



Title of Report:	Planning Committee Report – LA01/2021/1271/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	28th June 2023
For Decision or For Information	For Decision – Objection Item

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	Development Management and Enforcement Manager

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: LA01/2021/1271/F **Ward:** Portrush and Dunluce

App Type: Full

Address: Nos 4 and 5 Bushmills Road, Portrush

Proposal: Demolition of the existing dwellings and outbuildings and erection of 6 no 2 1/2 storey semi-detached dwellings with associated car parking, landscaping and access from Bushmills Road.

Con Area: N/A **Valid Date:** 21.09.2021

Listed Building Grade: N/A

Agent: Pragma Planning and Development Consultants

Applicant: DLL Properties Ltd

Objections: 12 **Petitions of Objection:** 0

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

Executive Summary

- This proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and all other material considerations.
- 12 letters of objection have been received in relation to this application.
- No objections have been raised by statutory consultees in relation to this proposal.
- The proposal will not result in unacceptable damage to the character of the surrounding area.
- The proposal is considered acceptable in terms of layout, scale and massing and will not significantly harm the surrounding context and is appropriate to the character and topography of the site.
- The proposal is not considered to create unacceptable conflict with adjacent land uses and there is no unacceptable adverse effect on neighbouring properties.
- The proposal is regarded acceptable from a sewage perspective and will not result in an environmental impact.
- The proposed development is acceptable from a drainage or flood risk perspective.
- Access and parking arrangements are acceptable.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS 7, Addendum to PPS 7, PPS 15 and PPS 3.

Drawings and additional information are available to view on the Planning Portal- <https://planningregister.planningsystemni.gov.uk/>

1.0 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 **APPROVE** planning permission subject to the conditions set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 This site is rectangular in shape and comprises Nos. 4 & 5 Bushmills Road. These properties are detached set on generous sized plots with front and rear gardens. Parking for both these properties are in curtilage with separate accesses onto the Bushmills Road. Property heights are similar at 2 storeys but designs vary as well as roof forms. Boundary treatment onto the Bushmills Road consists of walls and railings of approx. height 1.5m. Boundary treatment adjacent to neighbouring properties consists of walls and hedging. The boundary treatment at the rear of the site adjacent to Sunnyvale Avenue consists of walls and vegetation approx. 2m high.
- 2.2 The site is located on the outskirts of Portrush Town Centre and the surrounding area is predominately residential in character. The Royal Portrush golf course and Skerries Holiday Park is located within proximity of the site.
- 2.3 The site is located within Portrush settlement limit along the Bushmills Road which is a protected route. The site is located opposite the Causeway Coast Area of Outstanding Natural Beauty (AONB) and the Royal Portrush Local Landscape Policy Area (LLPA).

3.0 RELEVANT HISTORY

- 3.1 LA01/2019/0363/F
4 and 5 Bushmills Road, Portrush
Demolition of the existing dwellings and erection of 4 no 2 and 1/2 storey apartment blocks, totalling 12 apartments with associated car parking, landscaping and retention of access from Bushmills Road
Refusal – 29/01/2020
- 3.2 Various planning history exists for Nos. 4 & 5 Bushmills Road relating to extensions and alterations to these dwellings. None are detailed as they are not relevant to the processing of this application.

4.0 THE APPLICATION

- 4.1 Demolition of the existing dwellings and outbuildings and erection of 6 no 2 1/2 storey semi-detached dwellings with associated car parking, landscaping and access from Bushmills Road.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

12 letters of objection have been received in relation to this application from 7 separate addresses. The main issues raised are summarised below and will be considered and assessed in the remainder of this report:

- Contrary to Policy QD1 of PPS 7 (criteria a, g & h); Policy LC 1 of the Addendum to PPS 7; and DES 2 Townscape of A Planning Strategy for Rural Northern Ireland
- Negative impact on character of area
- Inappropriate scale, proportion and massing
- Unacceptable design
- Negative precedent of demolishing family homes to be replaced with aggressive, high-density box style structures.
- Overdevelopment
- Density 22 units/hectare compared to area 10.9 units/hectare

- Extension of building line to the front and rear of the existing properties on Bushmills Road.
- Disrupts the scale and rhythm of the existing rural townscape of 1-9 Bushmills Road.
- Narrow plot sizes uncharacteristic of this area
- Neighbouring residential amenity concerns
- Impact on community space to the front of Sunnyvale Avenue properties where residents meet each other socially.
- Loss of view of the sky from bedrooms of Sunnyvale Avenue properties
- Loss of privacy/amenity/overshadowing/loss of light/dominance to Sunnyvale Avenue Properties
- Overlooking of bedroom, bathroom, study and kitchen of No. 7 Sunnyvale Avenue
- Overlooking/Loss of privacy/Loss of light/Overshadowing to No. 6 Bushmills Road
- High level terraces resulting in noise and overlooking
- Noise concern from garden rooms, balconies
- Front boundary treatment
- Drainage of water and flooding
- Construction disturbance
- Road safety concerns as additional vehicles will be accessing this site
- Parking and traffic concerns
- Car parking front of plot out of character
- Intention of developer to change layout and put living areas on first floor and possibly create a balcony at the rear
- Future use of garden rooms – could turn into further sleeping accommodation.

