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| Planning Committee Report LA01/2019/0300/F | 23 September 2020 |
| PLANNING COMMITTEE | |

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| 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 |

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| <u>App No:</u> | LA01/2019/0300/F | <u>Ward:</u> | Atlantic |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 38 Dhu Varren, Portrush | | |
| <u>Proposal:</u> | Proposed 2 no. semi-detached dwellings and garages - amendments to housetypes from previously approved scheme ref: LA01/2017/0469/F including amended roof design with provision of additional amenity areas (retrospective application) | | |
| <u>Con Area:</u> | N/A | <u>Valid Date:</u> | 22.03.2019 |
| <u>Listed Building Grade:</u> | N/A | | |
| Applicant: | Mr D. Patterson, 1 Harbour View, Dhu Varren, Portrush | | |
| Agent: | TSA Planning, 20 May Street, Belfast | | |
| Objections: | 2 | Petitions of Objection: | 0 |
| Support: | 0 | Petitions of Support: | 0 |

Executive Summary

- This proposal is not considered acceptable at this location having regard to the Northern Area Plan 2016 and all other material considerations.
- In the Northern Area Plan the site is located within the Settlement Development limit for Portrush. There are no other designations linked to this site.
- Previously planning permission was granted for two, three storey, semi-detached dwellings. The proposed development was constructed with an additional storey. Within the previous application a fourth floor was proposed but the Planning Authority advised that this was unacceptable and the scheme was reduced to three stories.
- There has been 2 objections received regarding the proposed development. Concerns raised have been addressed within this report. All consultees are content with the proposed development.
- The proposal fails to comply with all relevant planning policies including the Northern Area Plan, SPPS, PPS 7, and Addendum to PPS 7 as it will have an adverse impact on the character of the area and would have a detrimental impact on the private amenity of neighbouring dwellings by overlooking and overshadowing.

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

2.0 SITE LOCATION & DESCRIPTION

- 2.1 At the time of inspection construction works were being completed which included the development on the fourth floor. To the rear the site is bounded by a wall high wall with garage doors which back onto Blackrock Road. To the front the site is bounded by a high wall with gate which fronts on to the public footpath onto Dhu Varren. To the east and west the site is surrounded by walls which bounds the properties at 36 and 40 Dhu Varren.
- 2.2 The site is within the development limit of Portrush. The site is located in a predominantly residential area which consists of 2 and 3 storey detached and semi-detached with some apartments. There are a mix of finishes to include render and dash.

3.0 RELEVANT HISTORY

LA01/2017/0469/F, 38 Dhu Varren, Glenmanus, Portrush, Development of 2 no semi-detached dwellings. Permission Granted 29.3.2018

- 3.1 Planning permission was granted for two, three storey, semi-detached dwellings. The proposed development was constructed with an additional storey. Within the previous application a fourth floor was proposed but the Planning Authority advised that this was unacceptable and the scheme was reduced to three stories. The principle of three storey dwellings have been established on the site. This application is

retrospective and will assess the impact of the additional fourth floor which incorporates a lift shaft and additional roof terraces.

4.0 THE APPLICATION

- 4.1 Proposed 2 no. semi-detached dwellings and garages - amendments to house types from previously approved scheme ref: LA01/2017/0469/F including amended roof design with provision of additional amenity areas (retrospective application)

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

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

- The additional fourth floor is obtrusive and not appropriate in regard to design.
- There will be an invasion of privacy on the neighbouring properties from such a height.
- The dwellings were to be limited to three stories but an additional floor was constructed.
- Description not accurate as the proposal includes provisions for a fourth floor.
- Proposal with huge increase in mass and footprint is not in keeping with the character of the area.
- Despite a lack of planning approval the development continued and therefore disrespected the Planning Authority due process.
- This increase in height, massing and overall scale in relation to neighbouring properties would set a dangerous precedent.

5.2 Internal:

NI Water (No objection)

DAERA: Water Management Unit (No objections)

Environmental Health (No objections)

DFI Roads (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 Regional Development Strategy

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

PPS 3 - Access, Movement and Parking

PPS 7 – Quality Residential Environments

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

Supplementary Planning Guidance

DCAN 8 – Housing in Existing Urban Areas

Creating Places

Development Control Advice Note 15 Vehicular Access Standards

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the principle of development; quality in new residential development; the impact on the character of the surrounding area; PPS 3 Access Movement and Parking; Other Matters and Habitats Regulation Assessment.

Principle of development

- 8.2 In the Northern Area Plan the site is located within the Settlement Development limit for Portrush. There are no other designations linked to this site.
- 8.3 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.
- 8.4 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. The policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. This approach to housing will support the need to maximise the use of existing infrastructure and services, and the creation of more balanced sustainable communities.

