

<b>Planning Committee Report</b> <b>LA01/2017/1449/O</b>	<b>19<sup>th</sup> December 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>App No:</u></b>	<b>LA01/2017/1449/O</b>	<b><u>Ward:</u></b>	<b>Greysteel</b>
<b><u>App Type:</u></b>	<b>Outline Planning</b>		
<b><u>Address:</u></b>	<b>Lands between 10 &amp; 12 Upperlane Road, Greysteel</b>		
<b><u>Proposal:</u></b>	<b>Proposed site for 2 dwellings and garages</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>03.11.2017</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b>Applicant:</b>	<b>Mr Kelly, 8 Upperlane Road, Greysteel, BT47 3BN</b>		
<b>Agent:</b>	<b>5050 Architecture, 3A Keldon Crt, 17 Linenhall Street, Limavady, BT49 0HQ</b>		
<b>Objections: 0</b>	<b>Petitions of Objection: 0</b>		
<b>Support: 0</b>	<b>Petitions of Support: 0</b>		

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 application site is located between Nos. 10 and 12 Upperlane Rd, Greysteel. The application site is comprised from the roadside section of an agricultural field, sited on the northern side of Upperlane Rd. The application site rises relatively steeply from the Upperlane Rd in a North-Western direction. The roadside boundary of the site is defined by an earth ditch with post and wire fence on top. Approximately half of the roadside boundary is defined by hedgerow with an overall height of approximately 1.8m. The North Eastern site boundary is defined by a post and wire fence with a row of mature trees ranging from approximately 8-10m at the roadside to 5-6m to the rear of the site. The North Western (rear) and South Western site boundaries are undefined.
- 2.2 The application site is located within the rural area outside of any settlement limit as defined in the Northern Area Plan 2016. The site is located approximately 2.1km south west of Greysteel and 2.6km south east of Eglinton. The area is predominately agricultural in nature with development along Upperlane Rd comprising a mix of single dwellings and farm yards. Development along Upperlane Rd is also predominately of a roadside nature. To the east of the application site there is a bungalow at No. 12, and to the west of the site there is another bungalow at No. 10 and a stone barn, which is set back from the roadside.

### **3.0 RELEVANT HISTORY**

3.1 There is no planning history on the application site. The following planning history is relevant to the adjacent sites.

B/2009/0187/O - Replacement dwelling with the existing vernacular building to be converted into a double garage/ store and linked to the new dwelling unit - Adjoining 10 Upperlane Road, Killylane, Eglinton - Application Withdrawn 14.02.2011

### **4.0 THE APPLICATION**

4.1 Outline Planning Permission is sought for two infill dwellings. The application site is located at the immediate roadside along Upperlane Rd. No plans have been submitted to assess the scale and design of the proposed dwellings.

### **5.0 PUBLICITY & CONSULTATIONS**

5.1 **External:**

**Neighbours:** There are no objections to the proposal.

5.2 **Internal:**

DFI Roads: No objections.

Environmental Health: No objections.

NI Water: No objections.

Shared Environmental Services: No objections.

DAERA Water Management Unit: 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 (SPPS)

PPS 2: Natural Heritage

PPS 3: Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

### **Supplementary Planning Guidance**

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

## **8.0 CONSIDERATIONS & ASSESSMENT**

### **Planning Policy**

- 8.1 The proposed dwelling must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: principle of development, integration and rural character, access and Habitat Regulations Assessment.

### **Principle of Development**

- 8.2 The policies outlined in paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21 state that there are a range of types of development which are considered acceptable in principle in the countryside. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. The application was submitted as infill dwellings within a substantial and continuously built up frontage and therefore falls to be assessed against Policy CTY 8.
- 8.3 Policy CTY 8 entitled Ribbon Development states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. This is reiterated by paragraph 6.73 of SPPS.
- 8.4 The application site is located along the roadside and has development located to the north east and south west of the site. Immediately North East of the site is a modest sized bungalow

(No. 12), with a garage to the rear, which has a curtilage which extends to the Upperlane Rd. To the South West there is another bungalow at No. 10, again with a small garage to the rear of the dwelling, which also has a front garden which abuts the Upperlane Rd. As the garages are set to the rear of their associated dwellings they do not directly front onto Upperlane Rd and are not considered to contribute to the formation of a built up frontage. To the North of No. 10, between it and the application site is a stone barn, which sits outside the curtilage of No. 10. This building is set back behind the building line of the dwelling at No. 10, and is served only by an agricultural laneway. This building has no curtilage other than its own footprint and has no common frontage onto Upperlane Rd. As the building has no common frontage onto Upperlane Rd it cannot be regarded as forming part of a substantial and continuously built up frontage.

