

Title of Report:	Planning Committee Report – LA01/2023/0513/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	28th February 2024
For Decision or For Information	For Decision
To be discussed In Committee YES/NO	No

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	---
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

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: LA01/2023/0513/F

Ward: Portrush and Dunluce

App Type: Full

Address: 110a Causeway Street, Portrush.

Proposal: Demolition of existing dwelling & replacement with 2 no. apartments

Con Area: N/A

Valid Date: 11.05.23

Listed Building Grade: N/A

Agent: Birney Architects, Building 104, Hill Avenue, Ebrington, Derry.

Applicant: Paul Fletcher, 2 Prospect Road, Portstewart, BT55 7NF.

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

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

Executive Summary

- Full planning permission is sought to replace an existing dilapidated dwelling with a building comprising two apartments.
- The site is located within the settlement development limit of Portrush.
- The proposal is considered contrary to Policy LC1 of PPS7 Addendum and Policy QD1 of PPS7, as inadequate provision has been made for private open space and the proposal would if approved create a conflict with adjacent land uses in terms of overlooking and impact to amenity.
- No representations have been received.
- No objections have been raised by statutory consultees in relation to the proposal.
- The application is recommended for Refusal.

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

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site comprises a delapidated, 2 storey mono pitch dwelling with amenity/ garden area to the front. The dilapidated dwelling is located to the rear of 110 Causeway Street, Portrush, a 2 storey terraced dwelling. The site is within the Settlement Development Limit for Portrush. It is not subject to any specific zonings or designations as set out in the NAP 2016.
- 2.2 The surrounding area is characterised predominately by 2 and 3 storey terraced dwellings.
- 2.3 Many of the dwelling on Causeway Street have buildings, mostly garages, to the rear. An access lane runs along the rear of terrace with adjacent public amenity.
- 2.4 Immediately adjacent the site to the south is St Patrick's Hall, a large barn roofed building and to the other side, the garden of the neighbouring dwelling.

3 RELEVANT HISTORY

No relevant planning history.

4 THE APPLICATION

- 4.1 Full planning permission is sought to replace the existing dwelling on site with a 2-storey building comprising 2 apartments with an amenity area to the rear/ side. The proposed ridge height will match the highest part of the neighbouring hall.

5 PUBLICITY & CONSULTATIONS

External

5.1 None

Internal

5.2 **NIE** – No objection.

DFI Roads – No Objection. Subject to condition.

Environmental Health – No Objection.

NI Water – No Objection

HED – No Objection.

6 MATERIAL CONSIDERATIONS

6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The development plan is:
Northern Area Plan 2016 (NAP)

The Regional Development Strategy (RDS) is a material consideration.

6.3 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.

6.4 Due weight should be given to the relevant policies in the development plan.

6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

Regional Development Strategy 2035.

Northern Area Plan (NAP) 2016

Strategic Planning Policy Statement for Northern Ireland
(SPPS)

Planning Policy Statement 3: Access, Movement and Parking

Policy AMP 2: Access to Public Roads.

Planning Policy Statement 7: Quality Residential Environments

Addendum to Planning Policy Statement 7 - Safeguarding the
Character of Established Residential Areas

Guidance

DCAN 8 Housing in existing urban areas

Creating Places

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, the quality of residential environment proposed and impact to surrounding amenity and access.

Principle of Development

- 8.2 The Northern Area Plan 2016 identifies the site as being located within the settlement development limit of Portrush.
- 8.3 The Strategic Planning Policy Statement for N. Ireland (SPPS) promotes sustainable development throughout the planning system. The guiding principle for planning authorities is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. With regard to housing in settlements, the SPPS states that the use of

greenfield land for housing should be reduced and more urban housing accommodated through the recycling of land and buildings and the encouragement of compact town and village forms.

