

Planning Committee Report Item 5.2	22nd June 2016
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	Shane Mathers
Cost: (If applicable)	N/a

ITEM 5.2
Adjacent to 3 & 4 West Park
Mews
Portstewart

LA01/2015/0904/F
Full Planning

22nd June 2016

<u>App No:</u>	LA01/2015/00904/F	<u>Ward:</u>	Portstewart
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Adjacent to 3 & 4 West Park Mews, Portstewart		
<u>Proposal:</u>	Proposed 2 storey infill dwelling.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	16 November 2015
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Applicant:	Paul Ward, 120 Foreglen Road, Claudy, BT47 4ED.		
Agent:	Shane Birney Architects, Building 80/81 Ebrington, Londonderry		
Objections:	7	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 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 resolves to **REFUSE** planning permission for the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 This is a restricted site, located on the western side of West Park Mews, Portstewart, which is a private lane / private road. According to the site plan the site measures 6.4m x 16.71m. The site comprises vacant land which falls gradually from south-east to north-west. A high wall defines the south-west boundary; a 1.8m high close boarded fence defines the north-

west boundary; whilst the north-east and south-east boundaries are partially defined by a kerb and partially undefined. The site also includes a tarmac area beyond the existing kerb line. There are no significant natural features on site.

- 2.2 The site is near to two storey terraced dwellings which are located to the east of the site along Coleraine Road. A pair of one-and-a-half storey semi-detached dwellings (finished in roughcast render and wood panelling and flat black roof tiles) are located to the north-west, with the rear gardens located adjacent to the subject site. A terrace of two and a half storey terraced dwellings (finished in smooth render and flat black roof tiles) is located to the south west, with the rear gardens located adjacent to the subject site. A pair of modest single storey post-war dwellings is located to the south-east of the site. West Park Mews is also the rear access to the rear of dwellings on the western side of Coleraine Road. A right of way is contiguous with the southern boundary. Critical views are from West Park Mews and the right of way adjacent to the south-east boundary.
- 2.3 The site is located within Portstewart settlement development limit. The site is located within Housing Zoning PTH47 (Westpark Mews) where development shall be within the range of 40 to 60 dwellings per hectare and development shall generally not be greater than two storeys in height. The proposal does not offend the requirements of Housing Zoning PTH47 (there would be 5 dwellings within the zoning ie 45 dwellings per hectare).

3 RELEVANT HISTORY

C/2005/0965/F One and a half storey residential dwelling with vehicular access off West Park, Off Coleraine Road/West Park, Portstewart (North East of No. 2 Enterprise Avenue).
Refused 15.11.2006.

4 THE APPLICATION

- 4.1 Planning permission is sought for a 2 storey infill dwelling.

5.0 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There are 7 No. objections to the proposal from 7 No. separate addresses.

The reasons for objecting are summarised below:

- Overlooking into private areas / impact on privacy
- Overshadowing / impact on natural light
- Disturbance in the form of noise and general disturbance
- Overbearing / oppressive impact
- Scale and design out of character
- Over-intensification / town-cramming / over-development
- Increased traffic along a right of way
- Development over the right of way at first floor level inhibits the movement of vehicular traffic along the right of way
- Creates health and safety issues for children and adults in the subject dwelling, because users will have to step directly onto the right of way / lack of amenity space requires that children in the subject dwelling will have to play in areas outside of the site, including the vehicular traffic network
- Location and level of parking is unacceptable
- Lack of private amenity space for everyday living
- Proposal raises many of the issues raised in previous application on the subject site (historic application C/2005/0965/F was rejected by Planning Service).

5.2 Internal

Transport NI: Has no objection to the proposal, advising that the proposed site accesses onto an existing private laneway / road and will not impact significantly on the existing public roads in the area.

NIEA: Has no objection to the proposal.

NI Water: Has no objection to the proposal.

Environmental Health: Has no objection to the proposal.

