

<b>Planning Committee Report LA01/2018/1085/F</b>	<b>23<sup>rd</sup> October 2019</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

**No: LA01/2018/1085/F                      Ward: Giant's Causeway**

**App Type: Full Planning Permission**

**Address: 22 Portbradden Road, Bushmills**

**Proposal: Proposed replacement dwelling**

**Con Area:                      No                                      Valid Date: 06.09.2018**

**Listed Building Grade: No**

**Agent: 2020 Architects**

**Applicant: Mr Enda McDonald, 46a Belmont Road, Belfast**

**Objections: 14      Petitions of Objection: 0**

**Support: 0      Petitions of Support: 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 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 SITE LOCATION & DESCRIPTION**

- 2.1 The dwelling to be replaced is accessed via Portbradden Road and is located on a coastal location. It is part of a terrace of dwellings which are made up of traditionally styled narrow pitched dwellings which are 1.5 storey. A detached property is located at the end with a two storey front projection. The properties all step down in height to the replacement candidate. This dwelling has a single storey element to the front with a 1.5 storey section to the rear. These elements are conjoined by a one storey element. The existing dwelling is traditional in nature with a pitched roof and smooth render walls. To the north the site is bounded by the existing dwelling at 24 Portbradden Road and an existing row of trees and vegetation. To the south the site is bounded by a 1 metre high wall and hedgerow which bounds the dwelling at 22 Portbradden Road. To the east the site is bounded by an existing right of way and roadway used to access the dwellings located along this terrace. To the west the site is bounded by planting and a steep slope.
- 2.2 The dwelling is located in an iconic location on the North Coast. The grouping of 4 dwellings are set at the foot of a cliff with views from White Park Bay. Though the existing dwellings have been modified over time, they still reflect the vernacular characteristics of the area.
- 2.3 The proposed dwelling is located in the rural area as designated in the Northern Area Plan 2016. The site is located within the Causeway Coast Area of Outstanding Natural Beauty and is located in proximity to an archaeological site and monument.

The proposed development is located close to the Skerries and Causeway SAC and the North Antrim Coast SAC.

### **3 RELEVANT HISTORY**

LA01/2017/0409/PAD, 22 Portbradden Road Bushmills.  
Proposed replacement dwelling in the Countryside and within an AONB. Application Submitted 22.03.2017.

### **4 THE APPLICATION**

4.1 Site for replacement dwelling and garage.

### **5 PUBLICITY & CONSULTATIONS**

#### **5.1 External**

There has been a total of 14 representations from 6 separate addresses received as part of the application. The key concerns raised are as follows.

- Design and impact on character
- Impact of proposed finishes and the orientation of the dwelling.
- Impact of roof terrace and proposed fenestration.
- Excavation of the site.
- Impact of overlooking and overshadowing
- Accuracy of the contextual drawing
- Loss of a vernacular dwelling
- Doesn't respect the distinctive special character or the AONB
- Land Ownership named owner
- Sewage disposal
- PAD Discussion

#### **5.2 Internal**

**DAERA Drainage and Water:** No objection.

**DAERA Natural Environment Division:** Raised Concern re bats

**DFI Roads:** No objection.

**Environmental Health:** Has no objection to the proposal.

**Shared Environmental Services:** No objection

**NI Water:** No objection

**Geological Survey:** No objection

**Historic Environment Division:** No objection subject to condition.

## **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**

The Northern Area Plan 2016

The Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2 – Natural Heritage

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

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

**Supplementary Planning Guidance**

Building on Tradition – A Sustainable Design Guide for the NI  
Countryside

**8 CONSIDERATIONS & ASSESSMENT**

**Planning Policy**

- 8.1 The main considerations in the determination of this application relate to the principle of development, access, integration and rural character, impact on AONB, flood risk, representations, impact on amenity, land ownership, loss of a vernacular dwelling, other matters and habitats regulations assessment.
- 8.2 The site is located within the rural remainder as identified in the Northern Area Plan 2016.
- 8.3 The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.
- 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 The building to be replaced exhibits all the characteristics of a dwelling with all external and internal walls in place. The roof remains in place and there are existing chimney stacks. Externally all window and door openings remain in place. The proposal meets with the first part of the Policy CTY 3.
- 8.6 The proposed dwelling will be sited within the existing curtilage of the dwelling to be replaced. The existing dwelling is 1 storey to the front with a larger 1.5 storey rear return. The proposed

