

Planning Committee Report – LA01/2015/935/O	26th October 2016
Address: 35m South West of 126 Vow Road, Ballymoney	
PLANNING COMMITTEE	FOR DECISION

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	Principal Planning Officer/Development Management Manager
Cost: (If applicable)	N/a

<u>App No:</u>	LA01/2015/0935/O	<u>Ward:</u>	Rasharkin
<u>App Type:</u>	Outline Planning		
<u>Address:</u>	35m South West of 126 Vow Road, Ballymoney.		
<u>Proposal:</u>	Proposed Two Storey rural dwelling and detached single storey garage		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	23 rd November 2015
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Applicant:	Mr W Christie, 23 Boyland Road, Ballymoney		
Agent:	2020 Architects, 37 Main Street, Ballymoney, BT53 6AN		
Objections:	2	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 sections 7 & 8 and resolves to **REFUSE** planning permission for the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application is located at the junction of the old Vow Road and the Vow Road. The site is rectangular in shape and flat in topography. It is similar in terms of levels to the surrounding properties and comprises a stoned area with the boundaries defined by a wooden slatted fence 1m to the sides and extending to approximately 1.8m to the rear.
- 2.2 The site is located within the rural area as designated by the Northern Area Plan 2016 and an area of archaeological potential. The character of the wider area is generally rural with a number of individual dwellings and farm-holdings. However

the immediate character is defined by a localised group of dwellings (five in total) and buildings including a nearby Masonic Hall.

3 RELEVANT HISTORY

D/2005/0658/F

Replacement dwelling in lieu of No 128.
Rear of 126/128 Vow Road, Ballymoney
Granted 20.06.2006

D/2006/0450/F

Dwelling and detached garage
Rear of 128 Vow Road, Ballymoney
Refused 10.04.2008

D/2010/0175/O

Dwelling and garage
Site 5 metres south of 128C Vow Road (Application site)
Refused 13.11.2012

D/2011/0170/F

Retention of access as constructed
128E Vow Road, Ballymoney
Granted 05.03.2012

D/2011/0180/F

Retention of boundaries, accesses and house positions as constructed
128B and 128C Vow Road, Ballymoney, Co.Antrim,
Granted 30.08.2012.

4 THE APPLICATION

- 4.1 Planning permission is sought for a two storey dwelling and garage.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Two (2)** objections to the proposal.

Issues raised:

- The limited size of the site
- The visual impact
- Overcrowding
- Housing Market
- Overlooking / being overlooked
- Loss of light
- Drainage
- Existing driveway issues

The issues listed above will be taken into consideration in the assessment below.

Internal

5.2 **Transport NI:** Has no objection to the proposal.

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 development 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

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 RELEVANT POLICIES & GUIDANCE

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2 (PPS 2) Natural Heritage

Planning Policy Statement 3 (PPS3) Access Movement and Parking

Planning Policy Statement 6 (PPS 6) Planning, Archaeology and Built Heritage

Planning Policy Statement 21 (PPS 21) Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the planning history; the principle of a dwelling in the countryside; new dwellings in existing clusters; drainage and traffic and access matters.

Planning Policy

- 8.2 The principle of this development proposed must be considered having regard to the PPS policy documents specified above and the supplementary guidance.

Planning History

- 8.3 The current application refers to a “vacant site” as per the submitted P1 form. However, no planning approval exists in relation to the existing plot of land. The site is a contrived area which is as a result of the surrounding dwellings not being built in compliance with the relevant permissions.
- 8.4 The approved dwellings at Nos 128B and 128C originally incorporated the current site as part of the access / curtilage arrangements. However, the access and curtilage arrangements including the dwelling positions were not constructed as approved. The current access define the current site as separate from the approved development. The position of the access, curtilage and dwellings were regularised under planning applications D/2011/0170 & D/2011/0180/F. These were approved on the basis that the time for enforcement action had expired.
- 8.5 A previous application was submitted in relation to the current site (D/2010/0175/O) under Policy CTY2a of PPS21. This application was refused on the basis of residential amenity, integration / visual impact and sewerage issues.

Principle of a dwelling in the countryside

- 8.6 Policy CTY1 lists six scenarios where types of residential development are considered to be acceptable in principle in the countryside. Information supplied with the application argues that it complies with policies CTY 2a, a dwelling at an existing cluster of development.