- 8.5 The Planning Appeals Commission has a settled position on what constitutes a frontage. Within planning appeal 2015/A0221, it was clarified that a building has a frontage to a road if the plot on which it stands abuts or shares a boundary with that road; an access does not constitute a road frontage.
- 8.6 Given the garages to the rear of both properties are not considered as part of the frontage, only Nos. 10 and 12 have a common frontage onto the Upperlane Rd, and as such the gap/application site is located between two buildings which does not constitute a substantial and continuously built up frontage as defined in Policy CTY8. As such the proposal is contrary to Paragraph 6.73 of the SPPS and CTY8 in that the gap site is not located within a substantial and continuously built up frontage.
- 8.7 As the proposed application site is not located within a substantial and continuously built up frontage the proposal would result in a built up linear form of development along Upperlane Rd, which would result in the creation of ribbon development, which again is contrary to Paragraphs 6.70 and 6.73 of the SPPS, Policy CTY8 and Criteria D of Policy CTY 14.
- 8.8 The application site equates to approximately 0.25Ha (2500m<sup>2</sup>), which is an average of 1250m<sup>2</sup> per site. The plot size of the dwellings either side of the application site are No. 10 - 1190m<sup>2</sup> and No. 12 – 667m<sup>2</sup>. The average plot size of the two existing sites is 928.5m<sup>2</sup>. While the average plot sizes of the application site are significantly larger than that of No.12 and larger than the

average plot size of Nos. 10 and 12, two equally sized sites within the red line would be directly comparable to that of No. 10.

8.9 In relation to the plot widths along the frontage the application site is 72m in total (average of 36m). The plot width of No. 10 is 49m and the plot width of No. 12 is 20m with the average of these two properties 34.5m. When studied in the context of the surrounding character the application site falls close to the average plot width despite being at odds with the existing individual plots. Given the comparable average plots widths and plot sizes the Planning Department has no significant concerns regarding this aspect of the proposal.

8.10 The gap between Nos. 10 and 12 is 102m at their closest point. The application site measures 72m in width, and does not include the entire gap between the buildings No. 10 and No. 12. The agricultural access, the stone barn and part of the agricultural field remains outside the application site. Given that the average plot width in the application site is 36m the gap between No. 10 and No. 12 could almost contain three dwellings of the average application plot (108m) and three average plot widths when averaging the plot widths of Nos. 10 and 12 (103.5m). As such while the plots may be comparable to the plots in the vicinity, the gap, in which the application site is located, is not considered to be a small gap in that it could accommodate more than two dwellings and is again contrary to Paragraph 6.70 of the SPPS Policy CTY8. As the proposal fails to comply with Policy CTY8 and no other overriding reasons as to why this development is essential in this rural location and could not be located within a settlement the proposal is also contrary to Policy CTY1 of PPS21.

### **Integration and Rural Character**

8.11 The application site is contrived from the roadside portion of an agricultural field. There is little in the way of natural screening within the site, with only the north eastern site boundary defined by any substantial vegetation. Any roadside vegetation which exists will have to be removed to provide the necessary visibility splays. As such the application site is very exposed and given the rising levels in the site any dwelling is likely to sit on a slightly elevated position above the road, and devoid of any meaningful vegetation would fail to integrate into the site. The dwellings at Nos. 10 and 12 have mature vegetation around them which

helps with integration, although No. 10 remains very exposed and does not integrate well with its surroundings. Views of the site are relatively short and mainly when passing the site along Upperlane Rd. Views of the site will be screened by No. 12 on approach from the east until passed it.

8.12 On approach from the west, views of the application site will come into view on approach to No. 10, although somewhat filtered the mature trees to the front on No. 10. Again when passing no. 10, dwellings on the site would be clearly visible with no integration qualities afforded to them by the site, other than the north eastern boundary. As such the application site would result in dwellings which could not be satisfactorily integrated and would have an adverse visual impact on the locality. The proposal would be wholly reliant on new landscaping to try and adequately screen dwellings to a suitable degree and is therefore contrary to Paragraph 6.70 of the SPPS and Policy CTY 13.

8.13 In addition, the rising nature of the site would also see the dwellings sit at a somewhat elevated nature above road level. The elevated position of the dwellings and their close proximity to the roadside would result in the dwellings appearing prominent in the landscape when passing the site. As such the proposal would be unduly prominent and would be contrary to Paragraph 6.70 of the SPPS and Policies CTY 13 and CTY 14.

### **Access**

8.14 Access to the application site will be via direct access onto Upperlane Rd. DFI Roads were consulted on the proposal and, following the submission of revised plans, have no objections subject to compliance with the stipulations as per the RS1 form attached to the consultation response. The proposal therefore complies with Policy AMP2 of PPS3.

### **Habitats Regulations Assessment**

8.15 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 or conservation objectives of any European site.



## **9.0 CONCLUSION**

9.1 The application site is not within a substantial and continuously built up frontage and as a result would result in the creation of ribbon development. The gap in which the site is proposed is not a small gap in that it could accommodate more than 2 dwellings. No other reasons as to why the development is essential in this rural area have been provided. Additionally dwellings on the site would fail to sufficiently integrate within the site. As such the proposal is contrary to Paragraphs 6.70 and 6.73 of the SPPS and Policies CTY1, 8, 13 and 14 of PP21.