dwelling is two storey with a dual pitched, stepped frontage which extends 10.2 metres beyond the rear of the dwelling at 24 Portbradden Road. There is also a large roof terrace located at 1<sup>st</sup> floor level. The ridge height is higher than the existing dwelling and the adjoining properties located along this frontage. The visual impact of the proposed dwelling is emphasised by a large 3.8 metre high wall that surrounds and encloses the curtilage of the proposed dwelling. It is therefore considered that the proposed dwelling would have a visual impact significantly greater than the existing dwelling given the scale, gable depth at 2 storey and massing of the proposed dwelling.

- 8.7 The proposed design includes provisions for a large two storey dwelling with a dual pitched gabled frontage. The dwelling proposed will have large floor to ceiling windows and will be finished with smooth render, natural western red cedar cladding, timber slats and a grey zinc pitched roof. The proposed dwelling will be surrounded by a large wall which surrounds and encloses the site and the 1<sup>st</sup> floor roof terrace. At ground floor level the front elevation is more open and timber slats are used to provide privacy. The existing dwelling is part of a terrace of dwellings which are traditional in nature with a horizontal pitched roof which fronts the road. The two adjoining properties are 1.5 storey with dormer windows finished with smooth render. Given the proposed design, finishes, scale, fenestration, massing, dual pitched frontage and large scale 1<sup>st</sup> floor terrace, it is considered that the proposed development is not in keeping with the character of the area. Overall the proposed development would have a detrimental impact on the existing rural setting.
- 8.8 The rear section of the site will lead to significant excavation as the lands rise toward the west of the site. The proposed finished floor level at ground level is 4.50 while the land surrounding this section of the site is between 6.24 and 7.30 metres. Therefore there will an excavation of some two to three metres to the rear. This would be considered unacceptable and is not in keeping with the character of the area.
- 8.9 In regard to the proposed services, NI Water confirmed that there was no foul sewer or surface water sewer within 20 metres of the proposal but that there was a public water supply within 20 metres of the proposed site. Within the P1 form it is stated that foul sewage would be disposed by mains but this is not the case

and a septic tank would be required. This issue was raised with the agent but no amendment was received regarding this. Any proposed septic tank has not been shown on the plans. Therefore satisfactory sewage disposal has not been demonstrated.

### **Access**

- 8.10 The proposal is for a replacement dwelling. The development will use an existing access with large area of hardstanding to the front of the dwelling to be used for parking and turning and also space for 2 additional car parking spaces within the enclosed courtyard. DFI Roads was consulted in relation to this proposal and raised no concern regarding road safety or parking. Given this the proposed access will not have a detrimental impact on road safety or significantly inconvenience the flow of traffic, the proposal meets Policy AMP 2 of PPS 3.

### **Integration and Rural Character**

- 8.11 Given the proposed scale, design, dual pitched frontage and enclosed courtyard, the proposed dwelling is considered a prominent feature on the landscape. Views of the site will be from Portbradden Road and the private roadway used to access the dwellings at 24, 26 and 28 Portbradden Road. It is considered that the proposed development fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop to the site. In terms of the ancillary works, the proposed enclosed courtyard will not integrate with its surroundings and would have a dominant impact on the area. The proposal does not respect the traditional pattern of development in the area.
- 8.12 The design of the proposed development has been considered fully under paragraph 8.6 and 8.7 of this report. It is considered that the two storey pitched gabled fronted dwelling with large roof terrace, enclosed courtyard and proposed finishes to include a zinc roof and red cedar cladding would not be appropriate to the site and its locality and would not respect existing development located around the site.
- 8.13 The proposed access would be contrary to Policy CTY 1, CTY 13 and CTY 14 of PPS 21.

