replaced during the next planting season with others of a similar size unless the planning authority gives any written consent to any variation.

- (5) Application for the approval of reserved matters shall be made to the planning authority before the expiration of three years from the date of this decision.
- (6) The development shall be begun before the expiration of 5 years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision is based on the following drawings:-

- 01 – 1:2500 scale Location map (except in relation to the annotation on sight splays);
- 02 – 1:500 scale Block/Site plan.

COMMISSIONER BRIGID McGLINCHEY

List of Documents

Planning Authority:-

C1 Statement of case
C2 Comments

Appellant:-

A1 Statement of case + Appendices

Appeal Decision

Appeal Reference:	2016/A0146
Appeal by:	Mr Tom Murphy
Appeal against:	The refusal of outline planning permission
Proposed Development:	Dwelling with detached garage
Location:	40m south of Mountfield Lodge, accessing from Killens Road, Mountfield, Omagh
Planning Authority:	Fermanagh and Omagh District Council
Application Reference:	LA010/2016/0596/O
Procedure:	Written Representations with Commissioner's site visit on 2 March 2017
Decision by:	Commissioner Pamela O'Donnell, dated 14 March 2017

Decision

1. The appeal is allowed subject to the conditions set out below.

Reasoning

2. The second reason for refusal in respect of a nature conservation matter was withdrawn at appeal stage. Accordingly, the remaining issue in the appeal is whether the proposal is acceptable in principle in the countryside.
3. The Planning Act (NI) 2015 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Omagh Area Plan 1987-2002 operates as the local development plan for the area where the appeal site is located. The site lies in the countryside, outside any settlement identified in the plan and within the Sperrins Area of Outstanding Natural Beauty (AONB). The plan states that new buildings within the AONB will be required to respect and reflect the traditional architectural style and settlement pattern of the locality and should be carefully located to minimise their visual impact. The appeal is in respect of an outline application where such matters of detail can be conditioned as necessary. Accordingly, the appeal proposal is in accordance with the plan.
4. There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' and Planning Policy Statement 21 (PPS21) 'Sustainable Development in the Countryside' in respect of the appeal proposal. PPS21 provides regional policy for development in the countryside and is a material consideration in the appeal. Policy CTY1 of PPS21 indicates that there are types of development acceptable in principle in the countryside. One of these is the development of a small gap site within an otherwise substantial and continuously

built up frontage in accordance with Policy CTY8. It follows that if a proposal satisfies Policy CTY8, it would also satisfy Policy CTY1.

5. Policy CTY8 of PPS21 is entitled Ribbon Development and it states that planning permission will be refused for a building which creates or adds to a ribbon of development. Paragraph 5.32 indicates that ribbon development is detrimental to the character, appearance and amenity of the countryside. Though this type of development has been consistently opposed, policy goes on to say that an exception will be permitted. This exception relates to 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, 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. The policy defines a substantial and built up frontage as including a line of three or more buildings along a road frontage without accompanying development to the rear. The policy does not say that such buildings must be visually linked. Paragraph 5.33 states that for the purposes of this policy a road frontage includes a footpath or private lane. The Council argues that the proposal fails to comply with Policy CTY8 as the site does not share a common frontage with adjacent dwellings.
6. A building has a frontage to a road, footpath or lane if the plot on which it stands abuts or shares a boundary with that road, footpath or lane. The appeal site has frontage onto a private lane. Mountfield Lodge, a large detached dwelling set in generous grounds has frontage to the lane also as does the plot at No 34, which comprises a dwelling and detached garage. The detached garage, though ancillary to the dwelling at No 34, is a building for the purposes of the policy as it does not differentiate between the type, use or size of building. The garage sits to the north east of the dwelling and counts as a second building. The appeal site is located between the two buildings at No 34 and Mountfield Lodge and shares a common frontage with them. The appeal site is therefore within an otherwise substantial and continuously built up frontage as envisaged by the policy. The Council did not argue that the proposal failed to comply with any of the other policy requirements. Thus, in the evidential context before me, the remaining reason for refusal is not sustained.
7. The buildings at No 32 Killens Road do not have a frontage to that road as they are separated from it by an intervening field. Even if they did, they would have a separate frontage to that of the appeal site and the other specified buildings as their frontage would be on to the road and not the laneway. The exception for infill development applies to development along one single frontage and not frontages. In any event, as outlined above, the Appellant did not have to rely on the buildings at No 32 in order to satisfy the policy requirement.
8. For the reasons stated, the proposal represents an exception to policy and accordingly complies with Policy CTY8 and CTY1 of PPS21.
9. The site is well vegetated and enclosed from public view so the visual impact of the proposal in the AONB would be minimal. The overall design and siting can therefore be dealt with at reserved matters stage. However, as there is a change in levels across the site, details of proposed and existing levels would be required as part of the reserved matters application. In the interest of visual amenity, a landscaping condition would also be necessary. The proposed access would be

onto the private laneway which then adjoins the Killens Road. There is adequate visibility onto the public road and therefore no need to request specified visibility splays at this junction. The means of access can therefore be dealt with by the standard reserved matters condition.

Conditions

1. The following reserved matters shall be approved by the Council - the siting, design and external appearance of the dwelling and means of access thereto.
2. Any application for approval of reserved matters shall include plans indicating floor levels of the proposed dwelling and garage in relation to existing and proposed ground levels, all in relation to an identified datum point on the laneway or on the Killens Road.
3. No development shall take place until there has been submitted to and approved by the Council a landscaping scheme including and providing for the retention and the augmentation of the vegetation around the north eastern and north western boundaries of the site. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.
4. Application for approval of the reserved matters shall be made to the Council before the expiration of three years from the date of this decision.
5. The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision is based on the Site Location Plan (Drawing No 01) @ 1:2500 stamped refused by the Council on 31 August 2016.

COMMISSIONER PAMELA O'DONNELL

List of Appearances

Planning Authority:- Ms D Lawler (Fermanagh & Omagh District Council)

Appellant(s):- Mr R Collins (Agent)

List of Documents

Planning Authority:-
"A" Statement of Case
"A1" Rebuttal
"A2" Planning History

Appellant(s):- "B" Statement of Case