

Planning Committee Report LA01/2020/0033/F	23rd September 2020
PLANNING COMMITTEE	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environment and Assets
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
Lead Officer	Development Management & Enforcement Manager
Cost: (If applicable)	N/a

<u>No:</u>	LA01/2020/0033/F	<u>Ward:</u>	Macosquin
<u>App Type:</u>	Full		
<u>Address:</u>	11 Mussenden Road, Downhill, Castlerock, BT51 4SB		
<u>Proposal:</u>	Proposed boundary wall to front and west of dwelling and extension of curtilage.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	10/01/2020
<u>Listed Building Grade:</u>	N/A		
Agent:	ACA Architecture, Cottage Studios, Gortrush, Great Northern Road, Omagh, BT78 5EJ		
Applicant:	Mr & Mrs Kenny Mills, 121 Drumlish Road, Greenan, Dromore, BT78 3BY		
Objections:	7	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

EXECUTIVE SUMMARY

- Full planning permission is sought for a boundary wall to the front and west of the dwelling and an extension of curtilage.
- The site is not located within any settlement development limits as defined in the Northern Area Plan 2016. The site is located within the Binevenagh Area of Outstanding Natural Beauty.
- The principle of development is considered acceptable having regard to Policy EXT 1 as the proposed increase in site curtilage and size, scale and materials of the proposed boundary treatments meet the policy requirements.
- The proposal complies with policy NH 6 of PPS 2 as the proposed scale and design are acceptable and sympathetic to the AONB.
- Historic Environment Division and DfI Roads were consulted on the application and raise no objection.
- There are 7 objectors to the proposal from the neighbouring apartment block.
- The application is recommended for Approval.

Drawings and additional information are available to view on the Planning Portal- www.planningni.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 **APPROVE** planning permission subject to the condition set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 Mussenden Road is a rural road which features a small number of dwellings and other development, connecting the Seacoast Road to the defined settlement of Articlave.
- 2.2 The application site is located at no. 11 Mussenden Road, Downhill. The site currently hosts a 2.5 storey dwelling which is nearing completion, and at the time of site visit, a boundary wall was under construction.
- 2.3 The dwelling is finished in natural stone to the ground floor, and smooth painted render to the upper floors. The dwelling presents large windows on the front elevation which offer views of the nearby beach and sea beyond.
- 2.4 The site is bound to the rear by the high rock faced cliff, where the levels increase dramatically from those of the remainder of the site and the public path and road. At the time of site inspection, the east of the site was bound by a low manicured hedge which also served as the west boundary for the neighbouring dwelling. Works were being carried out to the front of the dwelling, likely indicating that the front boundary was soon to be constructed. The west of the site was bound by a natural stone rendered wall which stepped in height to mirror the increasing levels of the site. The rear portion of this wall on the western elevation stopped increasing at a height of approx. 2m, and also served as a retaining wall for the bin store for the adjoining Temple Cove Apartments.
- 2.5 The site is located within the Binevenagh Area of Outstanding Natural Beauty.

3 RELEVANT HISTORY

- 3.1 LA01/2016/0971/F – Proposed replacement dwelling. 11 Mussenden Road, Castlerock.
Permission granted – 5th July 2017.

4 THE APPLICATION

- 4.1 The application seeks full planning permission for a boundary wall to the front and west of the dwelling and extension of curtilage.

Habitats Regulation Assessment

- 4.2 The potential impact this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

5 PUBLICITY & CONSULTATIONS

5.1 External

There are 7 objectors from apartments within the neighbouring Temple Cove Apartments. A summary of concerns raised include:

- Loss of light into the corner ground floor apartment caused by the wall
- Unacceptable impact on safe entrance and egress from Templecove Apartments, particularly due to height and location of wall
- Impact on property values
- Transfer of land ownership

- Correspondence with DfI Roads
- Traffic users not adhering to the speed limit
- Roadside Drainage

5.2 Internal

Historic Environment Division – has no objection to the proposal

DfI Roads – has no objection to the proposal

6 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

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

6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as both a new local plan strategy is adopted, councils will apply specified retained operational policies.

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

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

7 RELEVANT POLICIES & GUIDANCE

Northern Area Plan 2016

PPS 2 – Natural Heritage

PPS 3 – PPS 3: Access, Movement and Parking

Addendum to PPS 7 – Residential Extensions and Alterations

DCAN 15: Vehicular Access Standards

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to previous approval, site curtilage, boundary design, impact on amenity, impact on the AONB, road safety and other matters.

Planning Policy

- 8.2. The site is located outside any settlement development limit and is within the rural area. The site is in an area of established residential development which includes single and terrace dwellings, and an apartment building. The site is located within Binevenagh Area of Outstanding Natural Beauty.
- 8.3. The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.