## **Impact on AONB**

- 8.14 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. The overall scale and design of the proposal appears unsympathetic to the special character of the Causeway Coast AONB and is not in keeping with the character of the existing dwellings located within the vicinity of the site. The proposal will lead to the demolition of an existing one storey dwelling with a horizontal pitched roof which is simple in form. The proposed dwelling will have a dual pitched gable frontage which is not in keeping with existing development located around the site. The proposed enclosed courtyard, 1<sup>st</sup> floor terrace and the finished materials are not consistent or sympathetic to this Area of Outstanding Natural Beauty. The proposal is therefore contrary to Policy NH 6 of PPS 2 Natural Heritage.

## **Flood Risk**

- 8.15 A very small portion of the site is located within the 1 in 200 year coastal floodplain but no development is proposed on this section of the site. This portion of the site is located 14 metres from any proposed development and is located on the other side of the existing laneway used to access the dwellings at 22, 24, 26 and 28 Portbradden Road. It is therefore considered that the proposed development would not lead to an increase in flood risk.

## **Impact on Archaeology**

- 8.16 The site is located in proximity to an Archaeological Site and Monument in the form of a scheduled ice house which is a monument of regional importance. Historic Environment Division was consulted in relation to this and raised no concern subject to a programme of archaeological works. The proposed development therefore meets with the policy requirements of PPS 6.

## **Impact on Natural Heritage**

- 8.17 Planning permission will only be granted for a development proposal that is not likely to harm a European protected species. Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against. DAERA Natural Environment Division was consulted in regard to this application and requested additional information to consider the impacts on the bat population. A Bat Roost Inspection survey was submitted as part of the application and a further consultation was sent to DAERA. DAERA has requested additional information to consider the impacts of the proposal on the bat population. Further information has not been provided and therefore it has not been demonstrated that the proposed development would have a detrimental impact on the bat population. The proposal is therefore contrary to Policy NH 2 of PPS 2.

## **Representations**

- 8.18 Concern relating to design, impact on character, impact of proposed finishes, orientation, impact of roof terrace, fenestration, excavation of the site and impact on the special character and AONB has been considered in paragraphs 8.6, 8.7, 8.8, 8.11, 8.12 and 8.14 of this report. Concerns regarding sewage disposal has been considered under paragraph 8.9 of this report. Other concerns raised will be considered in the remainder of this report.

## **Impact on amenity**

- 8.19 Concern has been raised that the proposed development would lead to overlooking, loss of light and the overshadowing of the dwelling at 24 Portbradden Road. Paragraph 4.11 of the SPPS states that there are a wide range of environment and amenity considerations which should be taken into account by planning authorities when proposing policies or managing development. Paragraph 4.12 goes on to state that amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and

overshadowing. A site inspection was completed on site to consider the impact of the proposed development.

- 8.20 The dwelling at 24 Portbradden Road has a small balcony to the rear of the premises which is accessed through an existing bedroom. This space is considered the main amenity space for this dwelling. This dwelling currently shares a party wall with the dwelling to be replaced. The gable depth of the proposed dwelling will be extended along this party wall by approximately 10 metres from the rear boundary wall of the dwelling at 24 Portbradden. The rear return for the dwelling at 24 Portbradden Road is one storey and there is a kitchen and bathroom skylight located close to this party wall. This provides the main source of light to the bathroom and kitchen area of the existing dwelling.
- 8.21 It is considered that the proposed rear return by reason of its length and height would have a dominant impact on this dwelling, would reduce light and lead to unacceptable levels of overshadowing. There is also a kitchen, hall and door located at 1<sup>st</sup> floor level which will look toward the rear garden of the proposed dwelling at 22 Portbradden Road. There will also be the potential to overlook the existing balcony and also the skylights for the bathroom and kitchen to the dwelling at 22 Portbradden Road. The proposed development is therefore contrary to paragraph 4.12 of the SPPS.

