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| <b>Planning Committee Report</b><br><br><b>LA01/2018/0556/F</b> | <b>24<sup>th</sup> October 2018</b> |
| <b>PLANNING COMMITTEE</b>                                       |                                     |

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

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| <b><u>No:</u></b> LA01/2018/0556/F   | <b><u>Ward:</u></b> Portrush and Dunluce |
| <b><u>App Type:</u></b> Full   |  |
| <b><u>Address:</u></b> Lands immediately North East of no. 6 Craig Vara Portrush   |  |
| <b><u>Proposal:</u></b> Proposed extension to an existing balcony to create a lowered roof terrace by way of lowering roof wall height by 1.1 metres at "The Beach Ball" (shop), fixed furniture and raised corner areas |  |
| <b><u>Con Area:</u></b> N/A  | <b><u>Valid Date:</u></b> 04.05.2018     |
| <b><u>Listed Building Grade:</u></b> N/A   |  |
| <b><u>Agent:</u></b> Clyde Shanks, 5 Oxford Street, Belfast, BT1 3LA   |  |
| <b><u>Applicant:</u></b> Mr Mark Scullion, 6 Craig Vara, Portrush, BT56 8AG  |  |
| <b><u>Objections:</u></b> 14   | <b><u>Petitions of Objection:</u></b> 0  |
| <b><u>Support:</u></b> 0   | <b><u>Petitions of Support:</u></b> 0    |

Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)

## 1 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** full planning permission for the reasons set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located at Lands immediately North East of No. 6 Craig Vara, Portrush. The site comprises a split level detached three storey dwelling with a flat roofed retail unit to the immediate north east of the dwelling. The dwelling is finished in render and stonework. The dwelling has a front curved projection and balcony area with glazed balustrades. The retail unit is triangular in shape and finished in cedar timber cladding and smooth render. A walkway that provides pedestrian access to neighbouring residential properties at Strandmore to the south separates the dwelling and the retail unit. This is a graded site with the shop sitting at a lower ground level than the dwelling.
- 2.2 The promenade runs to the immediate North and East of the site with coastal views. A public footpath/walkway runs to the northern boundary of the site for access to the promenade. A children's play area and the Arcadia building are located to the North of the site.
- 2.3 The site is within the defined development limit of Portrush and zoned an Archaeological Site and Monument, an Area of Archaeological Potential and within the curtilage of a Listed Building as per The Northern Area Plan 2016. The site is also zoned as a Local Landscape Policy Area - Designation PHL 01.

### **3 RELEVANT HISTORY**

LA01/2017/0724/LDP – Proposed reduction (alteration) in ceiling/roof height by 1100 mm to ‘The Beach Ball’ retail unit. Application Withdrawn.

C/2014/0505/F – Extension to an Existing Balcony to create a lowered roof terrace and glass balustrade - 6 Craig Vara Terrace - Permission Refused 25.03.2015.

Planning Appeal Ref. 2015/A0027 – Extension to an existing balcony to create a lowered roof terrace and glass balustrade - 6 Craig Vara Terrace - Appeal dismissed 04.02.2016.

C/2013/0357/F – Proposed balcony extension and glass balustrade - 6 Craig Vara Terrace - Permission Refused 06.11.2013.

Planning Appeal Ref. 2013/A0147 – Balcony extension and glass balustrade - 6 Craig Vara Terrace - Appeal Dismissed 03.06.2014.

C/2011/0178/F – Retention of dwelling and shop with alterations to finishes and elevations – Permission Granted 09.03.2012.

C/2010/0633/F - Retention of dwelling and shop with alterations to finishes and elevations - Application Withdrawn.

C/2009/0416/F - Retrospective planning application for demolition of existing shop and erection of new shop. – Permission Refused 01.02.2010.

C/2009/0195/F - Retrospective planning application for a replacement dwelling. – Permission Refused 01.02.2010.

C/2008/0065/F - Proposed replacement dwelling. Permission Granted 10.12.2008.