Previous Approval

- 8.4. There was an approval for a replacement dwelling on this site with permission granted 5th July 2017 (LA01/2016/0971/F). This approved a new dwelling which was enclosed by 900mm high wall around part of the dwelling's curtilage. This involved the removal of a telegraph pole that was to be located outside the visibility splay, and the removal of an existing stone wall. The boundary wall was to be located 2 metres back from the front of the then existing stone wall. This was illustrated on the

approved drawing with this planning approval – Drawing No. 03/4.

- 8.5. This application now seeks to amend the boundary details and increase the overall site curtilage. The proposal is assessed against Planning Policy EXT 1 of the Addendum to PPS 7 “Residential Extensions and Alterations”. Policy EXT 1 Residential Extensions and Alterations states that:

Planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- (a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;*
- (b) the proposal does not unduly affect the privacy or amenity of neighbouring residents;*
- (c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and*
- (d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.*

The guidance set out in Annex A will be taken into account when assessing proposals against the above criteria.

Site Curtilage

- 8.6. The application proposes a small increase to the overall site curtilage from that approved under LA01/2016/0971/F. It is increased along the western boundary, to the rear, with an increase of @4.5 metres, before then extending into the cliff face to the rear.
- 8.7. This increases the area adjacent to the western elevation of the dwelling, next to a residents’ access in the neighbouring apartment development. Given the size, scale and location of the area to now come within the curtilage of this dwelling would not undermine any policy requirement within EXT 1, and it does not prejudice any current use of this land, this is considered acceptable.

- 8.8. Subject to the appropriate Planning Application Certificate being completed (Qu.27 P1 form), any concerns regarding the sale or transfer or ownership of land is not a planning matter and is therefore afforded limited weight.

Boundary Design

- 8.9. The proposal now seeks to replace the previously approved wall with 'estate railing' and retain the western and northern wall. The 'estate railing' is proposed to a height of 900mm, a similar height to the previously approved wall, which runs to the eastern pillar which is a height of 1.1 metres. There is then an entrance gate between the 2 pillars. Due to a gradual and gentle drop in ground levels along the rest of the frontage – east to west, the western pillar is @1.5 metres (0.4 metres higher than the eastern pillar). At this point the pillar sits slightly higher than the wall, which due to the continuing gradual drop in ground level, results in the wall being a maximum height of 1.7 metres from ground level. This is at the corner of the wall, where it turns to run south towards the cliff face; the western boundary of the site. This entire frontage is set 2 metres back from the roadside.
- 8.10. Paragraph A23 of the Addendum to PPS 7 states that walls and fences, particularly in front gardens, can have a significant effect on the appearance of the property and streetscape. When erected beside driveways or on corner sites they can have an impact on sightlines and traffic safety. Both the visual and road safety aspects of a wall or fence will be assessed when proposals are being considered. Materials should always complement the character of the property and the neighbourhood.
- 8.11. The proposal seeks permission for a natural slate stone wall to the west of the site, whilst the front will feature stone pillars and 'estate railing'. The natural slate stone wall is complementary to the site and surrounding area, as the material is also used on the ground floor of the dwelling, and is sympathetic to the exposed stone cliff face to the rear of the site. The neighbouring apartment development has a natural stone cladding expanding to cill level of the 2nd floor apartments next to the wall, and then this material continues for most of the frontage up until first floor level which encloses the parking area. Given the foregoing, the

proposed wall will not look out of place or character, and the scale of the wall, with the cliffs to the rear and the prominent apartment development, with its use of stone, will not be at odds with viewed from the road. The wall integrates visually into its surroundings.

- 8.12. The 'estate railings' comprise a bottom, middle, and upper rail running between 7 fence posts (with a pillar on each end) at a height of 900mm. This is a sympathetic proposal along the frontage as the visual breaks significantly reduce the overall bulk and allow sight through into the garden and dwelling.
- 8.13. Having regard to Policy EXT1 (PPS 7 Add.) and its supporting paragraphs and text, the scale, massing, design and materials of the proposed wall and estate railings are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area. The proposal therefore meets criterion (a) of EXT 1.

