

<b>Planning Committee Report Item LA01/2016/0441/F</b>	<b>24<sup>th</sup> October 2018</b>
<b>PLANNING COMMITTEE</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<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 & Enforcement Manager
<b>Cost: (If applicable)</b>	N/a

<b><u>No:</u></b>	<b>LA01/2016/0441/F</b>	<b><u>Ward:</u></b>	<b>Garvagh</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>36 Ballywoodock Road, Castlerock BT51 4RT</b>		
<b><u>Proposal:</u></b>	<b>Proposed replacement dwelling 1.5 storey dwelling and detached garage.</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>05.04.17</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>Target Date:</u></b>	
<b>Applicant:</b>	<b>Mr &amp; Mrs N. Parke, 36 Ballywoodock Road CASTLEROCK</b>		
<b>Agent:</b>	<b>Moore Design</b>		
<b>Objections:</b>	<b>0</b>	<b>Petitions of Objection:</b>	<b>0</b>
<b>Support:</b>	<b>0</b>	<b>Petitions of Support:</b>	<b>0</b>

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

## **1 RECOMENDATION**

- 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 section 7 & 8 and resolves to **REFUSE** planning permission subject to the refusal reasons set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site consists of a semi- detached dwelling in the countryside. The dwelling is of a chalet type design with a main pitch roof with artificial slates coloured brown/red, first floor gable windows and a ground floor front and side partial roof with the same slates. There is only one main central chimney on the ridgeline for both the applicant's dwelling and the neighbouring attached property. There is a small single storey rear return to the dwelling. The house has a front and side driveway with tarmac finish. There is a low front concrete decorated wall. There are substantial side and rear gardens with boundary mature trees and hedging.
- 2.2 This site is located within the Binevenagh Area of Outstanding Natural Beauty as shown on the Northern Area Plan. The site is part of a small cluster of semi- detached houses which mainly extends to the east.

## **3 RELEVANT HISTORY**

None.

## **4 THE APPLICATION**

- 4.1 This is a planning application for a proposed replacement dwelling.

## **5 PUBLICITY & CONSULTATIONS** **External**

- 5.1 None.

## **Internal**

5.2 **DFI Roads:** DFI Roads require amendments to the block plan. In this instance there is an existing entrance and driveway with parking for a dwelling which is currently habitable.

**DAERA Drainage and Water:** Has no objection.

**DAERA Natural Heritage and Conservation Areas:** Has no objection.

**Environmental Health:** Has 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 development 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

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**

Strategic Planning Policy Statement (SPPS)

Northern Area Plan 2016

Planning Policy Statement 2 (PPS 2) Natural Heritage

Planning Policy Statement 3 (PPS 3) Access, Movement and Parking

Planning Policy Statement 21 (PPS 21) Sustainable Development in the Countryside

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of development, scale, design, rural character of this AONB.

### **Planning Policy**

- 8.2 The site is located within the rural area as identified in the Northern Area Plan 2016.
- 8.3 The principle of this development proposed must be considered having regard to the SPPS and PPS policy documents specified above and any other material considerations. The SPPS was published 28 September 2015. In the accompanying Ministerial Statement it stated that the provisions of the SPPS are material to all decisions on individual planning applications and appeals.
- 8.4 Paragraph 6.73 bullet point 2 of the SPPS in relation to replacement dwellings echoes policy CTY 3 of PPS 21 with regards to the visual impact of the proposal not being significantly greater than the existing building.

### **Principle of Development**

- 8.5 Policy CTY 3 of PPS21 is the relevant policy context for such proposals and states that planning permission will be granted

for a replacement dwelling where “the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact”.

- 8.6 There is an existing habitable semi-detached dwelling on site therefore the principle of a replacement dwelling is acceptable. However, under the Justification and Amplification of the policy CTY 3 within paragraph 5.15 it specifically states, that proposals to replace existing semi-detached dwellings will generally only be acceptable if replaced in situ with the proposed new dwelling remaining attached to the other elements of the existing development unless there are practical mitigating circumstances to be considered. In this instance the proposal is to separate the semi- detached dwellings with a small gap between and no mitigating circumstances have been provided. The proposal is for a new dwelling to be detached and therefore this is not acceptable and contrary to policy as there are no mitigating circumstances.

### **Scale**

- 8.7 The second criteria of Policy CTY 3 of PPS 21 dictates that the overall size of the new dwelling should not have a visual impact significantly greater than the existing building. In this case, the overall size of the new dwelling will be significantly larger than the existing structure. The new proposal has a footprint which is approx. twice as large as the existing semi- detached dwelling. Due to the increase in size the visual impact would be significantly greater than the existing building, particularly from the front critical view area. Due to the open nature of the road frontage there is no screening for the existing semi- detached dwelling and the adjoining dwelling. They are in full open view on the public road due to their close proximity to the road. The main critical view is from the western approach and the road passing the front parking and side garden area, the main entrance and driveway area and also in front of the neighbouring dwelling and the eastern approach. From the passing critical view the proposed new dwelling would be highly visible and as the new proposal consists of a separation from the other semi- detached dwelling, a substantial change to the frontage and the side elevation the proposal would be detrimental to the visual amenity of the area. The front elevation changes from an existing chalet single storey appearance to a

storey and a half elevation. The existing house only has a small single storey return, whereas the new proposal is for a full length rear return which matches the front height with no drop in ridgeline. The proposal will not fit in with the character of the immediate area. Due to the proposed scale the proposal will have a significantly greater visual impact on the locality.