- 8.4 The SPPS was introduced in September 2015 and is a material consideration in determining planning applications and appeals. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During this transitional period existing policy contained within identified policy documents will be applied together with the SPPS.
- 8.5 The SPPS and planning policy supports the principle of the reuse or replacement of an existing dwelling within the urban area to provide additional residential units subject to the proposal satisfying relevant planning policies. Para 6.137 of the SPPS states, *the use of greenfield land for housing should be reduced and more urban housing accommodated through the recycling of land and buildings and the encouragement of compact town and village forms.*

Quality of Residential Environment and Impact to Amenity

- 8.6 The Policy QD1 of PPS7 (Quality Residential Environments) states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment.
- 8.7 All proposals for residential development will be expected to conform to all the following criteria:
- 8.8 (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;
- 8.9 The site is located to the rear of the terrace and within the curtilage. The proposed development extends to the rear boundary. There is no defensible space to windows fronting the access lane, as advised in Creating Places. This arrangement would generally not be acceptable however there are several

examples close to the site, most notably a section of terrace at Causeway Court and No. 69a Causeway Street. Similarly, several dwellings along Causeway Street have development defining the rear boundary of the site. The proposed hipped roof is not found within the streetscape to the rear of the terrace however the immediate area does host an eclectic mix of roof types and designs. Finally, the scale and massing, although generally not acceptable in other contexts, is acceptable in this case as it is replicated in the immediate streetscape. The level of floorspace proposed is within the acceptable range as set out in PPS7 Addendum. In summary, the proposal adheres to criterion (a).

- 8.10 (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;
- 8.11 There are no features of archaeological or built heritage in or near the site. The proposal satisfies criterion (b).
- 8.12 (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;
- 8.13 Creating Places states that, in the case of apartment or flat developments, or 1 and 2 bed roomed houses on small urban infill sites, private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10sqm per unit to around 30sqm per unit. However, at 26sqm between the two apartments, shared with bin storage, abutting proposed bedroom windows and with the level of overlooking, adequate provision has not been made for private open space. 110 Causeway street would be left with an amenity area of just 11sqm. Due to their very limited size, the lack of light and overlooking of the amenity areas (of both the proposed apartments and 110 Causeway Street) the amenity provision would be ineffective. There is also no boundary treatment between the proposed amenity area and that of 110 Causeway

Street, further compounding the ineffectiveness of these areas as private amenity. Planning appeal 2020/A0041 is pertinent in the consideration of this proposal. In the appeal decision the Commissioner found the proposal to be contrary to criterion (c) of QD1 as the proposed amenity area was not of an adequate size and was hemmed in by development on all sides, limiting sunlight. The Commissioner concluded that the proposed communal amenity area would not provide a quality 'open' space to adequately cater for the private amenity requirements of the proposed flats. In this case the amenity area will be enclosed by 2 and 3 storey development on three sides, limiting the daylight to the area and it would be unacceptably overlooked. The proposal does not satisfy criterion (c).

- 8.14 (d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;
- 8.15 This proposal will be located within the Settlement Development Limit of Portrush and residents can make use of facilities located nearby. Given the nature of the proposed development provisions for new neighbour facilities are not required.
- 8.16 (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;
- 8.17 The proposed site is located within the Settlement Development Limit of Portrush and is located close to the town centre. This will reduce the need to travel to nearby facilities and will promote cycling and walking. The site is close to transport links such as the train station. The proposal satisfies this criterion.
- 8.18 (f) adequate and appropriate provision is made for parking;
- 8.19 Adequate provision has been made for parking with 2 spaces indicated to the front of the proposal, at the request of DFI Roads. DFI Roads were consulted during the consideration of the application and uphold no objection.

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

8.21 The proposed building will be two storeys with hipped roofs, comprising a main two storey rectangular form, orientated perpendicular to the terrace, with a two-storey rear projection. A 2 bedroom apartment is to be situated on the ground floor comprising a living/ kitchen area, bathroom and two bedrooms. The same layout is replicated on the first floor. The building is to be finished externally with slate roofs, smooth render to walls, white ship lap cladding detail, white windows and black rainwater goods. The front elevation will have two ground floor windows to a living area of apartment one, with two first floor windows to the living area of the second apartment. Save for two rooflights, the building will have no windows on the elevation facing toward the hall; on the opposite elevation, facing toward the rear amenity of 108 Causeway, will be a ground floor bedroom window. It is noted however that views from that window will be obscured by proposed boundary fencing.