5.2 Internal:

NI Water (No objections)

Environmental Health (No objections)

DFI Rivers (No objections)

DFI Roads (No objections)

DAERA: Water Management Unit (No objections)

6.0 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 Strategy for Rural Northern Ireland

PPS 3 - Access, Movement and Parking

PPS 7 – Quality Residential Environments

Addendum to PPS 7 – Safeguarding the Character of Established Residential Areas

PPS 15 – Planning and Flood Risk

Supplementary Planning Guidance

DCAN 8 – Housing in Existing Urban Areas

Creating Places

Development Control Advice Note 15 Vehicular Access Standards

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The site is located within the development limit of Portrush along the Bushmills Road which is a protected route. The site is located opposite the Causeway Coast AONB and the Royal Portrush LLPA. Policy SET 2 of NAP 2016 applies for development within settlement development limits. Planning permission will be granted provided that the proposal is sensitive to the size and character of the settlement.
- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: Local character, environmental quality and residential amenity, impact on townscape, flooding, sewerage and access and parking.

Local Character, Environmental Quality and Residential Amenity

- 8.3 PPS 7 promotes quality residential development in all types of settlements. DCAN 8 and Creating Places is additional guidance intended to supplement this policy in terms of improving the quality of new housing development.

Policy QD1 – Quality in New Residential Development

- 8.4 This policy sets out a presumption against housing development in residential areas where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. Proposals for new residential development should comply with the following criteria:

(a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;

- 8.5 This proposal is for residential development adjacent to existing housing within the settlement limit of Portrush so this proposed residential use is considered acceptable in principle subject to meeting all planning policy requirements.
- 8.6 The proposal consists of 3 blocks of semi-detached dwellings. The height of each block is approx. 9.8m high, 14.5m wide with a gable depth of 13.5m. The blocks have been designed with differing features to provide visual variety. Plots 1 & 2 and 5 & 6 have chimneys whereas Plots 3 & 4 do not. Plots 3 & 4 and 5 & 6 have a front two storey projection with a flat roof whereas Plots 1 & 2 do not. There are variations of door and window locations in the front elevation of blocks as well as recessed terraces in the roofscape and roof dormers. Each dwelling has a single storey rear return.
- 8.7 The proposal in terms of the existing building line requires assessment. Plots 1 and 2 are positioned no further forward than the existing building line relating to No. 4 Bushmills Road that is to be demolished. Plots 3 and 5 respect the existing building line

relating to No. 5 Bushmills Road that is to be demolished. Plots 4 and 6 come forward of this building line by approx. 1-1.5m but appear to extend no further forward than No. 5 Bushmills Road's bay window. The proposal in terms of dwelling locations on this site are considered acceptable given only 2 plots out of 6 are breaching the existing building line by a small amount which would not be visually apparent when travelling along the Bushmills Road.

- 8.8 In terms of the proposal, separation distances are approx. 6.2m between No. 3 Bushmills Road and Plot 1; 7.8m between Plots 2 and 3; 3.4m between Plots 4 and 5; and 5.6m between Plot 6 and No. 6 Bushmills Road. Spacing between the existing properties along Bushmills road ranges from 1.8m between Nos. 08A and No. 9 Bushmills Road and 17.8m between Nos. 2 and 3 Bushmills Road. It should be noted that Outline approval (LA01/2018/0892/O) was granted between Nos. 2 and 3 Bushmills Road for a new dwelling with an indicative spacing of approx. 2.5m and 5m between neighbouring properties. The proposal when viewed contextually is considered acceptable in terms of spacing with respect for the rhythm of the streetscape.
- 8.9 The dwellings do appear large in scale, proportion and massing which is somewhat emphasised by the contemporary design. Modern dwellings do appear contextually different when compared to more traditional dwellings in the same streetscape. If the proposal entailed a traditional design this would have perhaps blended better in the streetscape however, contemporary designs must be considered and approved if there is no significant harm to the character of the surrounding context. It is noted that this area of Portrush is not designated as an Area of Townscape Character. While this proposal may have been more appropriate contextually at two storeys in height, the roof space accommodation is regarded as subservient due to the revised design. It is acknowledged the height is more than immediate neighbouring properties, 0.4m higher than No. 6 Bushmills Road and 1.2m higher than No. 3 Bushmills Road, however, slight variation of ridge heights in streetscapes is common throughout the local context of Portrush and does not make a proposal necessarily unacceptable. The proposal is not regarded to have such a negative impact on this surrounding context to warrant refusal on these grounds.