### **4 THE APPLICATION**

- 4.1 This is a full application for an alteration/extension which consists of extending the existing ground floor balcony at No. 6 Craig Vara Portrush (appears as first floor due the topography of the site) and

creating a walkway onto the flat roof of the adjacent Beach Ball shop. The roof of the shop will be lowered by 1.1m and fixed furniture will be fitted to provide a balcony/roof terrace.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

Neighbours: 9 Neighbours have been notified on the application. 14 letters of objection have been received from 6 separate properties. No letters of support have been received on this application from notified neighbours. Issues raised by objectors include:

- Impact on neighbouring Listed Buildings, Craigvara House and The Arcadia building, both Grade II Listed;
- Overlooking and the impact on privacy of neighbouring properties along Strandmore;
- The covered walkway would have an impact on residents along Strandmore and could lead to anti-social behaviour;
- People congregating on the balcony could lead to noise and disturbance;
- The proposals similar to previous refusals on the site/extensive planning and appeal history on site;
- Would set an undesirable precedent for similar development in the vicinity;
- The fixed furniture and people coming and going would have a detrimental impact on the character of the area;
- The existing plans are incorrect and this and any future applications would contravene Condition 2 of previous planning approval C/2011/0178/F; and
- The height of accommodation remaining in the shop is not adequate.

- There are inaccuracies and inconsistencies in the proposed plans.
- Impact on the privacy of those on the promenade and children in the playpark.

## 5.2 Internal

Historic Environment Division (HED) were consulted on 22.05.2018 - HED noted the proposal fails to satisfy the policy requirements of SPPS (para 6.12 & 6.13) and Policy BH11 (Development affecting the Setting of a Listed Building) of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

## 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:
  - The 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 RELEVANT POLICIES & GUIDANCE**

The Northern Area Plan 2016 (NAP 2016)

The Strategic Planning Policy Statement (SPPS)

Addendum to Planning Policy Statement 7: Residential Extensions and Alterations

Planning Policy Statement 6 - Planning, Archaeology and Built Heritage

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the proposed scale, massing and design; impact on residential amenity; impact on the Character of the Area; and the impact on the Setting of a Listed Building.
- 8.2 The SPPS, PPS7 (Addendum) and PPS 6 provide the main policy context for assessment of this development.

### **Scale, massing and design**

- 8.3 Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations - Policy EXT 1 – notes that planning permission will be granted where: (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.
- 8.4 The application proposes an opaque glass lightweight walkway approximately 1.3m by 1.5m to link the existing ground floor balcony at the dwelling to the flat roof of the retail unit. The roof of the retail unit will be lowered by approximately 1.1m to create a new roof terrace. The key differences in this current proposal and the previous application (C/2014/0505/F and 2015/A0027) is that the roof terrace over the shop has been recessed further from the 0.5m previously refused to 1.1m proposed in this application. The proposed alterations

in terms of scale and massing are not detrimental to the character of the area and are sympathetic with the built form and appearance of the existing property. The proposed opaque glass linkage is sympathetic to the existing property which has a high degree of glazing to the front elevation. The linkage will be subordinate to the existing dwelling and it will not alter the character of the area. The proposed lowering of the roof terrace will not alter the character of the area. The proposed scheme similar to the conclusions of the Planning Appeals Commission (PAC) on the previous refusal on site is considered acceptable in terms of scale, massing and design and meets criteria (a) of this planning policy.

### **Residential Amenity**

- 8.5 Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations - Policy EXT 1 – notes that planning permission will be granted where; (b) The proposal does not unduly affect the privacy or amenity of neighbouring residents.
- 8.6 The garden area to the front of No.1 Strandmore is not separated or private from the rest of the open space to the front of the other residential properties on Strandmore and is not screened from the adjacent path leading to those properties. As concluded by the PAC on two previous applications on this site the garden to No.1 Strandmore is subject to public view and overlooking from existing balconies on the application site. Although there would be a slight increase in potential overlooking from the proposed roof terrace this would not reach an unacceptable level and be so detrimental as to warrant refusal on this criteria.
- 8.7 The proposed 1.5m glazed walkway to access the roof terrace is similar to that proposed as part of the previous application C/2014/0505/F. The PAC concluded in their consideration of this appeal (2015/A0027) that the proposed walkway is not of a scale which would have a tunnelling effect or attract loitering, protection from the elements or anti-social behaviour. The gate at the walkway entrance from the steps indicates a private entrance and would deter members of the public. The application meets criteria (b) of this policy.
- 8.8 The proposal will not result in the unacceptable loss of any trees or landscape features and complies with part (C) of policy EXT1. Car parking will be unaffected by the proposal. Sufficient amenity space will remain on the site for bin storage purposes. The proposal complies with part (D) of policy EXT1.