## **10.0 REFUSAL REASONS**

1. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is no substantial and continuously built up frontage at this location; there is no small gap which can accommodate a maximum of two dwellings, and the proposal would, if permitted, result in the addition of ribbon development along Upperlane Road.
3. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape; the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; the proposed buildings rely primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable

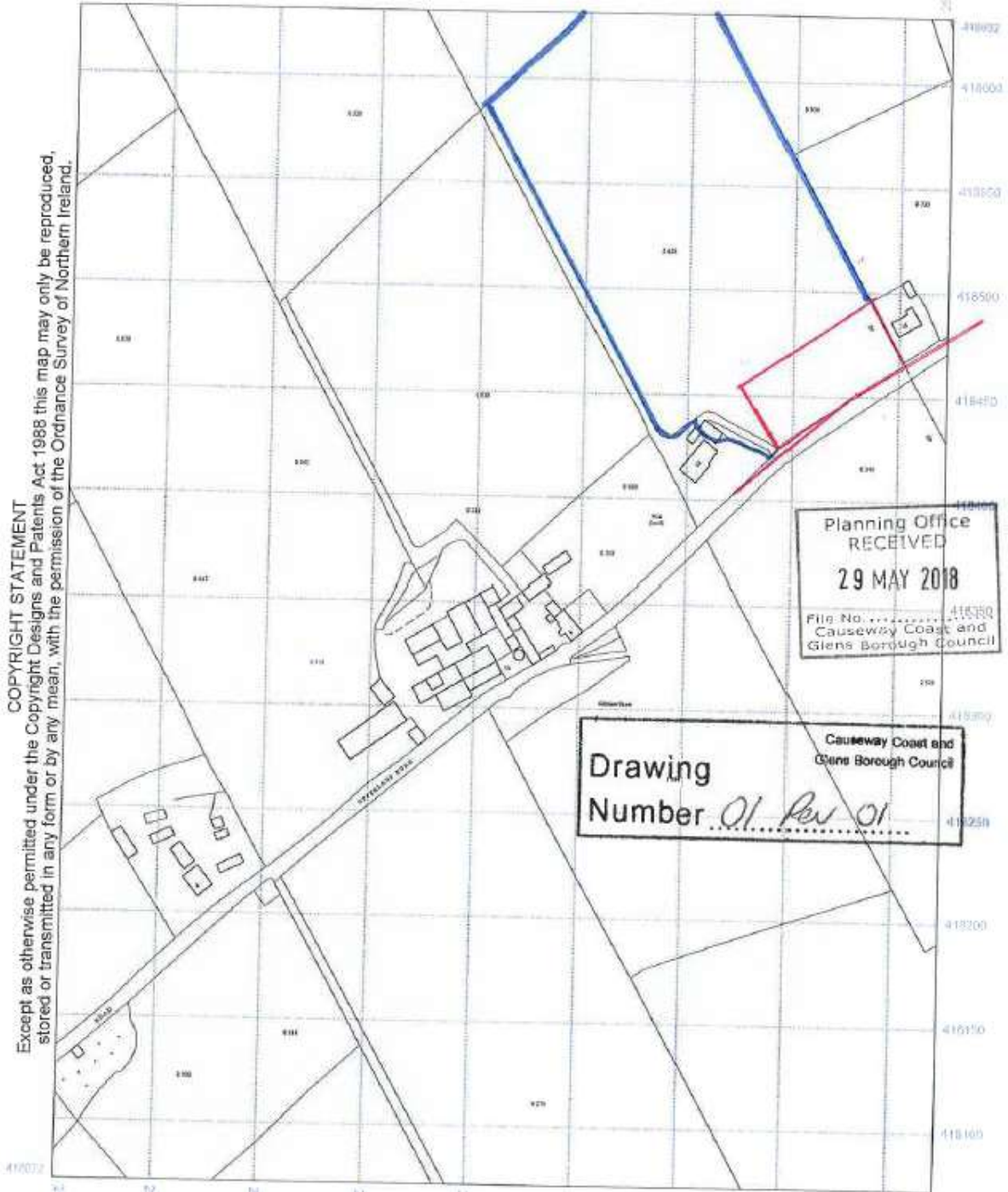
Development in the Countryside in that: the building would, if permitted, be unduly prominent in the landscape and would, if permitted add to a ribbon of development along Upperlane Road and would therefore result in a detrimental change to the rural character of the countryside.

# Site Location Map

**ACEmap<sup>®</sup> Online** Scale 1:2500 Plan No. 03801NW  
Printed: 13/05/2009 Customer Ref. FERGUS KELLY Plot I.D. 45095-1  
This map relates to the following address or grid reference  
UPPERLANE ROAD, GREYSTEEL



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