- 8.10 There were original concerns with the amount of hard surfacing to the front of dwellings and this proposal was amended from 8 to 6 units. This enables the site layout now to show in-curtilage parking at the side of Plots 1, 2, 3 and 6 as well as front gardens. Plots 4 and 5 provide parking spaces to the front of dwellings with smaller gardens. The majority of dwellings along Bushmills Road have large gardens to the front and in-curtilage parking however, Nos. 8 and 8a have complete hard surfacing to the front. This proposed layout is considered acceptable on balance in terms of areas of hard surfacing given the presence of front gardens, the front boundary treatment with tree planting/hedging to help screen views into the plots and the quality finish of exposed aggregate concrete to driveways.
- 8.11 The proposed dwellings will be separated by a 1.2m high steel black estate railing at the front and a 2m high horizontal timber panel fence at the rear. These boundary treatments are considered acceptable.
- 8.12 Garden rooms are proposed in the rear gardens of Plots 1, 2, 3 and 6. There are two different types of garden rooms with the difference being the length, one measures 3.7m long and the other is 4.7m long. The width measures 2.7m with a total height of 2.9m for both garden rooms. Materials include timber cladding with aluminium framed sliding doors and a single ply roofing membrane. The design, scale and massing of these garden rooms are considered acceptable. These garden rooms in terms of the use must be domestic, ancillary to the enjoyment of the dwelling house and will be a condition of any subsequent approval. Objectors are concerned about the future use of garden rooms as these could be turned into further sleeping accommodation. This is speculative as these buildings are shown on the plans at the rear of the site and described as garden rooms. As long as these buildings are ancillary to the residential use on site, there are no planning concerns with this aspect of built development.
- 8.13 The front boundary treatment onto the Bushmills Road will be formed by entrance pillars approx. 2m high and a boundary wall with railings on top of total height 1.8m. The pillars and wall are to be rendered painted white and the railings will replicate the existing boundary replaced. The railings are to be steel painted black. This boundary treatment onto the Bushmills Road

comprises quality materials of an acceptable design and height reflective of other boundary treatments along this road.

- 8.14 Objectors have raised concerns about overdevelopment and density. This amended proposal is considered acceptable in terms of unit numbers, the proposed density reflects the wider context of the local area.
- 8.15 Plot sizes vary throughout this area with smaller plots to the rear of the site along Sunnyvale Avenue. The proposal consists of semi-detached dwellings which are characteristic of Nos. 8 and 8a Bushmills Road as well as other property types within the local area of Portrush. Proposed dwellings have adequate private amenity space and in-curtilage parking so plot sizes are considered sufficient in terms of size.
- 8.16 Objectors detail how this proposal is not characteristic of the area due to narrow plot sizes. Plot sizes vary throughout this area. The lowest plot sizes along this section of the Bushmills Road include 288m² for No. 8 and 342m² for No. 8a. Nos. 7a, 7b and 7c have an average plot size of 673m². No. 3 has a plot size of 716m² with the largest plot size being 1348m² for No. 2. The application site has been excluded. Some examples from Randal Park include 590m² for No. 21; 925m² for No. 22; 768m² for No. 26; and 1044m² for No. 5. Some examples from Sunnyvale Avenue immediately to the rear of the site include 233m² for No. 3 and 325m² for No. 10.
- 8.17 The application size has 6 plots with the lowest area being 390m² for Plot 5 and the largest area being 553m² for Plot 1. The average plot size is approx. 475m² for these 6 dwellings. The proposed plot sizes are higher than Nos. 8 and 8a Bushmills Road but lower than all the rest of the dwellings along this section.
- 8.18 The site is located on an arterial route where higher density development is encouraged with the withdrawal of Policy LC1 of the Addendum to PPS 7 on such roads and town centres. However, it should be noted that the plot sizes whilst below the average are still higher than other addresses and would not be considered to have a significant adverse impact on residential character to warrant refusal.

8.19 The issue of precedent has been considered. The demolition of existing buildings to facilitate residential development is commonplace throughout Portrush. All applications are considered on a site specific basis and assessed against the relevant planning policies.

8.20 The proposal will not result in unacceptable damage to the character of the surrounding area. The proposal is considered acceptable in terms of layout, scale and massing and will not significantly harm the surrounding context and is generally appropriate to the character and topography of the site.

