

Planning Committee Report LA01/2018/0910/F	17th April 2019
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	Development Management & Enforcement Manager
Cost: (If applicable)	N/a

<u>App No:</u>	LA01/2018/0910/F	<u>Ward:</u>	Greysteel
<u>App Type:</u>	Full Planning		
<u>Address:</u>	485m NW of 95 Carnamuff Road, Ballykelly		
<u>Proposal:</u>	Proposed replacement detached 2 storey dwelling		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	23.07.2018
<u>Listed Building Grade:</u>	N/A		
Applicant:	Mr & Mrs John Devine, 13 Elm Park, Drumahoe, Londonderry		
Agent:	A.D.M.S Ltd Architects, 25A Spencer Road, Waterside, Londonderry, BT47 6AA		
Objections:	0	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 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 485m NW of 95 Carnamuff Road, Ballykelly. The application site is sited 300m back from the road and to the rear of an established group of farm buildings. The site is accessed via an existing laneway. The application site comprises a row of stone buildings, some of which are in a state of disrepair, and includes the building to be replaced, as well as a paddock area to the west which contains a number of large mature trees, where it is proposed to locate the new dwelling. The eastern boundary of the application site is defined by the existing stone buildings, with the southern boundary defined by the existing concrete laneway and a post and wire fence. The western site boundary is defined by a post and wire fence. The northern boundary is defined by a post and wire fence with an earth embankment and hedgerow running along it at approximately 3-4m in height.
- 2.2 The application site located within the rural area, outside of any settlement limit as defined in the Northern Area Plan 2016. The application site is not located within any environmental designations. The application site is located approximately 2.7km south east of Greysteel on lands well elevated above Greysteel. The area is predominately agricultural in nature with small pockets of development mainly associated with agricultural units.

3.0 RELEVANT HISTORY

3.1 No relevant planning history identified on site

4.0 THE APPLICATION

4.1 Full Planning Permission is sought for a proposed two storey replacement dwelling. The application site is located within an existing farm yard/complex and is located to the west of the existing sheds. Access to the site is via an existing laneway which serves as access to the farm yard and surrounding agricultural lands.

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.

DAERA Natural Environment Division: 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

Development Control Advice Note 15 Vehicular Access Standards

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, precedent example, design, integration and rural character, access, natural heritage 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 a replacement dwelling and therefore falls to be assessed against Policy CTY 3.
- 8.3 Policy CTY3 of PPS21 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. CTY3 also states that for the purposes of this policy all references to “dwellings” will include buildings previously used as dwellings.
- 8.4 The building to be replaced sits within a row of stone buildings to the rear (West) of the established farm yard. The row of buildings contains a number of outbuildings and the building subject to replacement. It is noted from the site location plan (Drawing 01) that the building referred to as “dwelling” (highlighted in yellow) actually incorporates two separate buildings, and not solely the “dwelling”.
- 8.5 The building to be replaced appears to be a two storey building with a small single storey extension to the rear (western side).

The western elevation of the dwelling comprises a timber sliding sash window, which is characteristic of a residential window. The western elevation of the dwelling is only partly intact, with the majority of the wall missing at first floor level, with some portions missing within the ground floor section. It is estimated that approximately 35-40% of this wall is missing and would not be considered to be substantially intact. The northern gable of the dwelling appears to be substantially intact, apart from some of the stone within the peak, and there is evidence within this elevation of where the joists for the ceiling/first floor would have been. The eastern elevation of the building has been completely removed with no remaining structure or features evident on site. It is unclear as to whether the southern elevation of the replacement dwelling is in place or not given the existing feature on the ground.

- 8.6 The most southern element of the building highlighted for replacement has an external door on the rear (western façade) and there are the remains of a wall between this and the section of the building considered to be a dwelling. The remains of the wall appears of a substantial thickness and does not appear to interlock with the stonework of the most southern section, which suggests that these were two separate buildings. There is also evidence of floor joist openings in the southern section which appear to run perpendicular to the ones in the northern section where the sash window is located. These holes also appear at a different level to the holes in the northern half which reaffirms concerns that these are two separate buildings. This would result in the dwelling to be replaced as having only one substantially complete wall and another wall at approximately 60-65% remaining. Regardless if this wall was part of the dwelling to be replaced or not, the eastern wall is entirely missing and the building therefore fails the primary test for replacement in that all external structural walls are not substantially intact. As such the proposal is contrary to Paragraph 6.73 of the SPPS and Policy CTY3 of PPS21. As no overriding reasons have been forthcoming to demonstrate that the development is essential and could not be located in a settlement the proposal is contrary to policy CTY1.

8.7 Given the siting of the proposed dwelling on a farm holding the applicant was offered the opportunity to explore the potential for furthering the application against Policy CTY 10 – Dwellings on Farm, however the agent confirmed that the applicant would not be able to meet the criteria outlined in the policy and therefore could not achieve approval for a dwelling on a farm.