On the rear elevation, facing toward the rear elevation of 110 Causeway Street, will be ground (1no.) and first floor (2no.) bedroom windows.

The proposed ridge height will match the highest part of the neighbouring hall and be below the height of the two storey extension to the rear of 110 Causeway St.

The streetscape hosts an eclectic mix of finish and design. I assess that the proposed building would not be unduly conspicuous. The form, materials and detailing provided is considered acceptable.

8.22 (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; and

8.23 DCAN 8 provides additional guidance regarding backland development, stating that careful design can overcome concerns of overlooking. It is assessed that the design of the proposal will have an unacceptable impact in terms of overlooking. The proposed development will unduly affect the

private amenity of 110 Causeway Street and 108 Causeway Street. One of the proposed first floor windows will be located at a distance of approximately 2.9m from the opposing windows of 110 Causeway Street. The same window will be located approximately 3.2m from the amenity area associated with 110 Causeway Street. The window to bedroom 1 on the first floor will be located just 4m from opposing windows at 108 Causeway Street.

Given the position and scale of the existing dwelling, adjacent hall and other surrounding development, the proposal will hem in 110 and 108 Causeway Street resulting in an unacceptable impact to light. Due to the proximity to other development the proposal will appear dominant particularly from the rear windows and amenity areas of 110 and 108 Causeway Street.

Overall, the proposed development will create a conflict with adjacent land uses in terms of overlooking, loss of light, dominance, and associated impact to amenity. The proposed development therefore does not meet this criterion of planning policy.

- 8.24 (i) the development is designed to deter crime and promote personal safety
- 8.25 The proposed development will not lead to the creation of areas where anti-social may be encouraged.
- 8.26 Policy LC1 Protecting Local Character, Environmental Quality and Residential Amenity states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:
- 8.27 (a)The proposed density is not significantly higher than that found in the established residential area;
- 8.28 (b)The pattern of development is in keeping with the overall character and environmental quality of the established residential area; and

- 8.29 (c) The size of the apartments exceeds minimum standards set out in Policy and guidance.

Access

- 8.30 Access to the proposal is from an existing lane. DFI Roads have no objection to the proposal subject to a condition for the provision of two car parking spaces.

Habitats Regulation Assessment

- 8.31 The application has been considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Causeway Coast and Glens Borough Council which is the competent authority responsible for authorising the project.
- 8.32 Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site.