(b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

8.21 There are no archaeological features within the site and there are no listed buildings close to the site. There are no significant landscape features within the site in need of protection. The proposed development will not have a detrimental impact on features of archaeological, built heritage or landscape importance.

8.22 A landscape plan has been submitted in relation to this development. The existing boundary treatment with No. 3 Bushmills Road (hedge and wall) is being retained. The existing boundary treatment with No. 6 Bushmills Road (hedge and fence) is being retained. The rear boundary treatment (a 1.8m high wall) is being retained adjacent to Sunnyvale Avenue and supplemented with additional trees and planting. The front of this development is landscaped to help soften the appearance of hard surfaced parking. The front boundary treatment adjacent to the Bushmills Road will be formed by entrance pillars and a wall with railings.

(c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

- 8.23 Adequate provision for public and private open space and landscaped areas should be an integral part of the development. Creating Places, paragraph 5.19 states all houses should have an area of private open space behind the building line and it should be approx. 70m² per house or greater. Smaller areas may be more appropriate for houses with 1 or 2 bedrooms but any individual house with an area of less than around 40m² will generally be unacceptable.
- 8.24 This proposal comprises 6 dwellings. Private rear amenity spaces measure approx. 127m² for Plot 1; 114m² for Plot 2; 115m² for Plot 3; 105m² for Plot 4; 103m² for Plot 5; and 135m² for Plot 6. All of these private rear amenity spaces are above recommended requirements and are considered adequate for the usual domestic needs.
- 8.25 While it is acknowledged these rear amenity spaces are lower than the majority of neighbouring properties along the Bushmills Road that comprise large detached dwellings on generous sized plots, this proposal meets this criterion in that no private rear amenity space is below 70m². In addition, the private rear amenity areas for Plots 1-6 are in fact higher than the rear garden areas belonging to Nos. 8 and 8a Bushmills Road (approx. 97m² and 93m² respectively).

(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

- 8.26 Not applicable to a development of this scale. The site location is close to the town centre of Portrush with various amenities available so neighbourhood facilities are not required as an integral part of this development.

(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;

8.27 The site is within the settlement limit of Portrush and the site is served well by public transport. Portrush train station is within walking distance of the site which provides connections to Coleraine and onward links to Belfast and Londonderry. The site is within walking distance of local retail units, cafes, restaurants, primary schools, churches, recreational uses such as Curry's fun Park and Portrush recreation grounds.

(f) adequate and appropriate provision is made for parking;

8.28 The proposal has been assessed in detail under the sub-heading "Access and Parking" and is considered compliant with this criterion.

(g) the design of the development draws upon the best local traditions of form, materials and detailing;

8.29 The site comprises a large plot of land which includes 2 detached properties for demolition. The site is amongst several other dwellings along the Bushmills Road. There are 11 other properties within this context, most of which are detached dwellings except for one pair of townhouses at Nos. 8 & 8a. The majority of dwellings along this section of the Bushmills Road have hipped and/or pitched roofs. Features of dwellings may include front pitched gables, dormers (wall and roof), balconies and chimneys. The majority of dwellings are two storeys in height except for Nos. 8 & 8a which are 2.5 storeys high and No. 1 which is essentially a bungalow with a roof conversion. Domestic architectural forms vary considerably in the row between traditional gable fronted development and more recent chalet styles. The streetscape is characterised by an eclectic mix of property designs with a higher solid to void ratio. Materials used within this context involves painted render and stone on elevations, tiles or slate roof and dormers with lead finish.

8.30 The proposed dwellings in terms of design have incorporated differing features such as recessed terraces and roof dormers; front projections; and different window and door locations. This is to be reflective of streetscape in that the existing traditional dwellings have varying design features. The proposed dwellings have a pitched roof which is reflective of this streetscape as well as the presence of some chimneys. The ratio of solid to void in the

design is similar to other dwellings along the Bushmills Road albeit this is contemporary architecture.

- 8.31 The scale, form, massing and appearance of these residential dwellings are considered acceptable. This proposal does stand out as different from the existing streetscape in terms of their constant height and frontage width and general uniformity. However, it is noted that the Bushmills Road is not designated as an ATC and this proposal is considered relatively in keeping with the surrounding context of the Bushmills Road and the wider context of approved architecture in Portrush.
- 8.32 The design of the new residential dwellings is contemporary with materials/finishes including zinc standing seam roof covering, render and timber cladding for the walls, PPC Aluminium glazing and grey steel balustrades. Render finish is to be coloured beige/grey for plots 1 and 2; cream/buff for plots 3 and 4; and pastel red sandstone for plots 5 and 6. Materials/finishes in the immediate context of the site consist of various colours of render and stonework for the walls; slates and tiles for the roof (colours black/grey/red); rendered and red brick chimneys.
- 8.33 The finishes proposed in this proposal are regarded as satisfactory for this context given the variety that exists. While timber cladding and a zinc roof covering are not commonplace in the immediate vicinity of the site, these materials are often used in modern architecture and are prevalent throughout the local area of Portrush. An example is development in the process of being constructed at Nos. 55 & 57 Causeway Street, Portrush (LA01/2019/0830/F) – approved finishes include a dark grey metal roof covering with standing seam detail and weatherboard cladding. Proposed materials/finishes are therefore considered satisfactory and in keeping with those used for other properties in the local context of Portrush.