- 8.8 The guidance for Replacement dwellings provided under the DOE guidance Building on Tradition - A Sustainable Design guide for the N. Ireland countryside states within chapter 5.3 Replacement: Scale and Size, that the most common offence is to introduce a new house that is simply too big for the site and bears no relationship to the scale of the buildings that are retained. It states that the key message is that a building size must be relative to its surroundings. In this instance the proposal does not respect the existing pattern of semi-detached dwellings and does not respect the design style of the adjoining semi-detached dwelling. The proposal does not comply with the above guidance on replacement dwellings.

## **Design**

- 8.9 Policy CTY 3 of PPS 21 requires that the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness. Paragraph 5.4.0 of the rural design guide 'Building on Tradition' advises that replacement projects will tend to be most successful when they defer to the form and shape they are replacing. The existing house is semi-detached whereas the new proposal will be detached with a separate alley between the new and existing houses. The existing dwelling appears single storey from the front as there are only ground floor windows, a reflection of the other semi-detached dwelling beside it. Each has a small rear single storey return. The new proposal will not only separate from the other dwelling, but will also change to a storey and a half with a new first floor window to the front elevation and have a two storey element on the gable end to the south west corner. This in turn will change the roof design and style with different ridgelines and different eaves lines. There will also be a change in the roof for the side elevation which will appear as a lean to when viewed from the front due to the projection for the lounge and porch on ground

floor. It is complicated and confusing as the side roof will run from the first floor eaves line down to a new single storey eaves line. The proposed frontage appears as a storey and a half whereas the side appears as a chalet bungalow and the corner appears as a two storey on the end gable. The western side elevation has dormer windows coming out of the roof instead of from the eaves as rural policy dictates. The design also shows a mixture of finishes and material colours with black concrete roof tiles, roughcast walls, stone cladding and also wooden finish side dormers. This is not desirable as the existing semi-detached dwellings have a brown/ red coloured roof material and are mainly dash finish. This mixture of finishes is confusing and does not respect existing buildings and is not reflective of the other semi-detached dwelling or the surrounding area. The new dwelling has a side elevation which is 17 metres long. The height is 6.7 metres. From the neighbouring context this is not favourable as it may result in over-shadowing and also an over bearing impression. The design is not acceptable as it is not appropriate to this rural setting within the AONB and does not have regard to local distinctiveness and therefore does not comply with policy. The proposal is contrary to this advice.

- 8.10 The guidance for Replacement dwellings provided under the DOE guidance Building on Tradition - A Sustainable Design guide for the N. Ireland countryside states under chapter 5.4 Replacement: Form, that certain types of form should be avoided with replacement dwellings. It states that complex roof shapes should be avoided, complex house shapes, large scale, awkward form, excessively high eaves lines, mix of roof pitches, it also states that Dormers within the roof should be avoided as they do not integrate well. It also states that excessive number of different materials should be avoided. All of these issues are present in the proposed design and therefore should be avoided. The proposal does not comply with the above guidance on replacement dwellings.

### **Rural character of AONB**

- 8.11 Within Planning Policy Statement 2 - Natural Heritage, Policy NH 6 - Areas of Outstanding Natural Beauty states Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate

design, size and scale for the locality and additional criteria must be met.

- 8.12 Under the first criteria part a) of Policy NH 6, the siting and scale of the proposal must be sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality. The overall scale of the proposal is almost twice as large as the existing semi-detached dwelling. Due to the critical view from the front area at roadside the proposal will not appear sympathetic to the special character of the AONB and therefore does not meet this test of policy.
- 8.13 Under the third criteria part c) of policy NH 6 of PPS 2 the proposal must respect the local architectural styles and patterns. The architectural pattern in the area is sets of semi-detached dwellings within a small cluster in the countryside within this AONB. The proposal is to separate the two attached dwellings with a small gap between. The proposal also does not respect the existing architectural style of the semi-detached houses on site, in that it does not reflect existing architectural style with a proposed different styles of roof, dormers and windows.
- 8.14 Additionally under the third criteria part c) of policy NH 6 of PPS 2 the proposal must also respect local materials, design and colour. The existing semi-detached dwellings have red/brown coloured artificial slates and dash walls. The proposal aims to change the roof to concrete black tiles, wooden dormers, stone cladding and dash. The wooden and stone detail does not state exact material type in terms of type of wood or type of stone, whether natural or man-made cladding. The proposal does not respect the local materials, design and colour and it is therefore contrary to this part of policy.