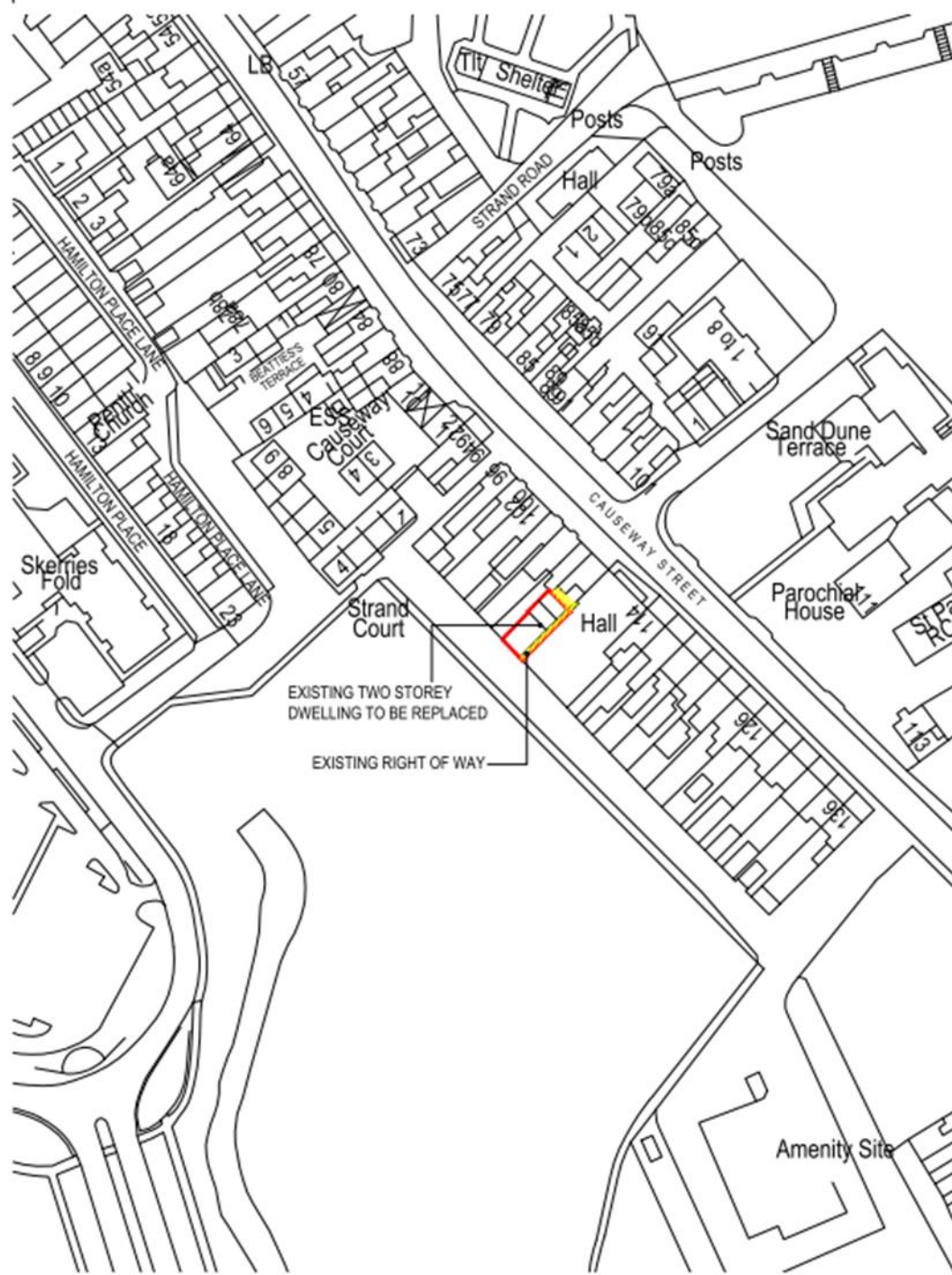
9 CONCLUSION

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan and other material considerations. The proposal relates to the replacement of an existing dwelling with a single building comprising two apartments. The proposal is considered not to provide an acceptable residential environment with no sustainable amenity provision and will have an unacceptable impact upon neighbouring residential amenity by way of direct overlooking, dominance and impact to light. The proposal is considered to be contrary to Policy QD1 of PPS7 and LC1 of PPS7 Addendum and is recommended for refusal.