### **Land Ownership**

- 8.22 Within several representation letters received as part of the application concern was raised that the applicant on the P1 form did not actually own the site and that section 27 of the P1 form had been filled in incorrectly. A land registry record relating to the site was provided as part of the application which appeared to confirm a different landowner to the applicant. This was raised with the agent but no additional information was provided in relation to this. All relevant neighbours have been notified as part of this application and it is considered that no prejudice has occurred against these neighbours.

### **Loss of a Vernacular Dwelling**

- 8.23 Within one of the representations concerns were raised that the proposed development would lead to the loss of a vernacular

dwelling. Having considered Annex 2 of the proposed development which relates to characteristics of vernacular dwellings it is not considered that the existing dwelling is vernacular in nature.

### **Other Matters**

- 8.24 Concerns were also raised in regard to drawing number 03 date stamped 7<sup>th</sup> December 2019 which provides a contextual of the proposed development. It was considered that the contextual drawing was not an accurate portrayal of what exists on site. It was stated that the dwellings at 16 and 16A Portbradden Road had been further emphasised while on site these dwellings are stepped back from the dwelling to be replaced. It was also stated that the visual impact of these is not as prominent as the contextual drawing has not included existing landscaping. The impact of the proposed dwelling and how it sits on site in relation to existing dwellings has been considered on site.
- 8.25 Another objection raised concern regarding a section of the P1 form where it is asked have you received any pre application advice from your Council in relation to the proposal in which it is answered no. It was stated that there had indeed been a PAD application relating to the application, see section 3 above. Having looked at the site history there has been a PAD application. Officials are aware of this PAD application and it is considered that there has been no prejudice caused by this error.

### **Habitats Regulations Assessment Screening**

- 8.26 The proposed development is located close to the Skerries and Causeway SAC and the North Antrim Coast SAC. Given this Shared Environmental Services was consulted in relation to the proposed development. SES stated that having considered the nature, scale, timing and duration and location of the development it is concluded that further information is required to assess the potential impacts of the selection features, conservation features and status of the site. SES also requested confirmation of the method of foul sewage disposal. This was requested but no additional information was provided as part of the application. It has therefore not been demonstrated that the proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

It is therefore contrary the requirements of Regulation 43 (1) of the Conservation (Natural Habitats) Regulations (Northern Ireland) 1995.