(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;

- 8.34 Residential properties are located immediately east, west and south of the site. Several objections have been received with

concerns about impact upon residential amenity. No. 6 Bushmills Road to the east of this development and residents of Sunnyvale Avenue have objected.

No. 6 Bushmills Road

- 8.35 The amended proposal does not result in unacceptable overlooking of this neighbouring property given the amendments received (removal of rear balconies/terraces and the location of the living accommodation moved from first floor to ground floor). There are no anticipated overlooking concerns with proposed ground floor windows on the side gable. The only proposed first floor window in the gable directly facing this property is for a study. It is noted that No. 6 does not have any first floor windows in their gable. Views from this study window would look onto the roof of the single storey side return of No. 6 with some views into their first floor bedroom bay window. It is considered this arrangement is acceptable given the separation distance, the urban context and the fact No. 5 Bushmills Road had a first floor window in their gable facing this property. While there would be some views into their rear amenity space, this is not considered unreasonable given the separation distance; location of this window; and the use as a study. There is no overlooking from the rear elevation of Plot 6 of No. 6 Bushmills Road.
- 8.36 The proposal will not result in unacceptable overshadowing/loss of light or dominance to this neighbouring property. The amended proposal now has a separation distance of approx. 5.6m from the shared boundary which is considered adequate. Given the site orientation, No. 6 may experience loss of light late afternoon/evening but this would only partly occur to their ground floor conservatory and first floor bay bedroom window. As these rooms have a light source from the rear aspect, this potential small amount of overshadowing/loss of light at the later part of the day is deemed reasonable. In addition, there may be some overshadowing of a small section of their rear garden but this would only be for a short time frame out of each day and is not so significant to warrant refusal.

Sunnyvale Avenue Properties

- 8.37 The amended proposal does not result in unacceptable overlooking of these neighbouring properties given the

amendments received (removal of rear balconies/terraces and the location of the living accommodation moved from first floor to ground floor). There are no anticipated overlooking concerns from proposed ground floor windows. There are no anticipated overlooking issues from the second floor as velux windows are proposed at a height that would not permit downward viewing. First floor windows for each of the Plots comprise bedrooms and ensuites. There are no overlooking concerns from ensuites as these windows will be finished in obscure glass and will be conditioned as such. First floor bedrooms in a rear elevation are a typical layout for residential development. While there will be some views of Sunnyvale Avenue properties (their ground floor bedrooms) from the proposed bedrooms this is not regarded as unacceptable given the separation distances involved as well as being in an urban context. Most importantly there are no direct views into their living areas nor their private rear amenity spaces. It is noted that the properties to be demolished all had several first floor windows in their rear elevation so an element of overlooking already exists.

8.38 No. 7 Sunnyvale Avenue object to this development as they feel overlooking will occur of their living room, kitchen, two bedrooms, study and bathroom. This property is located to the rear of Plots 5 & 6 of this residential development. To assess these concerns, a site inspection was carried out from within their home. At this point of assessment, it was determined that the original proposal would adversely overlook this property given living accommodation was at first floor level with rear terraces/balconies. The only source of overlooking from the amended scheme is now from proposed bedroom windows at first floor level. While there may be some views into their ground floor kitchen at the front of their dwelling, their main living area is located to the rear so this would be respected in terms of privacy. There may be some views bedroom to bathroom but due to the separation distance this is not considered to be of concern. Some views may occur bedroom to bedroom/study but this is a common relationship of housing in urban contexts and it is considered acceptable on balance given adequate separation distances.

8.39 The proposal will not result in unacceptable overshadowing/loss of light or dominance to these neighbouring properties given amendments. The development proposal will not overshadow these neighbouring properties because of their location south of

the application site. Sunnyvale Avenue properties are generally single storey in height although some have roofspace conversions.

8.40 Separation distances from the rear of new dwellings (not including the single storey returns) to the front of Sunnyvale Avenue properties range from 19.7m to 21.2m. These separation distances are considered adequate as Creating Places recommends a separation distance of 20m back to back for new dwellings and existing dwellings. This proposal is adhering to this guidance even though there are no specific measurements for this type of scenario when it is the rear of new dwellings to the front of existing dwellings separated by a small laneway. These separation distances are considered adequate to alleviate concerns of general loss of light and dominance from this new development.

