



Planning Committee Report – LA01/2016/0107/F 1 Downing Park, Portstewart	24th January 2018
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	Principal Planning Officer
Cost: (If applicable)	N/a

**1 Downing Park
Portstewart**

**LA01/2016/0107/F
Full Planning**

24th January 2018

<u>No:</u>	LA01/2016/0107/F	<u>Ward:</u>	Portstewart
<u>App Type:</u>	Full Planning		
<u>Address:</u>	1 Downing Park Portstewart.		
<u>Proposal:</u>	2 no. Modern Dwelling Houses consisting of 1 no. two storey house and 1 no. two storey house with basement.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	03.08.16
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Agent:	20/20 Architects, 37 Main Street, Ballymoney		
Applicant:	Tim Brown, 1 Downing Park, Portstewart. BT55 7JE		
Objections:	2	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

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 section 7 and 8 and resolves to **REFUSE** planning permission.

2.0 SITE LOCATION & DESCRIPTION

2.1 The application site incorporates a large detached dwelling positioned at the junction of Downing Park and Westminster Park. The site is located within an existing residential area within Portstewart. The existing dwelling is on split levels with 2 storeys to the Westminster Park side and 3 levels on the

Downing Park side (2 storeys with an additional integral garage below the dwelling giving 3 storeys from ground level). There is a small driveway in front of the garage to Downing Park and also a small driveway to Westminster Park. There is a surrounding lawn to the front and side of the house. The building has a flat roof design. There is a balcony above the garage on the Downing Park side. The walls are plastered and there are large front glazed areas. The land in the area rises steeply from the north to the south. There is sloping land on the site.

- 2.2 This is a residential area with a mixed character of bungalows and two storey detached dwellings. The site is positioned within the settlement development limit of Portstewart as defined in the Northern Area Plan 2016. The site is within an existing residential area.

3.0 RELEVANT HISTORY

None.

- 3.1 This application was being presented to the Planning Committee Meeting on 22 November 2017. However, the application was withdrawn from consideration given the submission of amended plans which required neighbour notification. These amendments included a substantial redesign of dwelling no. 2 including removal of the over-hanging elements and fenestration changes to dwelling no. 1.

4.0 THE APPLICATION

- 4.1 Full planning permission is sought to replace the existing dwelling with 2 dwellings which have the appearance of being semi-detached. This is achieved by a short linking wall on the front elevation facing Downing Park. This is the only physical link between the dwellings. The proposal is 2 no. Modern Dwelling Houses consisting of 1 no. two storey house and 1 no. two storey house with basement.

5.0 PUBLICITY & CONSULTATIONS

5.1 **External:** 2 objection letters received from neighbouring properties. The main issues stated in the objection letters include:

Out of character with the area;
Higher housing density;
Overlooking adjoining properties and impact on privacy;
Breach of building line and proximity to the footpath;
Backland development;
Contrary to planning policy in terms of amenity space.

5.2 **Internal:**

DfI Road: No objections.

Environmental health: No objections.

NI Water: No objections.

NIEA water management: 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 Northern Area Plan 2016

Strategic Planning Policy Statement for Northern Ireland (SPPS)

PPS 3: Access, Movement and Parking

Planning Policy Statement 7 Quality Residential environments

PPS 7 Addendum: Safeguarding the Character of Established Residential Areas

Supplementary Guidance

Creating Places

DCAN 8 Housing in Existing Urban Areas

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the principle of a replacement dwelling; impact on character; overlooking; private amenity space; road and traffic matters and; other matters.

Planning Policy

- 8.2 The site is located within the settlement limit of Portstewart as defined in the Northern Area Plan. There are no other zonings or designations relevant to the site.

- 8.3 The principle of this proposed development must be considered having regard to the PPS policy documents specified above and the supplementary guidance.