New Dwellings in Existing Clusters

- 8.7 Planning permission will be granted for a dwelling at an existing cluster of development provided all 6 listed criteria are met.
- 8.8 The policy requires the proposed dwelling to meet all the following criteria: to be located at a cluster of development consisting of four or more buildings of which at least three are dwellings; appears as a visual entity; is associated with a focal

point such as a social / community building / facility, or is located at a cross roads; the site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster; development can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside and the development would not adversely impact on residential amenity.

- 8.9 The site meets with the first three criteria in that it is located at a cluster of development that it appears as a visual entity and is associated with a focal point.
- 8.10 A Masonic Hall exists to the immediate north of the existing dwellings it represents a social / community building within the immediate context. The existing cluster is visually linked with this hall in both directions from the public road and as such is associated with this focal point.
- 8.11 The identified site is open from the public road but is bounded to the rear and east by existing development.
- 8.12 The site can be absorbed into the cluster through rounding off and would not significantly alter the existing character. Although the existing site is contrived and only exists as a result of the previous approvals not being implemented correctly, it remains the case that the built form on the ground has now been regularised through the aforementioned planning applications.
- 8.13 The final criterion states that such development will only be acceptable where it would not impact on residential amenity. The proposal is unlikely to adversely impact on existing residential amenity. However, the site is not capable of being developed without resulting in a significant impact on the residential amenity of future residents of the proposed dwelling.
- 8.14 The proposal is contrary to Para 4.12 of the Strategic Planning Policy Statement (SPPS) in that the proposed dwelling would not allow a satisfactory provision of private amenity. Specifically, the rear amenity area of the proposed dwelling would be overlooked to an unacceptable extent by several first floor windows of the dwellings to the rear. The fact that there are two properties and that the overlooking would be from

multiple windows exacerbates the problem. The source of the overlooking is from different locations/ angles which when taken collectively effectively overlook almost all of the rear amenity space. Furthermore, the “front to back” relationship between the existing and the proposed dwelling is unacceptable in general design terms.

- 8.15 A “front to back” relationship between dwellings in such close proximity is generally unacceptable in design terms. While referring to housing schemes, this is referred to in Para 7.12 of Creating Places which states that “layouts that include dwellings and apartments facing onto the rear garden spaces of other dwellings (or that back on to the fronts of other dwellings) should be avoided”.
- 8.16 At this moment the existing condition of the site is detrimental to visual amenity and it may be considered that developing the site with a dwelling would result in substantive betterment in terms of visual amenity. However, this as a material consideration is decisively outweighed by the inability of the site to provide satisfactory private amenity space. The optimal solution would be to remove the existing site fencing and grass over the site.
- 8.17 Paragraph 4.12 of the SPPS also states that other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing.
- 8.18 An objector raises concern in relation to the loss of light from the front of their property. There may be some slight overshadowing to the front of the existing properties. However, the separation distance when coupled with orientation is such that it is unlikely to cause a significantly adverse impact that would warrant a refusal.

Drainage

- 8.19 NI Water has confirmed that it is the responsibility of the developer to establish if existing watermains, foul/ storm sewers have the capacity to serve the proposal. The agent has indicated that both surface water and sewage will be dealt with by way of existing public sewers. However, NIEA Water

Management Unit has pointed out that no foul sewer exists in proximity to the site. As such I am of the opinion that the applicant has not demonstrated a satisfactory means of sewerage as per Policy CTY16.

Traffic and Access

8.20 This planning policy relates to vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. An objector raised concern in relation to the acute angle of bend in the access serving their own property. The layout as existing has been regularised and Transport NI has confirmed that the blind spot on the private driveway is not an issue for them. Adequate visibility splays already exist on the ground. Access to the site is satisfactory. Transport NI offer no objections.

9 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 provide satisfactory private amenity and therefore fails to meet paragraph 4.12 of the SPPS. This decisively outweighs other considerations. Refusal is recommended.

10 REASONS FOR REFUSAL

10.1 Reasons:

1. The proposal is contrary to paragraph 4.12 of the Strategic Planning Policy for Northern Ireland (SPPS) in that the dwelling would, if permitted, not provide adequate residential amenity.
2. The proposal is contrary to Paragraph 6.77 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY16 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the applicant has not submitted sufficient information on the means of sewerage to demonstrate that it can be provided within the site and will not create or add to a pollution problem.