10 Reason for Refusal:

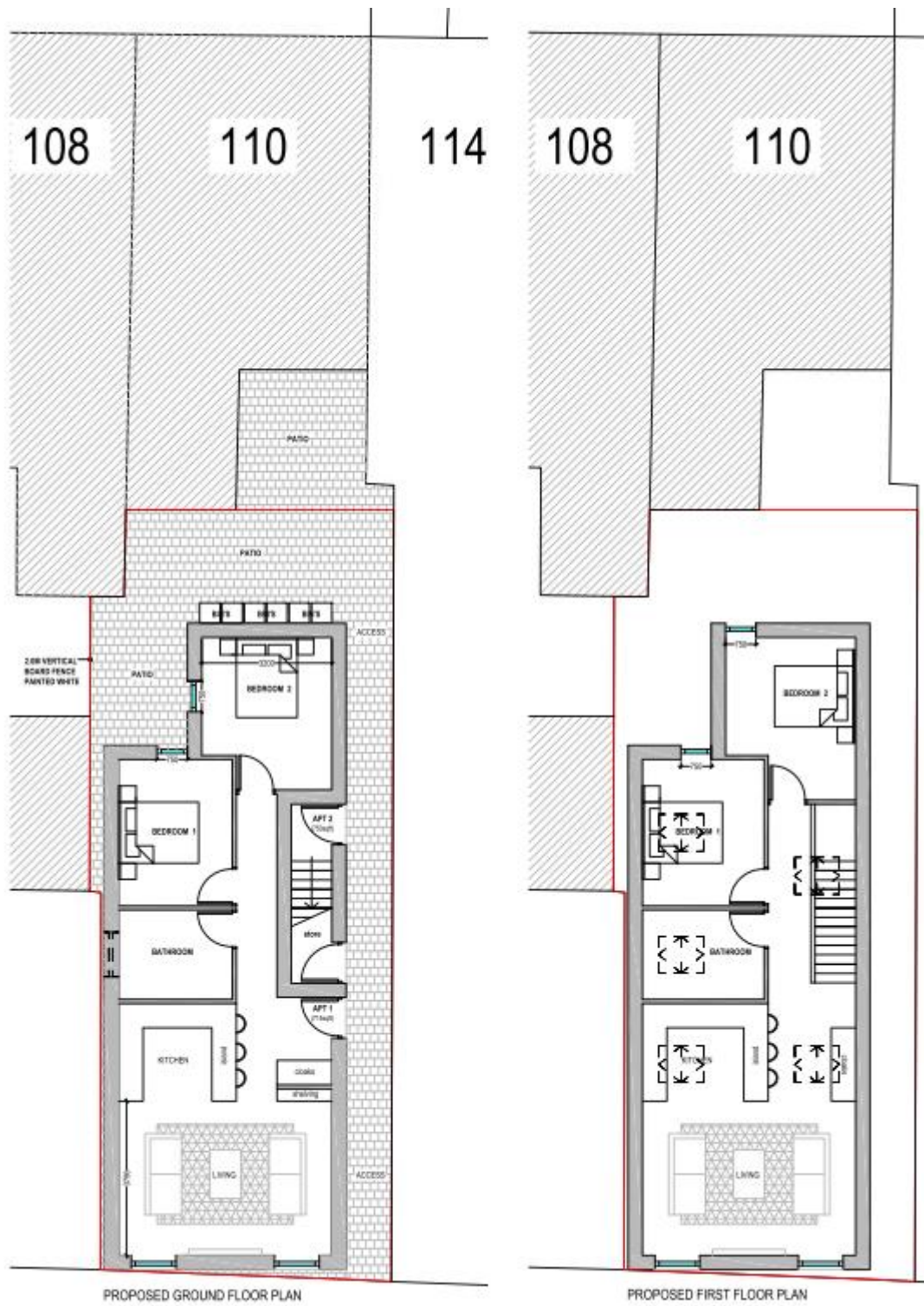
1. The proposal fails to provide a quality residential development and is over development of the site contrary to Policy LC 1 of PPS 7 Addendum and Policy QD1 of PPS7 criterion (c) and (h), in that inadequate provision has been made for private open space and the proposal would if approved create a conflict with adjacent land uses in terms of overlooking, dominance and impact to amenity.

Site Location



SITE LOCATION PLAN - 1:1250

Site Plan



Referral Request

From: Mark Fielding [REDACTED]
Sent: Monday, November 27, 2023 8:15 AM
To: Planning <Planning@causewaycoastandglens.gov.uk>; Denise Dickson [REDACTED]; Oliver McMullan [REDACTED]
Subject: LA01/2023/0513/F Demolition of existing dwelling & replacement with 2 no. apartments at 110a Causeway Street Portrush

Ref :LA01/2023/0513/F Demolition of existing dwelling & replacement with 2 no. apartments at 110a Causeway Street Portrush

I wish to refer the above application to the Planning Committee for the following reasons :

This application is seeking to demolish an existing two storey dwelling which is derelict, and not fit to be upgraded, and to be replaced with a two storey building comprising two apartments.

There are no objections from anyone and the proposal will not be larger than any of the other properties close to this proposal and will not be out of character for the setting on Causeway Street.