Quality in New Residential Development

8.5 Policy QD 1 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.

(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;

8.6 The proposal is for 2 semi-detached dwellings and garages which is an amendment to the previously approved house types and includes an additional fourth storey. The roof covering, fascia and soffit are to be finished with seam zinc cladding. The walls will be finished with a combination of self-coloured render and cedar timber cladding. The development also incorporates ceiling to floor glazing on the front and rear elevations. It was considered under application reference LA01/2017/0469/F that the overall design and appearance of the building reflected contemporary buildings in the area to include the residential development at the Whins and the recently constructed replacement of 11 Blackrock Road to the rear of the site. In regard to this application the 1st three floors are of a similar scale and massing of that approved under application reference LA01/2017/0469/F. Although there is concern regarding the impact of the three stories on the character of the area in terms of dominance this impact was accepted under the previous approval.

8.7 In terms of this proposal the additional fourth floor with lift shaft and roof terraces is the key to this assessment. Several site visits have been completed on the site both during construction and when the construction works had been completed. In regard to the front elevation there are limited views of the fourth floor from Dhu Varren and the impact of the fourth floor is considered acceptable. However, having regard to the impact of the proposed development from Blackrock Road to the rear the proposed fourth floor will emphasise the dominance of the proposed development on the dwellings at 40 and 36 Dhu Varren. The proposed development with additional fourth floor

would tower above both dwellings. There are also no instances of four storey development along this section of Dhu Varren. Further to this zinc cladding is proposed at roof level which although will protect neighbouring properties from the perception of overlooking will add to its dominance.

8.8 It is considered that with the additional fourth floor the proposed development would have a detrimental impact on the character of the area.

(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;

8.9 The proposal is not located in proximity to listed buildings, archaeological sites or monuments or areas of archaeological potential. There are no Local Landscape Policy Areas located in proximity to the site. The proposal will not have a detrimental impact on features of archaeological, built heritage or landscape importance and therefore complies with this criteria of planning policy.

(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;

8.10 Creating Places states all houses should have an area of private open space and it should be approximately 70m² per house or greater. The two dwellings proposed have access to two areas of private amenity space located to the rear which equates to 69 square metres and 73 square metres. There is also provision for second floor balconies to the front and rear which equates to an additional 47.7 square metres of amenity space. There are also additional covered and uncovered roof terraces at third floor level which equates to a further 93.5 square metres of amenity space. The proposed development therefore meets with this criteria of planning policy.

8.11 This development will provide 2 units which is below the 25 unit threshold as stated in PPS 8 Open Space and Recreation policy OS 2 relating to open space in new residential development. For smaller scale projects these will be assessed on their own merits and it has been found that there is no requirement for public open space as part of this proposal given its scale and location.

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

8.12 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.

(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;

8.13 This proposed site is located within the Settlement Development Limit of Portrush and is located close to the centre of this settlement. This will reduce the need to travel to nearby facilities and will promote cycling and walking.

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

8.14 Two car parking spaces have been proposed onto Dhu Varren with an additional four spaces located to the rear and onto Blackrock Road. DFI Roads was consulted in regard to this and raised no concerns in regard to parking provision. The proposed development meets with the parking standards.

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

8.15 The proposed design and finishes are similar to that previously approved under application reference LA01/2017/0469/F. The roof covering, fascias and soffit are to be finished with seam zinc cladding. The walls will be finished with a combination of self-coloured render and cedar timber cladding. The development also incorporates ceiling to floor glazing on the front and rear elevations. These materials were accepted under the previous approval and having regard this are acceptable. However, with the provision of the fourth floor the proposed design is unacceptable.

(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;

8.16 The principle of the main built form to include the first three floors has already been established under application reference LA01/2017/0469/F. The main alterations and extensions therefore relate to the development on the fourth floor which includes provisions for lift shaft and roof terraces. There is an extension of the proposed balcony at 2nd floor level toward the front of the development. There has also been alterations to the positioning of windows but the impact of these will be similar to the previous approval. The alterations and extensions proposed will therefore form the main basis of this assessment.

8.17 In regard to the dwelling at 40 Dhu Varren the proposed dwellings are set behind the front building line of this property by approximately 8 metres. There are windows located along the side elevation of this property and there was concern that the proposed larger balcony to the front would look into these windows. To reduce this impact a 1.8 metre high glazed screen is proposed along the front balcony which prevents overlooking toward these windows. In regard to the development to the rear of the site which backs onto Blackrock Road the proposed dwellings extend beyond the rear building line of the dwelling at 40 Dhu Varren by approximately 7 metres. There are a number of windows that look toward the rear amenity space of the dwelling at 40 Dhu Varren but these have been obscured. Although this will prevent overlooking it does create a perception

of overlooking. This perception will be increased further with the provision of the additional roof terraces at fourth floor level. Concerns in regard to this were raised and amended plans have been received. To reduce this perception zinc cladding will be used along the roof terrace at fourth floor level to prevent overlooking. However, it is considered that this alteration would add to the dominance of the proposed development. The additional floor would also increase overshadowing given the orientation of the dwelling. It is considered that the additional fourth floor would increase the dominance and overshadowing to an extent that it would have an adverse impact on the dwelling at 40 Blackrock Road.

