

Planning Committee Report LA01/2017/0906/F	24 <sup>th</sup> October 2018
<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>App No:</u></b>	LA01/2017/0906/F	<b><u>Ward:</u></b>	Ballycastle
<b><u>App Type:</u></b>	Full Planning		
<b><u>Address:</u></b>	19.5m to the rear of 32 Quay Road, Ballycastle		
<b><u>Proposal:</u></b>	Proposed 3-storey dwelling house consisting of 2 upper floors, lower ground floor and balcony.		
<b><u>Con Area:</u></b>	Ballycastle	<b><u>Valid Date:</u></b>	05.07.2017
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>Target Date:</u></b>	18.10.2017
<b>Applicant:</b>	Tim & Phoebe Trail		
<b>Agent:</b>	2020 Architects		
<b>Objections:</b>	6	<b>Petitions of Objection:</b>	0
<b>Support:</b>	0	<b>Petitions of Support:</b>	0

**Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://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 The existing site is located 19.5m to the rear of 32 Quay Road, Ballycastle. No. 32 is a two storey late 19<sup>th</sup> Century Victorian Townhouse with two storey canted bay windows and attractive plaster banding, eaves and corbel architectural detailing, set within a historical plot with associated historic outbuilding and raised garden to the rear. The land at the rear of No. 32 is overgrown and this plot of land is bound by No. 6 Silverspring along the northern boundary (their garage and wall). The eastern boundary is defined by timber fencing and vegetation and the western boundary consists of a high wall and hedging. Access to No. 32 is from Quay Road and the property has in-curtilage parking.
- 2.2 The site is located within the settlement limit of Ballycastle within the Antrim Coast and Glens AONB. It is within Ballycastle Conservation Area and an Area of Archaeological Potential. Housing within this area is a mix of detached, semi-detached and terrace properties with on and off street parking. The application site is within close proximity to Ballycastle Integrated Primary School and the recreational grounds.

## **3.0 RELEVANT HISTORY**

- 3.1 No relevant planning history exists on the application site.

## **4.0 THE APPLICATION**

- 4.1 Full planning permission is sought for proposed 3-storey dwelling house consisting of 2 upper floors, lower ground floor and balcony.

## **5.0 PUBLICITY & CONSULTATIONS**

### **5.1 External:**

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

- Structural damage to No. 34 leading to financial loss and flooding
- Overlooking/loss of privacy to garden area, yard, kitchen of No. 34
- Decrease in market value of No. 34
- Overshadowing/dominance to No. 34 which is compounded by the difference in ground levels
- Impact upon life of elderly residents who reside at No. 30 which is a supported sheltered house – potential impact in terms of overlooking of bedrooms and garden area thus impacting privacy
- Access to development
- Access in terms of using “Bo Lane” which is under the ownership of Mr Fothergill.  
(This issue was addressed as the red line of the application was reduced to exclude this shared lane)
- Traffic Impact
- Prejudice the safety and convenience of road users
- Impact upon character and appearance of conservation area
- Adverse impact upon context and character of listed buildings
- Incongruous inappropriate back land development
- Inappropriate siting, height, scale and massing
- Pattern of development out of keeping with the overall character of the residential area
- Poor Design

## 5.2 Internal:

**NI Water:** No objections

**Environmental Health:** No objections

**DFI Roads:** Object

**Conservation Officer:** Object

**Historic Environment Division Historic Monuments:** No objections

**Historic Environment Division Historic Buildings:** Object

## 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 (SPPS)

PPS 2: Natural Heritage

PPS 3: Access, Movement and Parking

PPS 6: Planning, Archaeology and the Built Heritage

PPS 7: Quality Residential Environments

PPS 21: Sustainable Development in the Countryside

### **Supplementary Planning Guidance**

Antrim Coast and Glens AONB Design Guide

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

Creating Places

Ballycastle Conservation Area Design Guide

Development Control Advice Note 15 - Vehicular Access Standards

Development Control Advice Note 8 – Housing in Existing Urban Areas

## **8.0 CONSIDERATIONS & ASSESSMENT**

### **Planning Policy / Principle of Development**

- 8.1 The application site is located within the settlement limit of Ballycastle within the Antrim Coast and Glens Area of

Outstanding Natural Beauty (AONB). It is within Ballycastle Conservation Area and an Area of Archaeological Potential.

- 8.2 The proposed dwelling must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.
- 8.3 The main considerations in the determination of this application relate to: local character, environmental quality and residential amenity; potential impact on archaeology, listed buildings and Ballycastle Conservation Area; access and natural heritage.