Yours,

Mark
Ald M Fielding

Appeal Reference:	2020/A0041
Appeal by:	Mr Peter Diamond – Portrush Rentals
Appeal against:	The refusal of full planning permission
Proposed Development:	Alterations and extensions to existing apartments including the demolition of rear one bed apartment and stores and the erection of three storey extension containing car garage and 2 one bed apartments
Location:	25 Princess Street, Portrush
Planning Authority:	Causeway Coast and Glens Borough Council
Application Reference:	LA01/2019/0243/F
Procedure:	Written representations and Commissioner’s site visit on 15 th February 2022
Decision by:	Commissioner Gareth Kerr, dated 24 th February 2022

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposal would create a quality residential environment, whether it would respect local character and whether it would harm residential amenity.
3. The Planning Act (Northern Ireland) 2011 requires that regard must be had to the local development plan (LDP), so far as material to the application, and to any other material considerations. The Northern Area Plan 2016 (NAP) operates as the LDP for this area. In it, the site is located within the settlement development limit of Portrush (under designation PH01) and is on ‘whiteland’ or land not zoned for any particular land use. It is within an Area of Archaeological Potential. There are no other provisions in NAP that are material to the determination of the appeal.
4. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out transitional arrangements that will operate until a local authority has adopted a Plan Strategy for their council area. It also retains certain existing planning policy statements (PPSs) and supplementary planning guidance. These include PPS 7 – Quality Residential Environments, Addendum to PPS 7 – Safeguarding the Character of Established Residential Areas (APPS 7) and Creating Places – Achieving Quality in Residential Developments which are of relevance in the appeal. The SPPS is no more prescriptive than the abovementioned retained policies and

thus the retained policies take precedence in decision making in accordance with the transitional arrangements outlined in paragraph 1.12 of the SPPS.

5. The appeal site is a relatively flat linear plot with frontage onto Princess Street to the north and Causeway View Lane to the south. It has a two-and-a-half storey mid-terrace building with a front bay window and dormers, accessed from Princess Street, which is sub-divided into three flats. A Certificate of Lawfulness (Ref: LA01/2018/1147/LDE) for the existing use as three flats was granted by the Council on 23rd January 2019. There is a return to the rear of the building comprising a two storey section with a pitched roof and a longer single storey section with a monopitch roof. The existing plans of the building indicate that there is a further flat in the single storey return, but I have no evidence of its status as it was not subject to the Certificate of Lawfulness. It did not appear to be occupied and some building materials were stored in the rear yard. The southern boundary of the site adjacent to Causeway View Lane is marked by a close board timber fence. There is no existing boundary treatment to separate the rear yard from those of the adjacent buildings (Nos. 23 and 27).
6. The appeal proposal entails the demolition of both the single storey and two storey rear returns and extending the footprint of the building south to the edge of the site at Causeway View Lane. A single car garage would be provided at ground floor level along with a communal amenity area and bin store. In the southern half of the site there would be a one bedroom flat on both the first and second floor and the extension would have a flat roof. There would be a terrace on both floors linking the original building to the extension and providing access to each new apartment through the original building accessed from Princess Street. The terraces would be screened to both sides by 1.8 metre timber fences. Other alterations include the amalgamation of the kitchen and living area of the second floor flat in the original building.
7. Policy QD1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. The policy sets out nine criteria that proposals for residential development will be expected to conform to. The Council raised concerns in relation to criteria (a), (c), (g) and (h).
8. APPS 7 provides additional planning policy provisions on the protection of local character, environmental quality and residential amenity within established residential areas. Established residential areas are defined at Annex E as residential neighbourhoods dominated by medium to low density single family housing with associated private amenity space or gardens. This part of Portrush is dominated by residential use and although a number of buildings are sub-divided into flats, I consider it to be an established residential area.
9. Criterion (a) of Policy QD1 requires that 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. Existing development on Princess Street displays uniformity along the frontage. The rhythm created by bay windows and dormers and a variety of paint colours is locally distinctive and traditional to this seaside resort. In contrast, there is a variety of urban design features to the rear of the properties. There are returns of various heights and lengths and some detached outbuildings which bound Causeway View Lane. The plots either side of the appeal site both have three storey returns, though these do not extend as far as Causeway View Lane. The appeal proposal would extend 16.8 metres beyond the original rear wall of No. 25. The existing rear returns take up approximately half the rear yard area whereas the proposal would develop the entire rear yard as far as the edge of Causeway View Lane. While there would be a small area of clear amenity space between the front and rear flats, it would be completely enclosed on all sides by three storey development and partly overhead by the access routes to the new flats.