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 both 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)

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 6: Planning, Archaeology and the Built Heritage

Planning Policy Statement 7: Quality Residential Environments

PPS 7 Addendum: Safeguarding the Character of Established Residential Areas

PPS 8: Open Space, Sport and Outdoor Recreation

Planning Policy Statement 12: Housing in Settlements

Planning Policy Statement 15: Planning and Flood Risk

DCAN 8 - Housing in Existing Urban Areas

DCAN 15 - Vehicular Access Standards

Parking Standards

Creating Places

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the planning history; the proposed design and layout, including impact on residential amenity; transport and traffic; and right of way.
- 8.2 In the Northern Area Plan, the site is located within land zoned for housing within the settlement development limit of Portstewart, but not within the defined town centre.
- 8.3 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.

Planning History

- 8.4 The A similar application was submitted to DoE in July 2005 (C/2005/0965/F one-and-a-half storey dwelling with attic accommodation) was considered under the same policy context. C/2005/0965/F was refused on 15.11.2006 on the basis that the proposal failed to provide a quality residential environment due to over-development, over-shadowing, overlooking and impact on privacy.

Proposed Design and Layout

- 8.5 The site comprises a parcel of undeveloped land, located within a predominantly residential area to the rear of Coleraine Road and Enterprise Avenue, Portstewart. This proposal seeks to develop the site for an infill dwelling. The site abuts the back gardens of adjacent properties to the north-west and south-west. The main access to Westpark Mews is located to the east and a right of way is located to the south-east. The proposal is for a two storey contemporary design, flat roof, cantilever dwelling finished in grey brick, with copper finish to the windows.
- 8.6 PPS 7 provides specific policy guidance in relation to housing proposals. Policy QD1 sets out the planning criteria which all proposals for residential development should conform to and this assessed below:

(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;

The Analysis of context is particularly important for infill housing, backland development, or redevelopment schemes in established residential areas. In terms of context, what really matters is the visual and physical relationship of the proposed development with its surroundings. The key issue is when does the general desire to promote higher density within urban areas cross the threshold and become over-development and town-cramming. The proposal does not respect the character of the area in terms of spacing between buildings. The proposal represents over-development, with the proposed dwelling being developed out to all four boundaries of the site. While the proposed dwelling is of high quality design, it is not in keeping with the context of the site.

The principal views of the site will be from West Park Mews and from the right of way to the rear of the dwellings along Enterprise Avenue. The proposal is forward of the established building lines to the south-west and north-west. The proposed finished floor level is to be 20.25, relative to the existing ground level of 20.23 (in the centre of the site).

(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 NIEA Historic Monuments Unit has been consulted as the competent authority and raises no objection to the proposal with regard to impact on monuments. There are no built heritage features affecting the site. There are no significant landscape features within the site.

(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;

The proposal does not require the provision of public amenity space, as defined in Policy OS2 of PPS8. Private amenity space, aside from the car parking provision, consists of two first floor outdoor areas. The larger one measures approximately 15 sqm and the smaller one approximately 4.5 sqm. Para. 5.19 of Creating Places requires a minimum of 40sq m of private amenity space for any individual house and envisages private gardens for family dwellings. The level of private amenity space provision for this three bedroom dwelling is unacceptable, when assessed against para. 5.19 of Creating Places. Furthermore, adequate bin storage has not been demonstrated – it appears that bins may have to be stored in an area which has a public view.

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

As the proposal is for only one dwelling, it is not of such significant size as to require the provision of neighbourhood facilities.

(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;

The movement pattern is acceptable, given that access to the site is restricted on three sides.

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

No issues arising in relation to parking provision - Transport NI has been consulted as the competent authority and raises no objection to the level of parking provision; 2no. spaces.

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

The area does not have a distinctive townscape quality worthy of replication. The proposal is for a two storey contemporary cantilever dwelling finished in grey brick. The flat roof, cantilever design and grey brick finish are at odds with the character of dwellings in the area.