### **Local Character, Environmental Quality and Residential Amenity**

- 8.4 PPS 7 promotes quality residential development in all types of settlements. DCAN 8 and Creating Places is additional guidance intended to supplement this policy in terms of improving the quality of new housing development.

#### *Policy QD1 – Quality in New Residential Development*

This policy sets out a presumption against housing development in residential areas where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. Proposals for new residential development should comply with the following criteria:

**(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;**

This application involves the proposed construction of a three storey dwelling of modern design cut into in the elevated rear garden of No.32, which exhibits a 5m height rise in land form. The visual form and massing of the building in this location have dimensions of approximately 12m frontage width x 10m depth x 10m in Height with a shallow angle Mansard style roof. The design includes an extended front raised terrace on the southern elevation which is cut into the existing sloping garden,

on top of the ground floor. A protruding glass cast balcony is also on the upper floor of the front elevation. The front elevation of the proposed dwelling faces towards the rear elevation of No.32. Materials include natural slate roof, upper and lower bands of smooth and rough render, Light Beige window and door frames.

The principle of this backland development is paramount for consideration. Paragraph 5.7 of DCAN 8 is relevant for assessment. A plot depth of 80m is recommended to facilitate successful backland development. This plot measures approx. 63m from Quay Road to the rear of the site which is below recommended requirements. Plot depths less than 80m can be approved where careful design can overcome concerns of overlooking however, this application has several issues in terms of overlooking of neighbouring residents as considered in detail in criteria (h). Scale and massing of new dwellings should not exceed those fronting the street however, the scale of this proposal is excessive due to the difference in ground levels from Quay Road. This development reads as a separate entity rather than a minor component of subservient outbuildings immediately adjacent to the main dwelling house which is historically evident along Quay Road.

The agent provided additional information date received 15/03/2018 to prove there are other examples of backland development along Quay Road. Relevant examples are quoted Nos. 1 – 9 on a map of this area. No. 1 refers to 64 Quay Road which is a bungalow approved in 1987 but this differs from the application site as there is a road adjacent. No. 2 refers to 8a Quay Road which has permissions dated 1974 and 1978 for bungalows and then permission for 3 flats in 1976. These permissions were prior to the introduction of PPS 7. Nos. 4 & 5 refer to 8 Quay Road and permissions were granted for dwellings and flats in 1992 which was prior to the PPS 7. No. 6 refers to the housing development at Silverspring granted in 1991 for apartments/townhouses but this is not similar to this proposal for a dwelling. No. 7 refers to a rear extension relating to No. 30 Quay Road which is supported housing for the elderly so it is not comparable to this application. Nos. 8 & 9 refer to housing developments which abut the main road. The information provided has been assessed but it is considered

that this proposal for backland development is not characteristic of the area in particular Quay Road and therefore is unacceptable in principle. The plot depth is not large enough to accommodate this development without harming the character and appearance of the conservation area and the residential amenity of neighbouring properties. This backland development is not of a form and scale which respects local character and would be incongruous in the context of Quay Road. The proposal would cause unacceptable damage to the character of the surrounding area as it does not respect the surrounding context and is considered inappropriate to the character and topography of the site in terms of layout, scale, proportions, landscaping and hard surfaced areas.

***(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;***

The proposal does not harm features of archaeological importance as HED: HM have no objections. The proposal however, affects the setting of listed buildings as confirmed through consultation with HED: HB. (See subheading 'Listed Buildings' in report). There are no important landscape features within the site in need of protection. The land would be developed and boundaries defined accordingly.

***(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;***

Adequate provision for public and private open space and landscaped areas should be an integral part of the development. Creating Places, paragraph 5.19 states all houses should have an area of private open space behind the building line and it should be approx. 70m<sup>2</sup> per house or greater. Smaller areas may be more appropriate for houses with 1 or 2 bedrooms but any individual house with an area of less than around 40m<sup>2</sup> will generally be unacceptable. The

private amenity space for this dwelling consists of a private garden space and terrace to the front and a back terrace which is well above recommended requirements. The rear amenity space remaining for No. 32 is adequate at approx. 70m<sup>2</sup>.

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

***(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;***

Given the proposal is in the settlement limit of Ballycastle which contains various facilities such as schools, shops, professional services, play parks etc, the developer is not required to make provision for local neighbourhood facilities as an integral part of the development nor provide a movement pattern as access to public transport and the amenities of Ballycastle town is already available.

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

DFI Roads was consulted in relation to this application and amendments are required. The existing vehicular access should be widened to 5m with the car parking for the existing dwelling located to the rear of the existing dwelling. The present arrangement is unworkable so the proposal would prejudice road safety and fails to meet policy requirements.