10. The appellant submitted photographs of other rear returns in the same block. However, there are no other examples of an extension or return of three storeys extending as far as Causeway View Lane. In most other cases where buildings are adjacent to Causeway View Lane, they are single- or two-storey outbuildings or mews-type development with a yard between them and the houses fronting Princess Street. Where there are existing three storey returns, they have a narrow plan-form, vertically proportioned windows and pitched roofs and do not extend as far as the lane to the rear. The introduction of a three storey development the full width and depth of the site with a flat roof and large picture windows facing Causeway View Lane would not respect the surrounding context and local character. It would appear excessive in bulk and crammed onto the site. Its layout, its excessive scale and massing in relation to neighbouring development and its overall appearance would not be in keeping with the character of the local area. It would represent unacceptable intensification and overdevelopment of the site. Accordingly, the proposal is contrary to criterion (a).
11. Criterion (c) requires that adequate and appropriate provision is made for public and private open space and landscaped areas as an integral part of the development. No public open space is required in a development of this size. The Council's concern relates to private open space for the apartments. Paragraph 5.20 of Creating Places states that in the case of flats or apartments, private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from 10m² to 30m² per unit. The appeal proposal would provide a communal amenity area for all five flats measuring 51.8m² on the ground floor. However, less than a quarter of this area would be uncovered and even this small area would be surrounded by three storey development on all sides. It would only briefly catch sunlight if the sun was directly overhead in summer. Therefore I do not consider the proposed communal amenity area would provide a quality "open" space and it would not adequately cater for the private amenity requirements of the five flats.
12. The two new flats would each have a small terrace area outside their main door. These measure 10.5m² on the first floor and 13.7m² on the second floor. However, these areas effectively function as the access route to the flat and would have to be kept clear for pedestrian traffic. Only a very small area would be available for any sort of amenity use. In addition, these terraces would be bound to both sides by

1.8m timber fencing to prevent overlooking of adjacent properties and the first floor terrace is covered by the one above. Sunlight would rarely reach the first floor terrace in particular. These factors indicate that the terraces would prove ineffective as amenity space and I conclude that the overall provision for private amenity space within the development is inadequate. The appellant refers to the site's proximity to public open spaces nearby in Portrush. While this is acknowledged, it would not overcome the failure to provide a minimum standard of private open space as an integral part of the development. The appellant stated that four other apartment developments have been approved in the area with similar or less amenity space, but no details of these approvals were provided. Each application or appeal is determined on its own merits. Based on the evidence before me, the proposal would not make adequate provision for private open space, so it fails to comply with criterion (c).

13. Under criterion (g), the design of the development will be expected to draw upon the best local traditions of form, materials and detailing. The existing terrace has a locally distinctive fenestration to the front with a strong rhythm created by the use of bay windows and dormers and vertically proportioned openings. The design of the terrace is typical of Portrush and other seaside resorts from the Victorian era. There is more variation to the rear of the buildings, but common features include narrow plan-form rear returns with pitched roofs and window openings with a vertical emphasis. The appeal proposal is a box-like structure with a flat roof and wider plan-form than that typically found in the locality. Although there are some picture windows in the wider area, those proposed in the southern elevation (along with the roller-shutter garage door) would appear contrary to the best local traditions of form and detailing when viewed from Causeway View Lane. There would be a lack of coherence with the original building and neighbouring properties and there are few unifying elements that would help integrate the extension with the surrounding traditional architecture. Therefore I consider that the proposal is contrary to criterion (g).
14. Criterion (h) requires that 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. The Council's concern relates to loss of light and overshadowing. They refer to two windows in the gable of the rear return of No. 27 to the west which would be overshadowed to an unacceptable degree by the proposal. The appellant states that these are non-habitable rooms for secondary fire escape purposes, but has provided no floor plan of the adjacent buildings that would verify this. At No. 23 to the east (a building containing five apartments), there are three windows in the rear wall of the original building, 11 windows in the rear return facing the appeal site and a further 2 on the gable of the return. The appeal proposal would place a three storey (8 metre high) wall parallel to the return of No. 23 and approximately 2.6 metres from it, restricting daylight reaching these rooms. The appellant argued that all the above windows at No. 23 serve bathrooms and hallways. While such an argument may assist in overcoming concerns about overlooking, it is of less consequence regarding loss of light. During my site visit, I observed two soil vent pipes that suggest some of the rooms are bathrooms, but there is insufficient evidence to demonstrate that none of the rooms are habitable in the absence of floor plans of the building. In any case, even bathrooms with obscured glass could be harmed by overshadowing and loss of light.