8.41 Objectors have raised concern over their loss of view of the sky from their bedrooms. The loss of view is seen to be in the private interest, not necessarily in the public interest and as stated in paragraph 2.3 of the SPPS, "The planning system... does not exist to protect the private interests of one person against the activities of another...". The loss of view has been considered, however the protection of a private view is not enough to warrant a refusal.

8.42 Objectors are concerned there will be an impact on community space to the front of Sunnyvale Avenue properties where residents meet each other socially. This development is not considered to affect this social space as residents can still meet along the laneway socially if they desire. It is important to note this laneway is already overlooked by windows in the rear elevations of Nos. 4 and 5 Bushmills Road. The only difference with this proposal is that built form and windows will be closer to this space. It is not considered this difference will affect the social aspect of this laneway for residents. A laneway is not afforded special consideration.

No. 3 Bushmills Road

8.43 The relationship of the development to No. 3 Bushmills Road has been considered however, it is not considered to be detrimental. The proposal should not result in unacceptable overshadowing/ loss of light because of the site orientation; a separation distance of approx. 6.2m; the footprint of No. 3 compared to the proposed

development footprint; the positioning of their garage along the shared boundary; and the private amenity area being situated to the east of the plot.

- 8.44 The proposal should not result in unacceptable overlooking or loss of privacy to this neighbouring property. There are no anticipated overlooking issues with proposed ground floor windows. The only first floor window directly facing this property is for a study. This is an acceptable relationship because views from this window would be into a blank gable wall. There is no overlooking from the rear elevation of Plot 1 of No. 3 Bushmills Road. No objections were received from this property.
- 8.45 Objectors have raised concerns that the developer may change the layout and put living areas on the first floor and possibly create a balcony at the rear. This is speculative as the proposed plans show the living areas at ground floor level and no balcony at the rear. If the developer wanted to create a rear balcony this would require full planning permission. Permitted development rights will be removed in relation to this residential development.

Proposed Properties

- 8.46 The relationship between each of the proposed dwellings has been considered and is acceptable. At ground floor level the kitchen windows of Plots 2 & 3 will be directly opposite each other. This is at ground floor level with a separation distance of 7.8m and a boundary screen proposed so this arrangement is satisfactory. The rest of the ground floor window locations is acceptable. At first floor level the study windows of Plots 2 & 4 have been angled away from the location of the study windows of Plots 3 & 5 so this avoids direct overlooking.
- 8.47 Noise and disturbance is a material consideration of this application. Objectors have raised concerns in terms of noise from terraces and garden rooms as well as construction disturbance. This is not anticipated to be unacceptable and Environmental Health have no objections.
- 8.48 The proposal is not considered to create conflict with adjacent land uses and there is no unacceptable adverse effect on neighbouring properties.

(i) the development is designed to deter crime and promote personal safety.

8.49 The development has been designed to deter crime and promote personal safety. The boundaries of the site are well defined. The rear boundary is formed by a 1.8m high wall which will be retained and supplemented with additional tree planting. The front boundary adjacent to the Bushmills Road will be formed by entrance pillars, boundary wall and railings with tree planting and hedging immediately behind. The side boundaries of the site are formed by walls, fences and hedging.

8.50 The Addendum to PPS 7 seeks to safeguard the character of Established Residential Areas. The key consideration is to ensure that new residential schemes are sensitive in design terms to people living in existing neighbourhoods and are in harmony with the local character of established residential areas, villages and smaller settlements.

Policy LC1 – Protecting Local Character, Environmental Quality and Residential Amenity.

8.51 This policy is not relevant to this development because Annex E of the Addendum to PPS 7 advises of certain exceptions. The development is located on the Bushmills Road which is along a key and link transport corridor so the principle of residential development is permissible at this site.

Impact on Townscape

8.52 Other key policies in relation to the proposal are Policies SP 18 and DES 2 of a Planning Strategy for Rural Northern Ireland. Policy SP 18 requires a high standard of design. Policy DES 2 requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area in terms of design, scale and use of materials. Careful consideration will be given to the treatment of form and space, the massing and arrangement of buildings and the spaces within and around them.

8.53 Consideration has been given to design and local character under sub-heading “Local Character, Environmental Quality and Residential Amenity” in particular paragraphs 8.5 – 8.15 and 8.29 – 8.33. The proposal complies with Policy DES 2 and is relatively sensitive to the existing townscape.

Flooding

8.54 DfI Rivers was consulted in relation to this application. The Strategic Flood Map (NI) indicates that development does not lie within the 1% AEP fluvial flood plain. The site is unaffected by a designated watercourse. A Drainage Assessment has not been submitted but the development does not exceed the thresholds within Policy FLD 3 of PPS 15.