## **9 Conclusion**

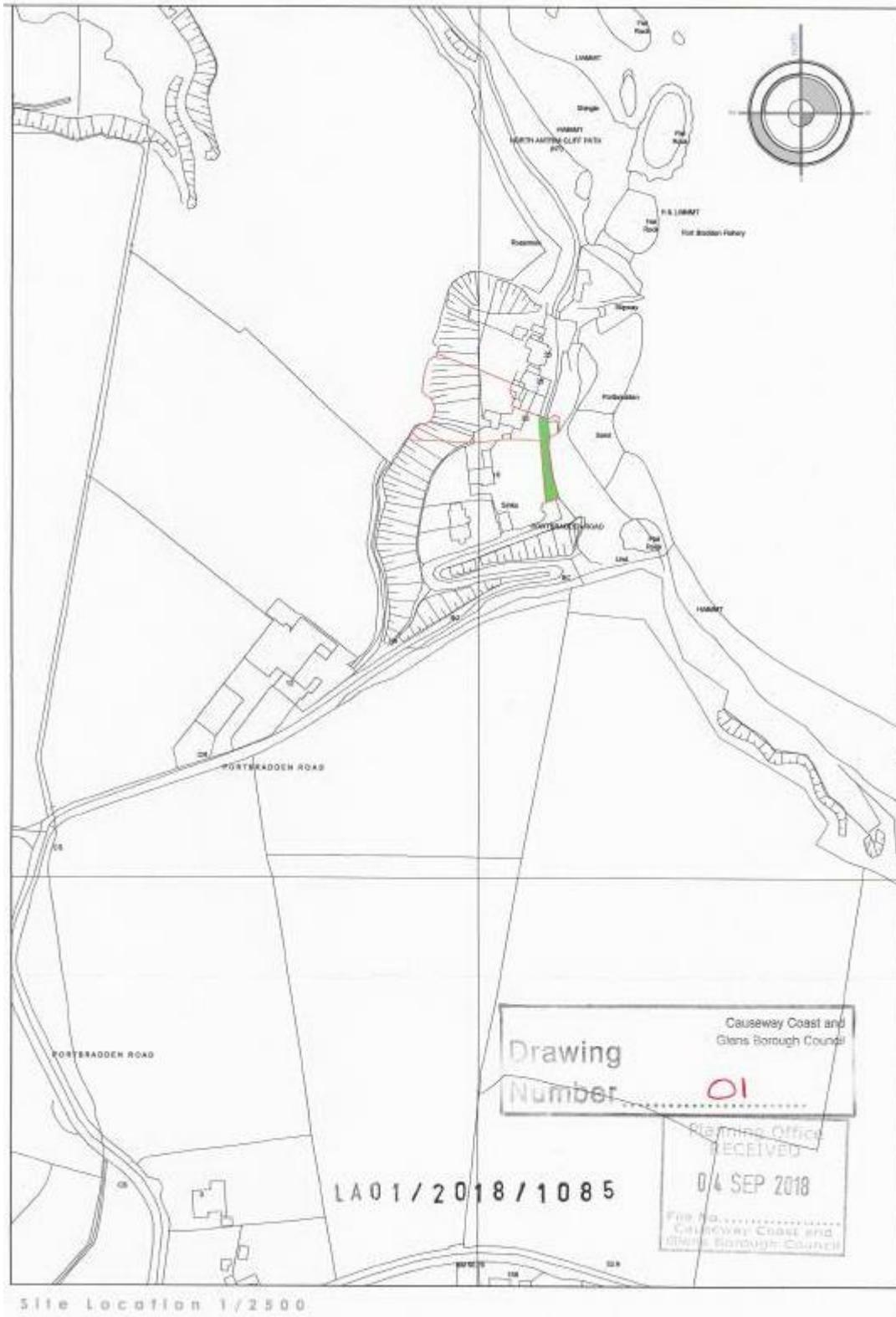
- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS, PPS 2 and PPS 21. The proposal fails to meet the tests of the SPPS, Policy NH 6 of PPS 2 and Policy CTY 3 of PPS 21, in that the proposal will have a visual impact within the AONB significantly greater than the existing building due to its scale, massing and design. In addition the development would adversely affect 24 Portbradden Road by reason on dominance and overshadowing. Refusal is recommended.