15. The erection of a blank wall so close to both neighbouring properties and the unusual feature of timber fencing at first and second floor level would unacceptably harm their amenity through loss of light. Due to the longer length of the extension compared to the neighbouring returns, it would reduce sunlight reaching these properties for at least half the day. It would also significantly overshadow their rear yard areas reducing their amenity value. The appellant argued that the proposal is significantly lower in terms of height than the neighbouring rear returns, but only one of these is shown on the elevations and its roof pitch is inaccurate. The appeal proposal may be slightly lower by virtue of having a flat roof, but the 8 metre tall block would still have an overbearing effect on the neighbouring properties and would result in unacceptable loss of light. The proposal does not comply with criterion (h). As I have upheld the Council's concerns under criteria (a), (c), (g) and (h) of Policy QD1, the proposal is contrary to Policy QD1. The Council has sustained its first reason for refusal.
16. Policy LC1 of APPS 7 states that in established residential areas, planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and three additional criteria are met. The Council considers that the proposal is contrary to criterion (b) which requires that the pattern of development is in keeping with the overall character and environmental quality of the established residential area. The Justification and Amplification of Policy LC1 indicates that issues to be considered include ratios of built form to garden area, spacing between buildings, scale, height and massing of buildings, the distance from boundaries of adjoining properties, loss of light and overshadowing.
17. I have already found that the site is located in an established residential area, that the development of the full rear yard area leaving only a small uncovered area in the centre of the site would not respect the surrounding context and that the height, scale and massing of the extension would harm local character and residential amenity through loss of light. The prevalent built form in the area is narrower rear returns with private amenity space between them and these generally do not extend as far as the rear boundary of the site. The three storey flat-roofed form of the appeal proposal which extends to the full width and depth of the site would not be in keeping with the prevailing pattern of development in this established residential area. The unusual arrangement whereby residents of the rear flats would have to enter through the front door and come through the original building and then across a terrace to enter the flat also appears out-of-keeping with other development in the area. The proposal is contrary to criterion (b) of Policy LC1 and the Council has sustained its second reason for refusal.
18. Both parties referred to a previous planning application (Ref: C/2007/0223/F) for 14 apartments on the footprint of Nos. 23-27 Princess Street which was refused on 31st August 2007. The Council argued that this decision set a precedent for refusal of unacceptable apartment development on the site. The appellant argued that the previous decision was not comparable, outdated and irrelevant. Neither party has provided me with details of the decision referred to, so it cannot be given any weight in the determination of this appeal which is for a different proposal. Each decision is based on its own merits. Based on the evidence before me, the appeal proposal

would not create a quality residential environment. It would be harmful to local character and residential amenity. Accordingly, the Council's refusal reasons are sustained and determining and the appeal fails.

This decision is based on drawing No. 01 (Site Location Map – 1:1250) and No. 02 (Site Plan – 1:250) which were received by the Council on 12th March 2019 and No. 03B (Elevations and Floor Plans – 1:100) which was received by the Council on 28th November 2019.

COMMISSIONER GARETH KERR

List of Documents

- | | | |
|----------------------|---|---|
| Planning Authority:- | A | Statement of Case
Causeway Coast and Glens Borough Council |
| Appellant:- | B | Statement of Case
Joseph E McKernan & Son |
| | C | Rebuttal Statement
Joseph E McKernan & Son |