## **Setting of a Listed Building**

- 8.9 Planning Policy Statement 6 – Planning, Archaeology and Built Heritage - Policy BH11, Development affecting the Setting of a Listed Building notes that development proposals will normally only be considered appropriate where all the following criteria are met: (a) The detailed design respects the listed building in terms of scale, height, massing and alignment; (b) The works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and (c) The nature of the use proposed respects the character of the setting of the building.
- 8.10 The site is located in close proximity to two listed buildings; Craig Vara House and the Arcadia. HED were consulted on the application and noted the proposal fails to satisfy the policy requirements of SPPS (para 6.12 & 6.13) and Policy BH11 of PPS 6.
- 8.11 As concluded by the previous appeal (2015/A0027) the main concern with the proposal is that it failed criteria (c) of PPS 6. The appeal determined that the proposal would extend the recreational residential use onto a prominent position above the shop and although the terrace was to be recessed by 0.5m, the consequent coming and going of people and paraphernalia would be apparent on this elevated position and would have a dominant effect on the vista when approaching in either direction along what is a highly public promenade. The current application proposes recessing the roof terrace by a further 0.6m to the previous application (1.1m in total). Whilst the current proposal uses the existing walls of the shop as a parapet the potential paraphernalia on the terrace and the coming and going/congregation of people would still be apparent and degrade the setting of the above mentioned Listed Buildings. The roof terrace would be intrusive to the public vista and would significantly detract from the setting of the Listed Buildings. It would diminish the experience of these heritage assets and would not preserve their setting. The proposal fails criterion (c) of Policy BH11.

## **Representations**

- 8.12 There have been 14 letters of objection received from 6 separate properties. Representations received, specifically in relation to impact on privacy and anti-social behaviour, noise and disturbance have not raised any new issues from those considered under the previous 2 planning appeals. As such, limited weight can be afforded these



concerns however have been discussed in more detail under the headings above. Other matters raised in representations received include:

*Would set an undesirable precedent for similar development in the vicinity;*

When assessing the issue of precedent, there is a need to consider the context and character of the specific immediate area. Furthermore, all applications must be considered on their own merits having regard to the particular circumstances. As this proposal is considered to be contrary to planning policy a precedent for this type of development is not considered to be an issue.

*The existing plans are incorrect and this and any future applications would contravene Condition 2 of previous planning approval C/2011/0178/F;*

Planning application C/2011/0178/F (Retention of dwelling and shop with alterations to finishes and elevations) was granted permission on 9<sup>th</sup> March 2012. Condition 2 of this permission required works to be carried out to the dwelling within 180 days of the date of this decision, to ensure that the development was completed, in accordance with approved plans. Our records show that DOE Planning Service were content that all remedial works were carried out within the specified timeframe, and that Condition 2 of permission C/2011/0178/F and been complied with.

Following concerns raised in representations, in relation to the accuracy of submitted plans, measurements have been carried out on the existing building. This was to determine if the existing plans submitted are an accurate reflection of those approved under C/2011/0178/F. This relates specifically to the height of the shop unit.

Measurements taken show that the height of the shop unit is not in accordance with the drawings approved under C/2011/0178/F. The shop unit is marginally higher than that which was approved under this permission. Given the time which has lapsed since the approval of this application no further action can be taken to remedy these breaches.

*The height of accommodation remaining in the shop is not adequate.*

The lowering the ceiling height of the shop is all internal alterations and would not require planning permission.

## **9 CONCLUSION**

- 9.1 The proposal is considered unacceptable in this location having regard to the NAP 2016 and other material considerations. The proposed roof terrace would significantly detract from the setting of the Craig Vara House and the Arcadia, both of which are Grade II Listed Buildings. The PAC have already determined on the two previously refused applications that impacts relating to privacy, anti-social behaviour, noise and disturbance would not be at an unacceptable level, when taken in the context of the existing layout and balconies fronting towards Strandmore. Refusal is recommended.

## **10 Reasons for Refusal**

### **10.1 Reasons for Refusal:**

- 1 The proposal is contrary to para 6.12 & 6.13 of the Strategic Planning Policy Statement and Policy BH11 of Planning Policy Statement 6, Planning, Archaeology and Built Heritage, in that the proposal would, if permitted, adversely impact the setting of two listed buildings through the inappropriate nature of the use as a roof terrace.

## Site location Map