8.55 DfI Rivers reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Craigahulliar Reservoir. DfI Rivers is in possession of information confirming that Craigahulliar Reservoir has ‘Responsible Reservoir Manager Status’. Consequently, DfI Rivers has no reason to object to the proposal from a reservoir flood risk perspective.

8.56 DfI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective. DfI Rivers have no objections to this proposal. The proposal complies with Policies FLD 1, 2, 3 and 5 of PPS 15.

Sewerage

8.57 DAERA: Water Management Unit (WMU) was consulted in relation to this application and have no objections.

8.58 NI Water was consulted in relation to this application and recommended refusal in their initial responses. NI Water advised as per PDE response, there is capacity at North coast WWTW, but due to surrounding Foul Network issues with no upgrade plans until mid 2023, an impact assessment application is required to find a potential solution.

8.59 Following the submission of a WWIA, NIW are now content with the proposal. They advised that through the positive engagement with the agent they are content that an identified solution is viable. On this basis they are content to approve subject to a negative condition.

8.60 In light of the above information, the proposal is now regarded acceptable from a sewage perspective and will not result in an environmental impact.

Access and Parking

8.61 Planning permission will only be granted provided the proposal does not prejudice road safety or significantly inconvenience the flow of traffic. The existing application site comprises two detached dwellings with two accesses onto the Bushmills Road. This proposal comprises 6 semi-detached dwellings with a total of six accesses onto the Bushmills Road which is an increase of four. These new accesses are onto the Bushmills Road which is a protected route so Policy AMP 3 of PPS 3 applies.

8.62 Objections have been raised in relation to road safety in terms of additional traffic exiting onto the Bushmills Road from this development. Concerns are also expressed in relation to parking.

8.63 Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access:

(a) Where access cannot reasonably be taken from an adjacent minor road; or

(b) The nature and level of access will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.

8.64 The proposal meets the requirements of Policy AMP 3 because access cannot be taken from an adjacent minor road. Although Sunnyvale Avenue is located to the rear of the site, this road is narrow and not capable of servicing a residential development of this size. Although there are an additional four accesses onto the Bushmills Road, these accesses and sight visibility splays are in

accordance with PPS 3 and DCAN 15. The application site is located within the settlement limit where there is a presumption in favour of development. DFI Roads have considered this application and do not object to the principle of residential development with suitable accesses and visibility splays. The car parking being provided within the site curtilage is satisfactory. Parking is provided to the side of Plots 1, 2, 3 and 6 with parking to the front of Plots 4 and 5.

- 8.65 DFI Roads have no objections to this application subject to conditions and informatives. The proposal is acceptable in terms of the accesses and the car parking provision for this development. The proposal complies with Policies AMP 1, 2, 3 and 7 of PPS 3.

Habitats Regulations Assessment

- 8.66 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 acceptable at this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal meets the requirements of planning policies and provides a quality residential development. The proposal will not result in unacceptable damage to the character of the surrounding area. The proposal is considered acceptable in terms of layout, scale and massing and will not significantly harm the surrounding context and is appropriate to the character and topography of the site. The proposal is not considered to create conflict with adjacent land uses and there is no unacceptable adverse effect on neighbouring properties.
- 9.2 The proposed development is acceptable from a drainage or flood risk perspective. The proposal is regarded acceptable from a

sewage perspective and will not result in an environmental impact. The proposal has satisfactory access and parking. Approval is recommended.

10 CONDITIONS

1. As required by Section 61 the Planning Act (Northern Ireland) 2011 the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. No development shall commence until the vehicular access, including visibility splays and any forward sight distance is provided in accordance with Drawing Nos. 03B, 20B and DFI Roads FCD 1 form bearing the date stamp 17th January 2023. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

3. The gradient of the accesses to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

4. No other development hereby permitted shall be occupied until the existing access indicated on Drawing No. 02B bearing the date stamp 17th January 2023 has been permanently closed and the footpath/cycle path reinstated to the satisfaction of DfI Roads.

Reason: In order to minimise the number of access points on to the public road in the interests of road safety and the convenience of road users.

5. All hard and soft landscape works shall be carried out in accordance with the details shown on Drawing No. 21B received 17th January 2023, the appropriate British Standard, the relevant sections of the National Building Specification - NBS (Landscape) and plant material with the National Plant Specification - NPS, prior to the occupation of the approved development.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

6. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

7. The first floor ensuite windows coloured yellow in the rear elevations of Plots 1, 2, 3, 4, 5 and 6 shall be glazed with obscure glass in accordance with the stamped approved Drawings Nos.12C, 16C and 18C received 21st June 2023 and permanently retained as such.