### **Access**

- 8.15 DFI Roads require amended plans for the access issues. The agent has advised that the access will not be altered. Therefore as this is an occupied dwelling with no change to the access these requirements have not been requested.



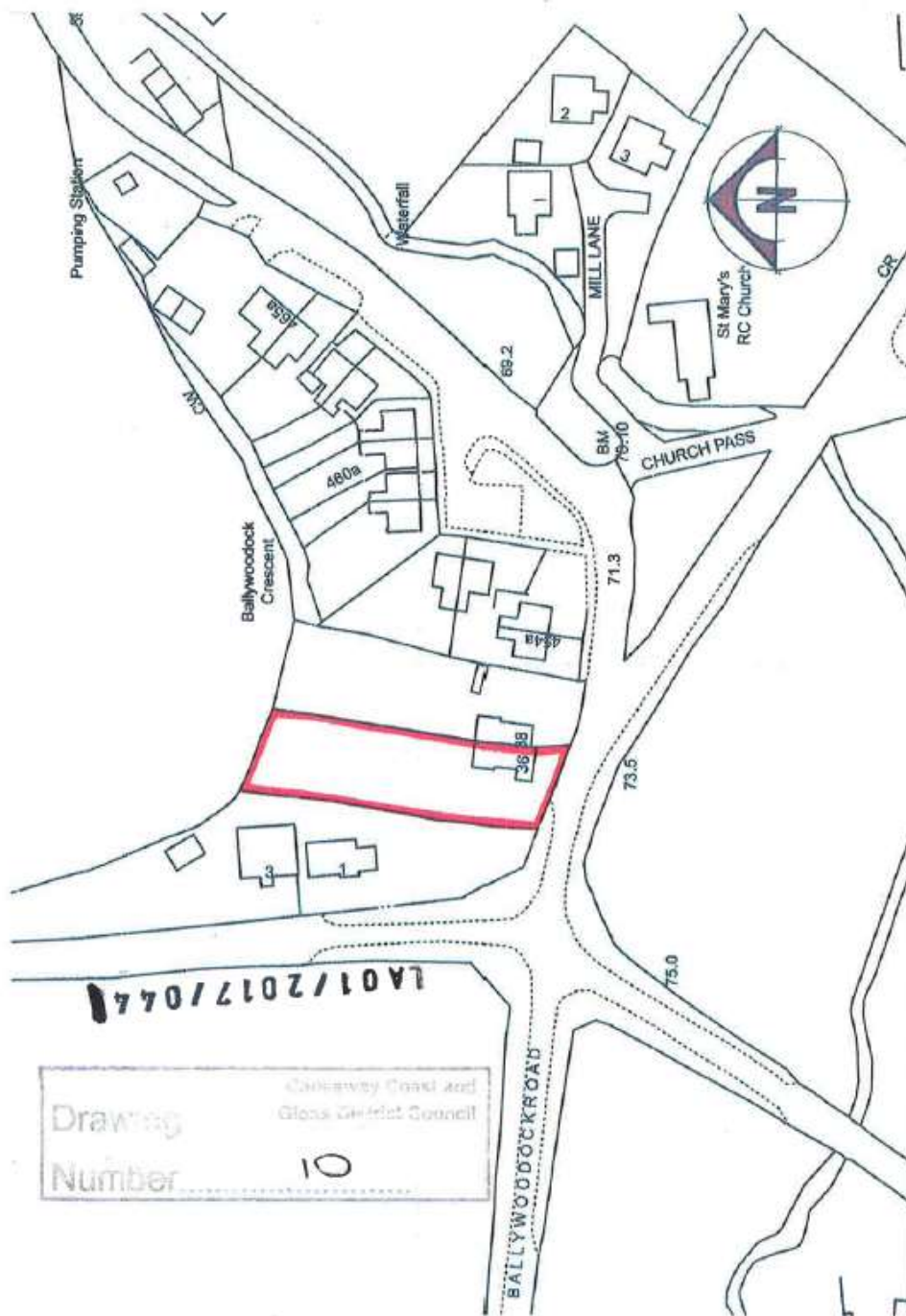
## **9 CONCLUSION**

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS, PPS 2 and PPS 21. The proposal fails to meet the tests of the SPPS, PPS 2 and Policy CTY 3, in that the proposal will have a visual impact within the AONB significantly greater than the existing building due to its scale, design and not being attached to the other semi-detached. Refusal is recommended.

## **10 Refusal Reason:**

10.1 The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building; the design of the replacement dwelling is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness.

10.2 The proposal is contrary to Policy NH 6 of Planning Policy Statement 2, Natural Heritage, in that the site lies within the Binevenagh Area of Outstanding Natural Beauty and would, if permitted, adversely affect the special character of the AONB and of the particular locality, by virtue of an unsympathetic scale and design.



Location Plan for Replacement Dwelling at 36 Ballywoodock Office