## **10 Reasons for Refusal**

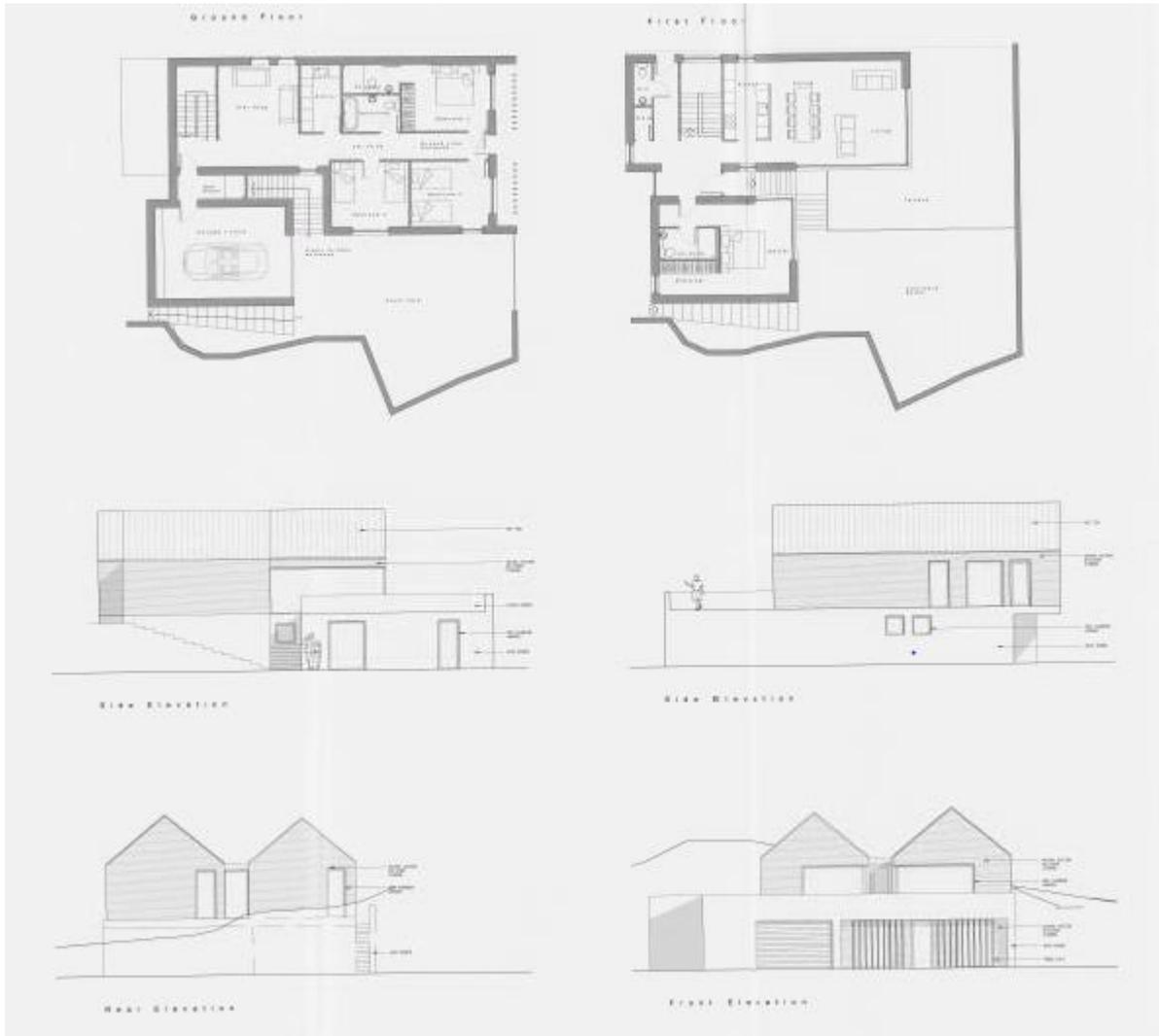
1. The proposal is contrary to Paragraphs 6.70 and 6.73 of the Strategic Planning Policy Statement for NI and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building; the design of the replacement dwelling is not appropriate to its rural setting and does not have regard to local distinctiveness.
2. The proposal is contrary to Paragraph 6.187 of the Strategic Planning Policy Statement for NI and Policy NH 6 of Planning Policy Statement 2, Natural Heritage, in that the site lies within the 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.
3. The proposal is contrary to paragraph 6.224 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) Planning for Sustainable Development 2015, and contrary to Policy NH2 of Planning Policy Statement 2 Natural Heritage, in that it has not been demonstrated that the proposed development would not have an adverse impact on the bat population and insufficient information has been submitted on appropriate mitigation or compensation measures.

4. The proposal is contrary to paragraph 6.224 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) Planning for Sustainable Development 2015, and contrary to Policy NH2 of Planning Policy Statement 2 Natural Heritage, in that it has not been demonstrated that the proposed development would not have an adverse impact on the Skerries and Causeway SAC and the North Antrim Coast SAC and insufficient information has been submitted on appropriate mitigation or compensation measures.
5. The proposal is contrary to Policy CTY 16 of Planning Policy Statement 21 Sustainable Development in the Countryside as satisfactory sewage disposal has not been demonstrated.

# Site Location







# Addendum

## LA01/2018/1085/F

### 1.0 Update

1.1 Following the receipt of amended plans, an amended P1 form, an amended certificate C and a bat survey, the application was withdrawn from the August Planning Committee schedule to allow further advertisement, neighbour notification and consultations. The key changes are as follows.