Impact on Amenity

- 8.14. In criterion (b) of EXT 1, there is a requirement that the proposal does not unduly affect the privacy or amenity of neighbouring residents.
- 8.15. The dwelling that was replaced under planning approval LA01/2016/0971/F was sited on the western boundary, next to the apartment development. This has now been demolished and replaced with the dwelling which is subject to this application. Policy seeks to prevent any unneighbourly extensions.
- 8.16. There are no privacy or overlooking issues as this is a wall and it will not alter any potential impact than that already established under the previous approval.
- 8.17. There has been an objection that there will be a loss of light into the apartments. On the eastern corner of the apartment development, the rooms to the front of the development have corner windows, with a second window with a much larger area of glass on the front elevation which takes advantage of the views over Downhill Beach and the sea. There is a small area of

glass on the eastern elevation which faces towards the application site. The apartment that may suffer greatest impact would be located on the ground floor. As this window faces east, any impact would be greatest in the morning as the sun rises due to the buildings orientation. It should also be noted that the main source of light is from the larger north facing window which has a smaller window on the west, next to the car park entrance.

- 8.18. Having regard to this arrangement it is unlikely that a 1.7 metre high wall would have sufficient impact on either the loss of direct or ambient sunlight, as this is not the sole window into this room. That said it would unlikely be unacceptable if this was the only window, given the overall height of the wall and the distance from the window and that a dwelling once was located within this general location. Therefore, on balance, considering the nature of the proposal and its potential impact on the neighbouring property, it will not have such a significant impact as to unduly affect the amenity of the neighbouring residents. The proposal meets the policy requirements of criterion (b).

Impact on the Area of Outstanding Natural Beauty

- 8.19. Criterion (c) states that any proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality. This site is located within the Binevenagh Area of Outstanding Natural Beauty (AONB) which is the primary landscape designation and feature. There is no proposal involving unacceptable loss or damage of trees.
- 8.20. Policy NH6 of PPS 2 offers guidance on new development in an Area of Outstanding Beauty. Relevant guidance states that permission will only be granted where a proposal is of appropriate design and respects local materials, design and colour.
- 8.21. The proposed finishes on the wall have been sympathetically chosen to replicate the finishes of the dwelling and neighbouring apartment development, and further reflect the cliff face which is a prominent feature along this stretch of road. The 'estate railings' are non-intrusive, as they provide visual breaks through the railings, and compliment the stone wall.

8.22. The wall and minor extension of curtilage are supplementary to the dwelling which was previously approved on 5th July 2017. The principle of development has been established and it is considered that the design and materials of the rails and walls are complementary to the site and immediate character, and the AONB. The proposal complies with NH 6 and criterion (c) of EXT1.

Road Safety

8.23. The proposed wall measures a maximum height of 1.7m in when measured from ground level. This maximum height is located at the corner, at the boundary between the application site and the neighbouring apartments. The wall is set 2m from the public road when measured at all sections, and is separated by a footpath between the site and the road.

8.24. DfI Roads was consulted as the competent authority on road matters and responded on 18th February 2020. In this response, DfI confirmed that the wall position does not encroach on the visibility splays which were approved for the Temple Cove Apartments development in response to objections received regarding this matter. It also sought some further revisions and additional information in this response.

8.25. DfI Roads was then re-consulted on 16th March 2020 on a revised plan, and the structural information sought. In this response, received on 6th April 2020, DfI confirms that the proposal is satisfactory and raises no objection to this. The proposal accords with the Policy requirements set out in PPS 3 (and its addendums), as the proposal does not impact on the proposed visibility splays of the existing dwelling, and does not interfere with the existing visibility splays of the neighbouring apartment block. The proposal does not affect the requirements set out in DCAN 15.

8.26. Objections raising concern about traffic users failing to adhere to speed limits is not a planning matter, but rather a matter for the PSNI who is the responsible authority for the enforcement of those speeding.

- 8.27. Individual's concern with any correspondence between Dfl Roads and themselves should raise this concern with Dfl Roads rather than the Planning Authority.

Other Matters

- 8.28. Objectors raise concern regarding the impact on property values. Paragraph 2.3 (pg.10) of the SPPS states that (the planning system)...*does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. It can be difficult to distinguish between public and private interests, but this may be necessary on occasion. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest.*" Given no evidence has been submitted to support the assertion that this proposal will have an impact on property values, and having regard to Para. 2.3, this matter is given little weight in the consideration of this application.
- 8.29. The objectors also raised concern regarding roadside drainage. A roadside gully has been illustrated on the block plan and there is existing drainage in the area. On receipt of the original consultation, Dfl Roads response of 18.02.2020 stated that:
- *The kerbs shown at the access do not reflect what is currently on site and should be amended.*
 - *The drawing indicates arrows with a fall towards a gully at the entrance gate while the levels given indicate the fall going the opposite direction. A cross section through the access should be provided to confirm the access gradient in accordance with DCAN15.*
- 8.30. Subsequent to this request, a revised drawing was submitted and there was further consultation with Dfl Roads. Dfl Roads responded on 06.04.2020 with no objection suggesting a condition and informative. Having regard to this matter, there is roadside drainage proposed and Dfl Roads raises no objection to this matter.

