

Gemma McAuley

From: Alan Boyle <alan@aqbw.com>
Sent: 22 March 2023 10:18
To: 'aqb Architectural Workshop'; Oliver McMullan
Cc:

Subject: RE: LA01/2020/1135/F - 80A Curragh Rd
Attachments: k Full Case Info pre committee meeting 08-02-23.docx

In advance of the Planning Committee Meeting we record from Planner's Report as follows :

No objections from Consultees.

From Planners Report :

POINT 8.7 :

Planning are discounting the many Seacoast Road precedent cases

dating 2013 to 2017 and within Causeway Coast & Glens Borough Council area (CC&G BC)
– cannot be more relevant.

Comments from case notes for the above;

corrugated sheeting, under build with block built walls, Dwelling Characteristics, holiday Shack,

Planning are discounting 4no.NIHE Replacement Dwellings -almost identical to Application Case.

Planners Report relies on appeal case 2018/A0172

setting determining date to exclude precedent cases yet with report also relies on 2 No. 2013 PAC cases.

Important to note

Planner Report relies heavily on Annalong Case but discounts AQB cases from neighbouring Council areas.

AQB precedent case- 160 Carrowclare Rd LA01/2021/0798

– Post-dates Annalong case 2018 and within CC&G BC therefore more relevant.

Plan Report confirms approved “due to concrete floor”.

We advise Carrowclare replacement was vacant for a number of years; corrugated tin structure

Curragh Road Dwelling is currently lived in & has been for over 25 years.

Author advises that the “Liveable” nature of a property is a determining factor for Planning Approval.

POINT 8.11 :

Planning case relies solely on PAC case of 2018 as most significant,

The 2 No. 2013 cases are not relevant if the Seacoast road cases are irrelevant cases (2014 to 2017)

(both assertions cannot be correct).

Planning Report lists 3 No. PAC cases :

- PAC 2013/A0047 not relevant as relates to a mobile home.
- PAC 2013/0074 relates to residential caravan / mobile home.

Planning Report based on PAC Case PAC2018/0172 – Annalong.

The Report fixates on only one element of PAC Report.

The Commissioner's concern reads "a platform on which to anchor it was constructed".
ie. the PAC case was not built into the ground – AQB Application has brick walls to a foundation.

There were six main points for the Annalong Refusal – The dwelling construction type was 1 of 3 sub points;

Planning Report over emphasizes this point to frame a negative decision on our Application Dwelling.

What the Planning Report does not highlight :

- PAC 2018/A0172 – Appeal case relied on is not comparable for the following :

- The appeal site is in an Area of Outstanding Natural Beauty (AONB). – We are Not
- The appeal case was for an offsite replacement with greater visual impact. – We are Not
- The appeal case with Off-Site replacement resulting in Ribbon Development. – We are On-Site
- The Ribbon Development of the appeal case would impact "Rural Character" – We are not Ribbon
- The commissioner added significant weight to the AONB, being within the Mourne and re-siting beyond the original siting – we are Not.
- The appeal case shows the Dwelling was purchased from Western Building Systems that listed as a mobile home – delivered to Site as such.- We are Not
- There was a live Enforcement Case against the Appeal Site.- There is Not on Application Site
- The Appeal Site was the erection of a mobile home on-site whilst a new dwelling was being built. – Our Case is primarily residence.

The Case Officer cannot dismiss the precedent cases especially from within Causeway Coast & Glens Borough Council.

The construction type was a relatively minor element of the appeal case yet relied on so heavily by Planning Report.

It was not the primary reason for the appeal refusal.

The planners Report sets out to frame modular construction as being temporary.

Modular Building type cannot be classified as temporary whenever it is being widely used & embraced as a sustainable building solution.

Author advises that the "Liveable" nature of a property is a determining factor for Planning Approval.