

Addendum 3

LA01/2018/0134/F

1.0 Update

1.1 Further correspondence received 10th August 2020.

2.0 Assessment

1.2 The further comments have been received in the following format, set out below:

- Time line of the application
- Questions relating to the processing
- Shadow analysis
- Sunlight impact assessment.

1.3 Issues relating to the stiles on the riverbank for fishing and if there are any protections which need to be applied to protect this permit holder amenity.

2.0 Assessment

2.1 The submitted chronology showing details of the history of the site and the processing of the applications. This was uploaded onto NIPP for the members to view 14th August 2020.

2.2 Comments to the acceptability of the plans. The revised plans, received 21.2.2019, met with the conditions of the outline approval in relation to the scale and massing. Following submission of the amended plans and their reassessment they were found to be acceptable as set out in the Planning Committee report.

2.3 The Planning Committee report reflects discussions and guidance provided by the senior officer and is an opinion on the application to be presented to the Committee. The Planning Committee report is the formal record of the assessment of this application agreed with the senior planner.

- 2.4 The recommendation to approve, communicated to the agent by the case officer, was the recommendation by the case officer at that time.
- 2.5 The case officer recommendation which is noted on the email dated 13.11.2019 also advised that the application was going to the 20.11.19 group meeting. However on the 14.11.2020 we received the additional representations which changed this to a Planning Committee application. The discussion between the case officer, Joy McIntrye, and the senior planner, Jennifer Lundy, is the assessment of the proposal compiled and presented as the Planning Committee report.
- 2.6 In response to objections relating to the inaccuracies of the Contextual Road Elevation section B-B of drawing No 5G. This is covered in paragraphs 8.6 and 8.7 of the Planning Committee report. Furthermore, the Planning Committee have carried out a site inspection at this site and viewed existing dwellings in relation to the proposed site. The members viewed the proposal from the road, the site and Nos 41 and 43.
- 2.7 The relationship with No 43 Ballyclogh Road is as set out in paragraphs 8.36 – 8.39 of the Planning Committee report. No 43 finished floor level is 2.85m lower than the finished floor level of the proposed dwelling. However due to adequate separation distances between the buildings, see section A –A of Drawing No 5G, and the siting there is no adverse overshadowing or loss of light.
- 2.8 The separation distance between the north east corner of the garage and the boundary is 10.6m.
- 2.9 The objector raises concerns relating to missing correspondence. The correspondence on file relating to pages 2 and 3 of an email dated the 21/1/2019 have been sent to the objector. The note of a phone call from the SPTO and objector dated the 24/2/2020 is on file and has been forwarded to the objector. In response to a case officer report that the case officer had referred to as “prepared”, this was prepared on the central paragraphs on the planning portal and no report was printed. Prior to printing the delegated officers report further objections were received that changed the report to a Planning Committee report. The ‘prepared’ report on the central paragraphs was then updated to include assessment of the further

objections and to change the formatting to that of a Planning Committee Report. The notes of the Site Visit are available to view on the Planning Portal.

- 2.10 The objectors have submitted a shadow analysis of the proposed dwelling and the perceived impact on No 43. Para 4.12 of the SPPS advises that amenity issues arising from development may have potential health and wellbeing, include loss of light and overshadowing.
- 2.11 The objectors have submitted a shadow calculator from google maps and a sunlight impact assessment. The assessments show the proposal causing significant overshadowing and loss of light. In response, overshadowing is discussed in detail in the PPS 7 Addendum Residential extensions and alterations. This policy does not apply to this proposal for a new build. However, it is worth noting as the only policy guidance that relates to standards for overshadowing and loss of light. The paragraphs below are extracted from the policy document.

“In terms of daylighting, the effect on all rooms, apart from halls, landings, bathrooms and utility rooms will be considered. Where an extension would be likely to reduce the amount of light entering the window of a room, other than those indicated above, to an unreasonable degree, planning permission is likely to be refused.

Significant problems of sunlight or daylight loss are most likely to occur in terraced or semi-detached housing situations and it is here that most care needs to be taken. An extension should be kept as far as possible from neighbouring windows and boundaries to minimise impact.

To help assess the loss of light as a result of a proposed development to the front or rear of a residential property, the 60 degree and 45 degree lines, as shown in Figure 1 for single storey and two storey extensions respectively, will be employed. These lines will be taken from the centre of the closest neighbouring window. It should be noted that where the closest window is located at first floor level it may be more appropriate to consider this against the 60 degree line. The elevations and outline plans of adjoining properties should be shown on drawings, accurately scaled (in metric measurement) to allow proper consideration of this matter.

The guidance in Figure 1 is not however a rigid standard which must be met in every case. Rather it is an assessment tool which will be used in conjunction with other relevant factors in order to gauge the acceptability of proposals in terms of the overshadowing / loss of light impact upon neighbouring properties.”

2.11 Taking the above in terms of planning policy and guidance for loss of light and overshadowing in the consideration of this application and applying the standards there is no demonstrable impact on the amenity of No 43 Ballyclogh Road that would warrant a refusal. This is due to the substantial separation distance and siting of the dwelling in relation to No 43 Ballyclogh Road.

2.12 The issue raised relating to the access for fishermen. This has been previously addressed in Addendum 2 paragraph 2.24.

3.0 Recommendation

3.1 That the Committee note the contents of this Addendum and agree with the recommendation to approve the proposed development in accordance with paragraph 1.1 of the Planning Committee report.