- Provision of a septic tank on the site layout plan and an amendment to section 18 of the P1 form to indicate septic tank as sewage disposal and not mains which was previously indicated.
- Amendment to section 27 of the P1 form and notice served on the owner of lands as shown within the red line.
- As requested by DAERA Natural Environment Division a bat survey was provided.

1.2 Further neighbour notification and advertisement was completed following this submission. Further consultations were sent to DAERA Water Management Unit and Natural Environment Division, Shared Environmental Services, Environmental Health and NI Water to consider the additional information provided.

1.3 Four (4) further letters of objection have been received. The points raised are:

- The modifications are slight and do not deal with the points set out in the Planning Committee report.
- The dwelling is out of keeping with the existing hamlet.
- It is out of keeping with the natural and built heritage of the locality within the ANOB.
- The amended plans remain inappropriate, overbearing, out of scale, out of character and destructive of the visual impact of the attractive hamlet.
- Does not address their major objections.
- Inappropriate design

- Scale of buildings relative to the existing buildings on site and to neighbouring dwellings.
- Severe overshadowing on the one storey extension of the neighbouring property.
- Not objecting to the principle of replacement

## 2.0 **Consideration**

- 2.1 NI Water and Environmental Health are content with the proposal subject to informatives. DAERA Water Management Unit raised no concern subject to standing advice. DAERA Natural Environment Division assessed the bat survey dated 19<sup>th</sup> August 2019 and are content that the building to be removed does not currently support roosting bats and therefore the proposed development is unlikely to significantly impact the local bat population. It was also recommended that informatives should be attached to any decision notice. Given this the proposal now complies with Policy NH 2 of PPS 2.
- 2.2 Shared Environmental Services stated that having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on the selection features, conservation objectives or status of any European site. Therefore the potential impact of this proposal on Special Protection Areas, Special Areas of Conservation 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 of any European site. Given the consultation responses refusal reasons 3, 4 and 5 of the Planning Committee report can be removed.
- 2.3 As a septic tank has now been provided the proposed development is now also compliant to Policy CTY 16 of PPS 21. The location of the proposed septic tank is acceptable.
- 2.4 In response to the objection points, further assessment was carried out from the Whitepark Bay viewing point. There are views of the proposed site from this viewing point and although distant the proposal would have a significant detrimental impact on the character of the existing row of dwellings located at Portbradden

Harbour due to the dominance of the building through the scale, massing and design.

2.5 The objection points have been fully considered in the Planning Committee Report.

2.6 In regard to the overall design no changes were provided and the issues in regard to this as set out in paragraph 8.5 to 8.9, 8.11 to 8.14, 8.19 to 8.21 the Planning Committee report have not been addressed. Therefore refusal reasons 1 and 2 remain.

### **3.0 Recommendation**

3.1 That the Committee note the contents of this Addendum and agree with the recommendation to refuse the proposed development as it remains contrary to the SPPS, Policy CTY 3 of PPS 21, Policy NH 6 of PPS 2, in that the proposal will have a visual impact within the AONB significantly greater than the existing building due to its scale, massing and design. In addition the development would adversely affect 24 Portbradden Road by reason on dominance and overshadowing. Refusal is recommended for the following reasons.

### **4.0 Reasons for Refusal**

1. The proposal is contrary to Paragraphs 6.70 and 6.73 of the Strategic Planning Policy Statement for NI and 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 appropriate to its rural setting and does not have regard to local distinctiveness.
2. The proposal is contrary to Paragraph 6.187 of the Strategic Planning Policy Statement for NI and Policy NH 6 of Planning Policy Statement 2, Natural Heritage, in that the site lies within the 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.

# Erratum

## LA01/2018/1085/F

Please note an error in paragraph 8.21 of the Planning Committee Report relating to a house number.

The penultimate sentence should read as:

“There will also be the potential to overlook the existing balcony and also the skylights for the bathroom and kitchen to the dwelling at 24 Portbradden Road.”