8.18 The footprint of the proposed dwellings are similar to the existing dwelling at 36 Dhu Varren. The front or rear building line of the proposed dwellings do not exceed beyond the existing dwelling. There are windows proposed along the side elevation looking toward the existing dwelling but these are all obscured or high level which prevents overlooking. The proposed balcony at second floor level will be fitted with a 1.5 metre high obscure glazed screen and although there may be potential to look over this screen in to the back yard of the neighbouring properties this was accepted under a previous approval. Further to this the principle of development for three of the four storeys has been accepted under a previous approval. In regard to the roof terraces at fourth floor level overlooking will be prevented by zinc cladding which will screen the private amenity of neighbouring dwellings. Although this will prevent overlooking this additional zinc cladding will increase the dominance of the proposed development having regard to the dwelling at 36 Dhu Varren as it will tower above the existing dwelling. It is therefore considered that the proposal will have a detrimental impact on the existing dwelling and therefore fails this criteria of planning policy.

8.19 In regard to the dwellings located to the rear of the site on Blackrock Road there is no concern in regard to loss of light, overshadowing or overlooking given the separation distances and positioning of outbuildings. Given the separation distances there is also no concern regarding the dwellings located opposite the site along Dhu Varren.

8.20 In regard to noise and other disturbance Environmental Health was consulted but raised no significant issue subject to informatives. Overall the proposed development will have an unacceptable adverse impact on the amenity of neighbouring residence by way of dominance and overshadowing. The proposal fails to meet this criteria of planning policy.

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

8.21 The proposed development will not lead to the creation of areas where anti-social may be encouraged. The dwellings proposed will be enclosed along all boundaries with a wall.

Impact on the character of the surrounding area

8.22 Policy LC 1 of the Addendum to PPS 7 Safeguarding the Character of Established Residential Areas does apply to this proposal.

8.23 The proposed development will provide 2 dwellings on a site that previously housed 1 dwelling. In terms of density the plot sizes are similar to existing dwellings located within the area. Given this the proposed density is considered acceptable. Further to this the principle of two dwellings on this site has been established under application reference LA01/2017/0469/F.

8.24 The surrounding development is predominantly residential consisting of 2/3 storey detached and semi-detached with some apartments. There are no instances of four storey development within this area. It is considered that with the additional floor the proposed development would be dominant in regard to existing properties to include those at 36 and 40 Dhu Varren. This additional floor will add an additional 2.3 metres in height and although this element is stepped back from the rear building line by 1 metre will emphasise the dominance of the proposal from Blackrock Road located to the rear as it will tower over existing dwellings.

8.25 The dwellings proposed are all of an acceptable size and are compliant with the standards set out in this Annex.

PPS 3- Access, Movement and Parking

8.26 DFI Roads was consulted in relation to this proposal and raised no concern the proposal complies with this policy as the proposed development will not prejudice road safety or significantly inconvenience the flow of traffic.

Other Matters

8.27 Within the representations letters received concern was raised that the proposal description was not accurate. The main element of the description relates to a proposal for 2 semi-detached dwellings. It does state that there is an amendment to the roof design with provision of additional amenity areas in which this fourth floor provides. The description is considered acceptable.

8.28 Concern was raised that permission was granted for two three storey semi-detached dwellings yet an additional fourth floor has been added. Concern was also raised that the granting of this permission would set a dangerous precedent. Although construction of the fourth floor was completed without permission this would be a consideration for the enforcement team. The continuation of works would be a risk to the developer as permission may not be granted. In regard to setting a precedent the proposed development has been assessed having regard to development located around the site and its impact on character.

Habitats Regulation Assessment

8.29 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).

9.0 CONCLUSION

9.1 The development is considered unacceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. The development has an adverse impact on the character of the area and a

detrimental impact on the private amenity of neighbouring dwellings by overlooking and overshadowing.
Refusal is recommended.

Refusal Reason

1. The proposal is contrary to paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland, Policy QD1 of Planning Policy Statement 7 (Quality Residential Environments), Policy LC 1 of Addendum to PPS 7 Safeguarding Existing Residential Development and Development Control Advice Note 8 (Housing in Existing Urban Areas) in that the development fails to provide a quality residential environment by being contrary to criteria (a) (g) and (h) of Policy QD1 and criteria (b) of Policy LC 1.

Site Location



Site Block Plan