9 CONCLUSION

- 9.1 The proposed development is considered acceptable in this location having regard to the Northern Area Plan and all other material considerations. DfI Roads has confirmed that the wall does not impact on the visibility splays of either the applicant's or apartment development as required by policy and guidance. The proposed wall and 'estate railings' are sympathetic in design to the host dwelling, and will not detract from the character or appearance of the surrounding area. Approval is recommended.

10 CONDITIONS & INFORMATIVES

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.**

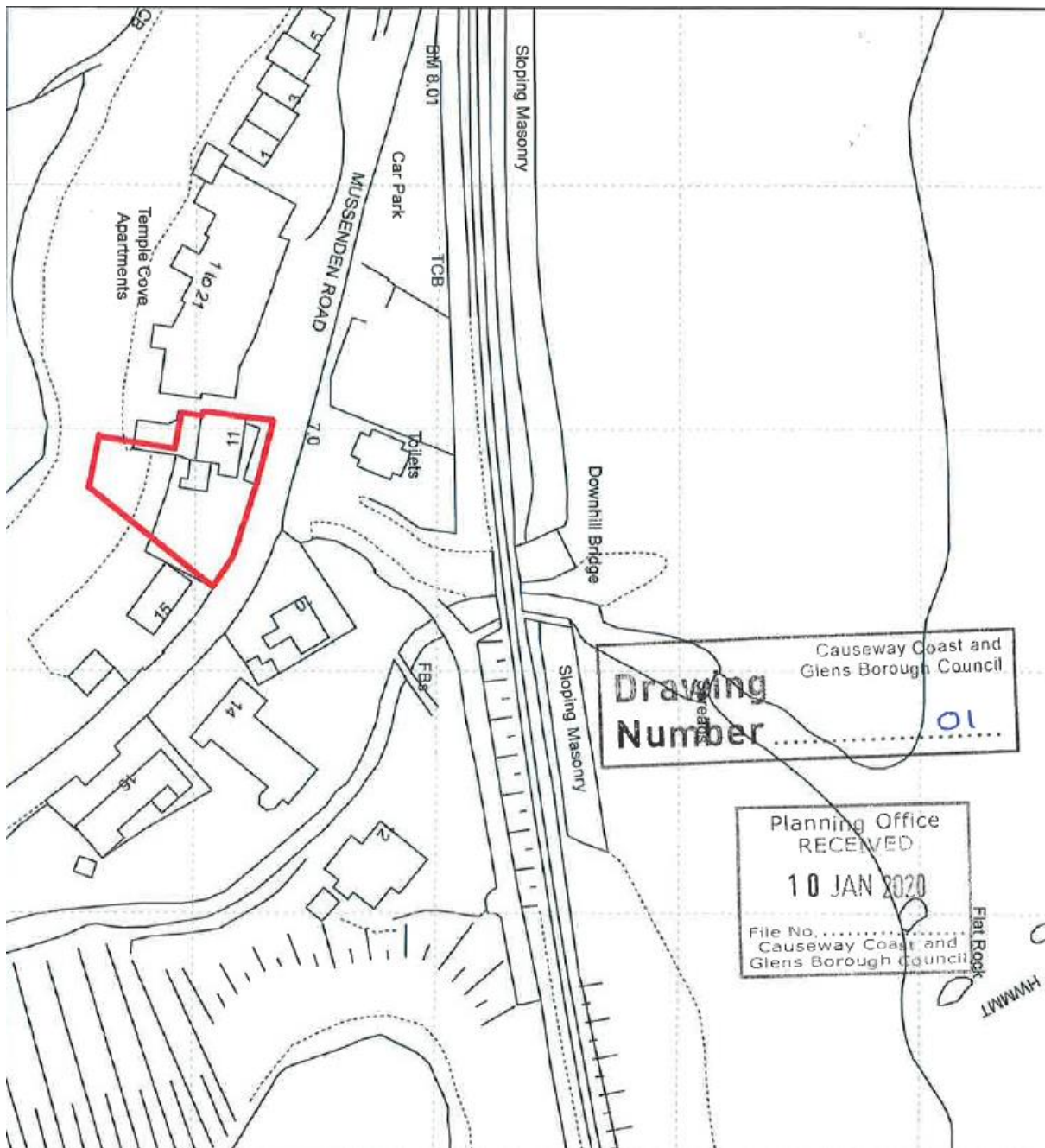
Reason: Time Limit.

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 permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. 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.
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 at <http://epicpublic.planningni.gov.uk/publicaccess/>.

Site Location



Block Plan