Principle of a replacement dwelling

- 8.4 The site is located within the settlement limit of Portstewart. As this is located within the settlement and the proposal is to replace an existing dwelling, the principle of development is acceptable subject to its compliance with relevant policies and guidance which are set out in PPS 7 and its addendum.

Impact on character

- 8.5 Criterion (a) of policy QD1 of PPS 7 requires that 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. Policy LC 1 of the Addendum to PPS 7 relates to Protecting Local Character, Environmental Quality and Residential Amenity and provides amplification of Policy QD1. This applies to proposals for the redevelopment of existing buildings.
- 8.6 Policy LC 1 states that planning permission will only be permitted where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:
- a) the proposed density is not significantly higher than that found in the established residential area;
 - (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and
 - (c) all dwelling units and apartments are built to a size not less than those set out in Annex A.
- 8.7 The proposed design incorporates two semi dwellings with split levels as the ground level varies across the site. Dwelling no.1 which fronts the Downing Park has 3 floors/ storeys whereas the dwelling no.2 which fronts Westminster Park has 2 floors/ storeys. The design is of a contemporary style incorporating flat roof and lean-to roof designs, rendered walls using limestone, natural stone and natural timber cladding on external walls.

There are large glazed areas on both frontages and also the side and to the rear of the buildings. The design also includes overhang elements of the dwelling no.1 on the upper floors both to the frontage and also to the rear.

- 8.8 Through the specific design set out in paragraph 4.1, the dwellings have the appearance of being semi-detached. This mitigates the harm that would be caused if the dwellings were physically detached as the minimal separation distances would be at odds with the established character of the area. This together with the consideration that there were historically two separate vehicular accesses, is acceptable in terms of context and character.
- 8.9 The aspect of the frontage onto Downing Park respects the existing building line. However, the frontage to Westminster Park has the new dwelling no.2 extend far beyond the existing building line on Westminster Park and also far beyond the neighbouring property no. 14 Westminster Park. Presently, the existing frontage to Westminster Park is single storey with a flat roof. The new dwelling will be 2 storey. The block plan submitted, shows the new dwelling no.2 extending beyond the existing building line with neighbouring dwelling no. 14 Westminster Park by approximately 4 metres and beyond the neighbouring property no. 16 Westminster Park by 6.5 metres. The footpath will be only 6.5 metres away from the front of the new dwelling at the closest point, whereas the average separation is approx. 9m between dwellings on the street and the footpath. Therefore the new proposed building line significantly exceeds the existing long established building line which exists for the existing dwelling on site and the neighbouring properties to the north and south. This part of the proposal (dwelling no.2) will be prominent as it is a 2 storey dwelling with a ridge height of 7 metres located on the hill which rises from Ferndale Avenue to the north. The proposed buildings have a prominent aspect due to the corner position within the existing established housing development. They will in affect double the size of the existing property on this elevated site. The proposal is subject to public views in particular, from the northern and southern approaches which on balance are considered unacceptable. The design and layout will create contrast with adjacent properties and as such will simply appear out of place.

- 8.10 It is considered that the proposed layout, scale, proportions, massing and appearance of the new buildings do not meet the requirements of Criterion (a) of Policy QD.