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

The design of this development is unacceptable in terms of form, materials and detailing. It is not sympathetic and complimentary to the existing character, nor is it in harmony with, or complimentary to, its neighbours. The scale, form, massing and design features have a visually disruptive impact

on the existing townscape and do not respect the historic layout street pattern or existing landform.

***(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;***

The properties that abut the application site include Nos. 30 and 34 Quay Road and No. 6 Silverspring all of which have objected to this proposed dwelling. The impact to No. 6 following site inspection of these premises, is limited given this property sits at a much higher level than the application site. While there would be some overlooking from the first floor study and living room this is mitigated by the presence of No. 6's garage adjacent to the northern boundary. Some views may be possible of the driveway belonging to No. 6 but views do not extend to their private rear amenity space. Unreasonable overshadowing should not occur to No. 6 given the difference in ground levels and separation distances from their actual house.

No. 34 Quay Road will be adversely impacted by this development in terms of their residential amenity. Following a site inspection from their premises, the proposal at this height and location would result in unacceptable overlooking from the ground and first floor levels. In particular excessive views would occur from the Lounge/living room (window approx. 4m wide) and the front terrace. Views would be of their raised garden area, yard and back kitchen. The proposal due to the difference in ground levels would result in overshadowing and dominance to No. 34.

No. 30 is a supported sheltered house for the elderly and following site inspection from these premises, the proposal would not result in unacceptable overshadowing/dominance given the orientation of the site however, it would adversely impact upon their amenity in terms of overlooking. Views of bedrooms and their private amenity space (garden) would occur from the first floor study and front terrace.

There would also be overlooking concerns to No. 32 directly in front of the application site as there is only a separation of 12m from their new rear amenity space.

There are no anticipated issues in relation to noise or other disturbance from this development. Environmental Health was consulted and express no objections.

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

The development has been designed to deter crime and promote personal safety.

### **Archaeology**

- 8.5 The site is located within the area of Archaeological Potential for Ballycastle. Consultation occurred with HED: Historic Monuments who advised the proposal satisfies Policy BH 2 of PPS 6, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works.

### **Listed Buildings**

- 8.6 The application site affects listed buildings at Nos. 36 Quay Road and Silversprings House at No. 20 Quay Road. Consultation occurred with HED: Historic Buildings and their response indicated the proposal is likely to have an adverse impact on the context and character of the setting of the listed buildings and results in a loss of its architectural and historic integrity. This is due to the detailed design being out of keeping with the listed building in terms of scale, massing and height. Going forward, existing and proposed contextual elevations through the application site into the grounds of No. 36 Quay Road and Silversprings House would be required. 3D modelling and photomontages should also be submitted in the context of the listed structures and the surrounding area. The proposal is contrary to Paragraph 6.12 of the SPPS and Policy BH 11 of PPS 6 as this development adversely affects the setting of listed buildings.

## Conservation Area

- 8.7 The site is located within Ballycastle Conservation Area so consultation occurred with the Conservation Officer. Concerns relate to the introduction of new built form at this elevated rear garden location and the subdivision of an existing historical plot. This subdivision and significant development at this prominent location jars with the surrounding context and does not fit into the grain of the Conservation Area, failing to respect the historic layout street pattern and existing landform. To introduce substantial built form and develop this open rear amenity space would be contrary to the character of Quay Road which comprises Victorian villas and terraces with long narrow plots laid out as individual properties with front and extensive raised gardens to the rear. This development reads as a separate entity rather than a minor component of subservient outbuildings immediately adjacent to the main dwelling house which is historically evident along Quay Road.
- 8.8 The proposal involves insertion of a modern contemporary designed 3 storey dwelling, on a prominent elevated private rear garden. The proposed dwelling has significant visual bulk and massing which will dominate the surrounding properties in the Conservation Area, thereby having a visually disruptive impact on the existing townscape. The proposal also includes inappropriate features such as a shallow pitch Mansard style Roof, protruding cast balcony and a significant level of void/glazed openings, many of which exhibit an inappropriate horizontal element. These features and resulting design clearly indicate that the proposal has not been designed with respect for context and does not reinforce the character and the special architectural or historic qualities of the Conservation Area.
- 8.9 Other issues requiring attention relate to proposed demolition in the Conservation Area. The agent needs to clarify and identify the extent of any demolition involved relating to the rear outbuilding and wall because an application will require submission if the building is over 115 cubic metres. In terms of the access, the existing historic pillar and wall structure positively contribute to the setting and efforts should be made to minimise any removal or disruption of this fabric.