(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;

Creating Places suggests that rear gardens should be a minimum of 10m on greenfield and low density developments (7.15 & 7.16), but allows for greater flexibility in relation to apartment, high density and inner urban locations. While 10m is suggested as a generally appropriate rear garden dimension to minimise overlooking, dominance and disturbance, this can be increased or decreased given the particular circumstance of each case. The proposal is to be constructed right up against the rear boundaries of the adjacent dwellings to the north-west and south-west. The proposal dominates the existing dwellings to the north-west, south-west and south-east. The proposal will result in noise and general disturbance to dwellings in the vicinity. The proposal will overshadow the existing dwellings to the south-west and north-west. The lack of amenity space requires that children in the subject dwelling will have to play in areas outside of the site, including the vehicular traffic network and anyone accessing the dwelling will have to step directly onto the vehicular traffic network. The proposed building will inhibit the movement of service vehicles along the adjacent right of way. Main rooms are bedrooms, living rooms, dining rooms or kitchens. The proposed first floor bedroom has the potential to overlook the rear of the existing dwellings to the south-east. The first floor living room window has the potential to overlook

the rear of the properties to the north-east. The living room does not have a pleasant outlook (the front elevation appears to screen views from the living room).

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

No issues arising in relation to crime and personal safety

8.7 In addition to all the criteria set out in Policy QD 1 of PPS 7 above, the infilling of vacant sites to accommodate new housing Policy LC1 of the Addendum to PPS 7 Safeguarding the Character of Established Residential Areas expects all the additional criteria set out below to be met:

(a) the proposed density is not significantly higher than that found in the established residential area;

The density is not significantly higher than that found in the area.

(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and

The pattern of development is not in keeping with the overall character and environmental quality of the established residential area. The proposal is not sensitive in design terms to people living in the existing neighbourhood and is not in harmony with local character.

(c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

The proposed dwelling is an acceptable size.

Transport and Traffic

8.8 Transport NI was consulted and asked to comment on the submitted objections by way of consultation dated 14.12.2015.

Transport NI advise that the proposed site accesses onto an existing private laneway / road and will not impact significantly on the existing public roads in the area. However, the applicant has failed to show access to the public road, as required by Policy AMP2 (Access to Public Roads) of Planning Policy Statement 3: Access, Movement and Parking. Therefore, the planning application fails to meet this policy requirement.

Right of Way

8.9 Currently there are no asserted rights of way in close to the application site. Some objectors to the planning application, are citing the existence of a public right of way at this location as a reason to refuse planning permission. Although Planning has been made aware of this through the processing of this planning application, Council's Coast & Countryside Unit (the relevant unit within Council tasked with dealing with public rights of way and other access-related issues) has not received any correspondence from members of the public claiming there is a Public right of way at this application site.

8.10 The 'alleyways' or 'back alleys' in question could, without prejudice, constitute public rights of way, but without further investigation, including gathering of user evidence from the public, Council is not in a position to confirm or deny the existence of a public right of way bounding the application site. Whether this is or is not a Public right of way is dependent upon any evidence received, and if this is forthcoming, Council may have a duty to further investigate the existence of an alleged public right of way at this location.

9.0 CONCLUSION

9.1 This proposal is considered unacceptable in this location having regard to the Area Plan and other material considerations. Although the design is innovative and contemporary in its style, the proposal does not meet the general policy requirements set out in QD1 of PPS7 or Policy LC 1 of the Addendum to PPS 7. As the proposal fails to meet these principle policy requirements to deliver a quality residential development, refusal is recommended.

10 REASONS FOR REFUSAL

10.1 Refusal reasons:

1. The proposal is contrary to paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland, Policy QD1 of Planning Policy Statement 7 (Quality Residential Environments), and Development Control Advice Note 8 (Housing in Existing Urban Areas) in that the development as proposed fails to provide a quality residential environment and will result in unacceptable town cramming.
2. The proposal is contrary to paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland Policy QD2 of PPS 7: Quality Residential Developments in that the applicant has failed to carry out a full contextual analysis of the site to inform the development proposal.