Overlooking

- 8.11 There is a first floor window approx. 1m wide on the rear elevation of dwelling no. 1 facing south which is positioned on an overhang projecting over the rear garden area. It is for the master bedroom and will be positioned 6.5 metres from the rear boundary with no. 14 Westminster Park, a neighbouring single storey dwelling with private rear amenity. The window is considered unacceptable and will create unacceptable overlooking into the private rear amenity afforded to the neighbouring property no. 14 Westminster Park. Creating Places guidance states that the rear of new houses should be a minimum distance of 10 metres back from existing boundaries of neighbouring houses. In this instance the rear of new dwelling no.1 is only 6.5 metres from the boundary with the neighbour no. 14. Having regard to this matter, it is considered that this proposal will have an unacceptable impact on overlooking into the surrounding property. It is considered that the design will therefore conflict with adjacent properties.
- 8.12 There is also a large area of glazing to the western aspect to the dwelling no. 1 on the first floor. This area of glazing is approx. 6 metres wide and will serve a living area, a walkway from the living area to the master bedroom and also the master bedroom. Not only will there be overlooking neighbouring properties, there will be a detrimental impact on the rear private amenity of neighbouring dwelling no. 3 Downing Park. The internal walkway is set back from the glazed area which mitigates immediate overlooking to some extent. However, notwithstanding that, as the extent of the glazing is considerable, this will create a strong perception of overlooking from the rear garden of no. 3 Downing Park.
- 8.13 New dwelling no.1 has a first floor rear window to a master bedroom which is 1.5m wide. It is only 6.4m away from the private amenity of dwelling no. 2 and will result in overlooking the private rear amenity for future residents of adjacent dwelling

no. 1. This would result in a detrimental impact on amenity afforded to any future resident of the new property.

- 8.14 The design is not acceptable in its context with the surrounding properties, and therefore does not comply with criterion (h) of Policy QD1.

Private Amenity Space

- 8.15 There is inadequate private amenity space as the proposed layout does not allow for each new dwelling to have a minimum of 10 metres of rear garden depth from the rear of each house to the common boundary. This conflicts with the guidance Creating Places. Dwelling no. 2 has only a 6.4 metre garden depth at the rear, this is significantly less than the minimum 10m advised in Creating Places guidance for new dwellings. The block plan shows over 70 s.q.m. amenity for dwelling no.2. However, the quality of the amenity provided would be diminished by the small separation distance from the rear of dwelling no.2 to the common boundaries with the new dwelling no. 1 and also the neighbouring existing dwelling no.14 Westminster Park. The overhang to the rear of dwelling no. 1 will also block the sunlight and will result in overshadowing of the private rear amenity shown for adjacent new dwelling no.2. Therefore there is inadequate provision of usable private rear amenity for dwelling no. 2. This is not a satisfactory situation for the future residents of dwelling no.2.
- 8.16 The proposal provides inadequate private amenity space, and therefore does not comply with criterion (c) of Policy QD1.

Road and Traffic Matters

- 8.17 Criteria (e) and (f) of Policy QD1 state that a proposal should provide a movement pattern 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; and that there is adequate and appropriate provision is made for parking.
- 8.18 This is an established residential area so the proposal will not conflict or undermine these matters and there is an existing

movement pattern. DfI Roads, who is the competent authority on road and traffic matters, has been consulted and raises no objection. Adequate parking is shown to the front of the dwelling. It is considered that the proposal complies with criteria (e) and (f) of Policy QD 1 of PPS 7.

Other Matters

8.19 There are other criteria of Policy QD1 which the application must be assessed against. These are considered below:

(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:

There are no archaeological or built heritage features on site. There are no landscape features worthy of protecting on site. Therefore the application proposal meets this test of policy.

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

The proposal is replacing an existing dwelling in a long established residential neighbourhood within the town of Portstewart and will utilise existing facilities.

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

The contemporary nature of the design is acceptable given the suburban location where dwelling design is varied.

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

The proposal fronts onto the street, with the main entrance to the dwellings at the front. The proposal will replace an existing dwelling and therefore complies with this test of policy.

9.0 CONCLUSION

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan and other material considerations. There will be significant harm to the existing residential area and also for the amenity afforded to future residents, as a result of the proposal conspicuously breaking forward of the building line on Westminster Park and through overlooking. In addition, the proposal fails to provide acceptable private amenity space. Refusal is recommended.

10.0 Refusal Reasons

10.1 Refusal reason:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland Paragraphs 4.9 and 4.12 and Policy QD1 of Planning Policy Statement 7 'Quality Residential Environments' and associated guidance 'Creating Places' in that the development would fail to meet criteria (a). (c). and (h) and, as such, would not create a quality residential environment.