Precedent Example

8.8 The agent has raised a planning approval at Calhome Rd, which was granted planning approval for a replacement dwelling. The agent references the reserved matters application (LA01/2016/1064/RM). However the principle of development was established under the associated outline approval LA01/2015/0746/O. Within the outline approval it was accepted that the building to be replaced was substantially intact on all four walls and that there was enough remaining evidence of a residential use by virtue of the original door and window openings being evident although now blocked up, and evidence of a chimney breast remaining. Other evidence was provided relating to the residential aspect. The aforementioned approval did not have an established curtilage or access but this was not considered fatal to the proposal. The policy outlines that where a curtilage exists and is capable of accommodating a modest dwelling then it should be used unless demonstrable benefits are presented to determine an offsite location as more appropriate. There are numerous examples in the rural area where qualifying replacement opportunities no longer exhibit a defined curtilage or identifiable access. In the above case the access, siting and design were considered by the case officer and an acceptable proposal was reached which permitted the approval of the application. The example cited by the agent is not comparable to the application site as the primary issue with the application is the extent of existing structure remaining and not the characteristics exhibited by it.

8.9 The Planning Department is not disputing the access, curtilage or design of this application, nor is it disputing the use as residential, even though there is little remaining defining characteristics. The subject building is in such a state of disrepair, that it does not meet the qualifying criteria of CTY3

which requires as a minimum that all external structural walls are substantially intact.

Design

8.10 The dwelling proposed is of a linear form with a traditional pitched roof. The two storey dwelling has a single storey rear extension which has a pitched roof and is connected to the main body by a small flat roofed annex, there is also a small flat roofed entrance porch to the front of the dwelling, which is linked to a proposed screen wall to the front of the dwelling. The form of the dwelling is relatively simple and traditional. The dwelling is to be finished in a smooth render finish with flat black concrete tiles to the roof. The stone work proposed to the front entrance and screen wall is indicated to be reclaimed from the existing buildings which would be demolished as part of the proposal. The window openings to the front elevation are small and of a vertical emphasis, while the windows to the rear and western side are much larger in stature. The dimensions of the dwelling are slightly larger than normally accepted for a two storey dwelling, however given the siting of the dwelling, and limited views the scale and design of the dwelling would not have any significant detrimental impact, in terms of its visual impact and appropriateness for the area.

Integration and Rural Character

8.11 The proposal seeks permission for a two storey dwelling which is sited behind the existing group of farm buildings, and behind existing mature trees to the east of the site. The proposed site is also within a paddock which has a number of large mature trees at the southern end which provide enclosure to the site from the southern end. The dwelling has a ridge height of 8m above finished floor level and is of a linear form, measuring 16.6m across the frontage of the dwelling, with a gable of 7.7m. Views from the south on approach along Carnamuff Rd, and views from passing the laneway and a short distance north of the access should see the dwelling screened from views. There may be some longer range views on approach from the north, however if the existing vegetation is retained, the dwelling will only be partially visible and would nestle into the group of farm buildings. The Planning Department is content that the proposed

dwelling would have an acceptable visual impact and would satisfactorily integrate without appearing prominent or dominant in the landscape. The proposal meets the requirements of the SPPS and Policies CTY 13 and CTY14 of PPS21 insofar as it relates to integration and rural character.

Access

8.12 Access to the proposed site is via the existing laneway onto Carnamuff Rd. Amended plans have been submitted addressing the initial concerns of DFI Roads who, following re-consultation, have no objections. The proposal is therefore acceptable when assessed against the road safety policy requirements of the SPPS and PPS3.

Natural Heritage

8.13 DAERA Natural Environment Division (NED) note from a desk top study of the GIS and aerial photography records that there is habitat on and adjacent to the application site that is likely to provide foraging, resting and breeding opportunities for a range of species including bats and wild birds. NED have advised that the Biodiversity Checklist should be completed to assist with the consideration of the potential impacts of the proposal on natural heritage interests. Given the nature of the development whereby existing mature trees are proposed to be removed in order to facilitate the proposed driveway from the existing laneway to the dwelling, an assessment of this would be required.

8.14 Revised plans were submitted by the agent which altered the path of the private drive from the existing laneway to the proposed dwelling. The revised path now crosses the footprint of the buildings to be replaced and weaves through the trees to the immediate west of the buildings to the proposed dwelling. Given the proximity to the mature trees and in order to facilitate their retention the applicant has indicated that the driveway would be constructed with a Tree Root Protection system. DAERA Natural Environment Division were re-consulted with the revised plans and have responded to outline that they no longer have any concerns given the retention of the mature trees on the site. The proposal therefore no longer offends the policies within the SPPS and PPS2 in terms of the protection of protected/priority habitats and species.

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 proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal is contrary to Paragraph 6.73 of the SPPS and Policies CTY1 and CTY3 of PPS 21 in that the subject building does not qualify for replacement as all external walls are not substantially intact and no overriding reasons have been forthcoming as to why this development is essential and could not be located within a settlement.

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 CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that all external structural walls are not substantially intact.

Site Location Map