8.10 In summary the proposal is considered contrary to paragraphs 6.18 & 6.19 of the SPPS, Policy BH12 of PPS 6 and the Ballycastle Conservation Area design Guide, in that it is not designed with respect for its context, it is not sympathetic and complimentary to the existing character, nor is it in harmony with, or complimentary to, its neighbours. The scale, form, massing and design features have a visually disruptive impact on the existing townscape and do not respect the historic layout street pattern or existing landform. Therefore, the proposal would not preserve or enhance the character and appearance of the Conservation Area.

### **Access**

8.11 PPS 3 relates to vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It is an important consideration in terms of the integration of transport and land use planning. Planning permission will only be granted provided the proposal does not prejudice road safety or significantly inconvenience the flow of traffic.

8.12 DFI Roads was consulted and amendments are required. The existing vehicular access should be widened to 5m with the car parking for the existing dwelling located to the rear of the existing dwelling. The present arrangement is unworkable so the proposal would prejudice road safety and fails to meet with Policy AMP 2 of PPS 3 and DCAN 15.

### **Natural Heritage**

8.13 Proposals should be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife. Proposals should respect local architectural styles and patterns as well as local materials, designs and colour.

8.14 The proposal as considered under “Local Character, Environmental Quality and Residential Amenity” above fails to satisfy policy requirements in particular PPS 7 in that it does not provide a quality residential development. The proposal is contrary to PPS 6 in that it does not preserve or enhance the character and appearance of the Conservation Area and it adversely affects the character of listed buildings. The proposal is unacceptable in

principle for back land development and is inappropriate in terms of siting, design, scale and massing and is not sympathetic to this AONB location. It does not respect local architectural styles and patterns and it does not conserve features of importance to the character, appearance or heritage of the landscape such as the listed buildings located within proximity of the site. The proposal therefore is contrary to Paragraph 6.187 of the SPPS and Policy NH 6 of PPS 2.

### **Habitats Regulations Assessment**

8.15 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). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

## **9.0 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. The proposal fails to meet the requirements of planning policies and does not provide a quality residential development. The proposal is contrary to criteria (a), (b), (f), (g) and (h) of Policy QD1 of PPS 7 resulting in unacceptable damage to local character. The proposal does not respect the surrounding context and is inappropriate to the character and topography of the site in terms of layout, scale, massing and design. The proposal will harm neighbouring residential amenity in terms of overlooking/loss of privacy and overshadowing/dominance. The proposal adversely impacts the context and character of the setting of listed buildings through inappropriate design. The proposal harms the character and appearance of Ballycastle Conservation Area and is not sensitive to the AONB location. Access requirements have not been met and the proposal would prejudice road safety. Refusal is recommended.

## **10.0 REFUSAL REASONS**

- 1.** The proposal is contrary to Paragraph 4.26 of the SPPS, DCAN 8 and Policy QD1 of Planning Policy Statement 7 “Quality residential environments” in that it fails to satisfy criteria (a), (b), (f), (g) and (h) resulting in unacceptable damage to the character, environmental quality and residential amenity of the area. The proposal will result in overlooking/loss of privacy and overshadowing/dominance to neighbouring residents.
- 2.** The proposal is contrary to Paragraphs 6.12 of the SPPS and Policy BH 11 of PPS 6 “Planning, Archaeology and the Built Heritage” in that the proposal would, if permitted, adversely impact the context and character of the setting of listed buildings through inappropriate design.
- 3.** The proposal is contrary to Paragraphs 6.18 & 6.19 of the SPPS and Policy BH 12 of PPS 6 “Planning, Archaeology and the Built Heritage” in that the proposal would, if permitted, be harmful to the character and appearance of the Ballycastle Conservation Area through inappropriate siting, design, scale, form and massing.
- 4.** The proposal is contrary to Paragraph 6.187 of the SPPS and Policy NH 6 of Planning Policy Statement 2 “Natural Heritage” in that the development, if permitted, would have a detrimental impact upon the character and appearance of this designated Area of Outstanding Natural Beauty.
- 5.** The applicant has failed to demonstrate that the proposal would not prejudice road safety in accordance with Policy AMP 2 of Planning Policy Statement 3 “Access, Movement and Parking” and Development Control Advice Note 15 due to insufficient information.

# Site Location Map



Planning Office  
RECEIVED  
08 DEC 2017  
File No: 181024  
Chelmsley Coast and  
Greatborough Council

Playing Fields  
181024/2017/0906

Drawing  
Number 018  
Chelmsley Coast and  
Greatborough Council

-  Land under Applicant ownership
-  Site outline
-  Existing right of way



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REVISIONS	DATE	BY

Drawing title: Site Location

Client: Tim Trial  
Project: Private House  
Project No: AP392  
Dwg No: 1  
Scale: 1/1250  
Date: 07.12.2017

**2020**  
architects

DRW BY: PH  
CHK BY: MB