Reason: In the interests of residential amenity.

8. Notwithstanding the provisions of the Planning (General Permitted Development) Order (NI) 2015, or any Order revoking and re-enacting that Order, no external alterations to the dwellings (Plots 1-6) hereby approved, nor buildings, walls, gate pillars, fences or other structure, nor hard surface or enclosure or access onto an unclassified road, shall be permitted within the curtilage of the application site, without prior written consent from the Council.

Reason: To preserve the character of the local area and in the interests of residential amenity.

9. The front boundary treatment (rendered wall boundary painted white with concrete coping, railings and pillars) onto the Bushmills Road shall be erected in accordance with Drawing No. 22 date received 17th January 2023 prior to the occupation of any dwelling hereby approved.

Reason: In the interests of visual amenity.

10. The driveways for all dwellings shall be finished in exposed aggregate concrete and the front gardens shall be implemented in accordance with Drawing No. 21B date received 17th January 2023 prior to the occupation of any dwelling hereby approved.

Reason: In the interests of visual amenity.

11. The garden rooms located to the rear of plots 1, 2, 3 and 6 shall only be used for domestic use ancillary to the dwelling house.

Reason: In the interests of residential amenity.

12. No development shall be commenced on site until a fully agreed solution for the disposal of foul sewage has been submitted to Council and agreed in writing with NI Water.

Reason: To ensure appropriate foul drainage of the site.

13. The development hereby approved shall not proceed above subfloor level until the solution identified in Condition 12 has been implemented and agreed in writing with Council and NIW Water.

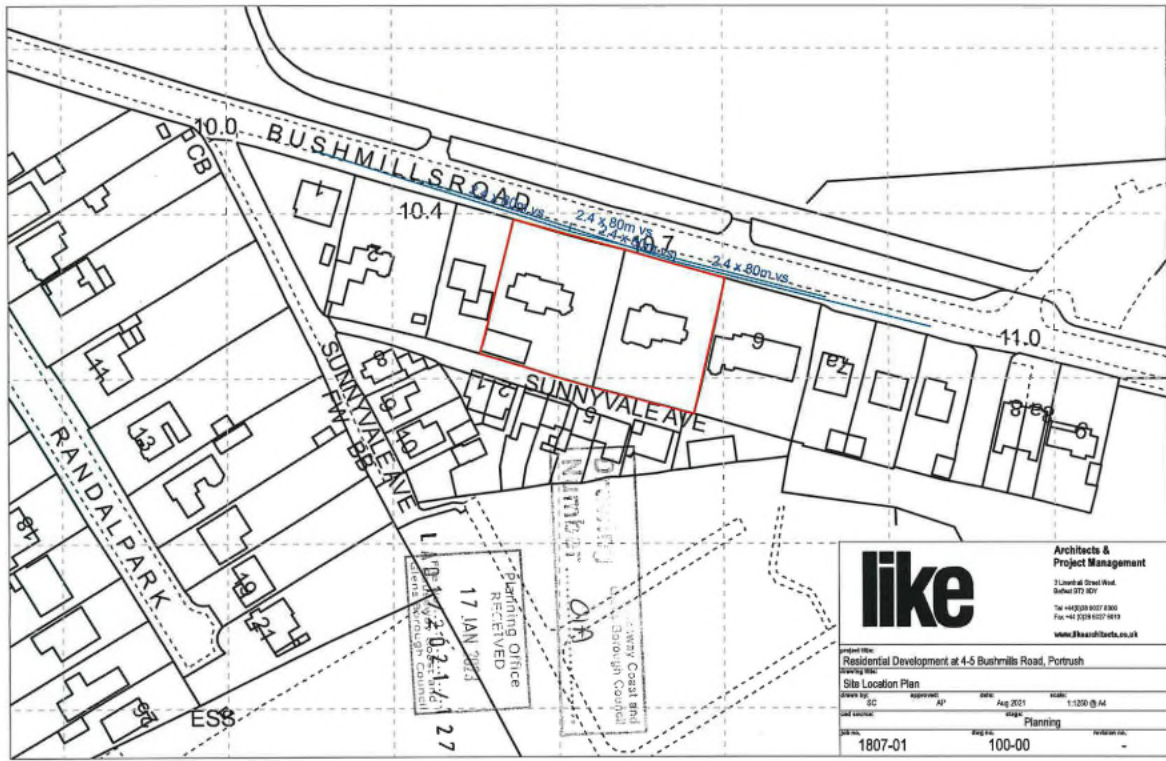
Reason: To ensure appropriate foul and surface water drainage of the site.

11 INFORMATIVES

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

2. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
3. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the planning portal through <https://planningregister.planningsystemni.gov.uk/simple-search>

Site Location Map



Site Layout Plan

