

Planning Committee Report LA01/2016/0890/O	22nd February 2017
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	Principal Planning Officer
Cost: (If applicable)	N/a

**Land between 10 & 16 Gortgarn
Road Gortgarn Limavady**

**LA01/2016/0890/O
OutlineApplication**

22nd February 2017

<u>No:</u>	LA01/2016/0890/O	<u>Ward:</u>	Magilligan
<u>App Type:</u>	Outline Application		
<u>Address:</u>	Land Between 10 & 16 Gortgarn Road Gortgarn, Limavady		
<u>Proposal:</u>	"infill" dwelling with detached domestic garages/store		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	28 th July 2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	W J Dickson, 76 Seacoast Road, Burnally,		
<u>Applicant:</u>	Mr & Mrs Andrew & Julie Riley		
<u>Objections:</u>	0	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	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 section 7 & 8 and resolves to **REFUSE** outline planning permission for the reasons set out in Section 10.

2 SITE LOCATION & DESCRIPTION & CHARACTER OF AREA

- 2.0 The application site is located at lands between Nos. 10 and 16 Gortgarn Rd, Limavady. The application site is located at a roadside location, within the front garden of No. 12 Gortgarn Rd which is currently vacant. The original application site also comprised a concrete yard/access which serves an existing farm yard to the rear of No. 12, and an agricultural shed to the west of the garden but the red line denoting the application site has been reduced omitting the concrete yard and agricultural shed. The roadside boundary is defined by a low level wall with a wooden fence on top with hedgerow to the rear approximately 1.5m in height, as well as the wing walls and pillars for the original vehicular access to No. 12. The western site boundary is a

notional boundary which dissects through the front garden of no.12, as is the rear (northern) boundary. The eastern boundary is defined by a close boarded timber fence. The site has a gentle rise from the road towards No. 12 to the rear.

- 2.1 The site is located within the rural area outside of any settlement limit as defined in the Northern Area Plan 2016. The site is located within Binevenagh AONB as defined in the Area Plan, and is located just over 2km from Limavady Town. The application site is located within a group with 6 dwellings on the northern side of the road and 7 on the southern side of the road and a farmyard. The prevailing land use is agricultural with development dispersed along the road and a mixture of roadside dwellings and dwellings set back from the road.

3 RELEVANT HISTORY

B/2006/0180/LDP - 12 Gortgarn Road, Gortgarn, Limavady - External repair works to dwelling, including new roof tiles, fascias, windows a new pitched roof over an existing flat roofed side extension - Permitted Development 21.04.2006

4 THE APPLICATION

- 4.0 The original proposal sought outline approval for two "infill" dwellings with detached domestic garages/stores and paired accesses.
- 4.1 Following the referral to the Planning Committee, the applicant submitted amended location maps reducing the red line and amended P1 forms to reduce the scheme to propose one dwelling with detached garage/store. It is the reduced proposal for a site for one dwelling which is now subject of this application.

5.0 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours:**
No representations

Internal:

- 5.2 **NIEA- Archaeology and Built Heritage**– No objection.

TransportNI – (original proposal) it is not possible to provide visibility splay of 2.4 x 80 to east of original paired access without control of additional lands.

(Amended scheme for one dwelling) proposal will use existing access for no 12 Gortgarn Road.

Environmental Health – No objection.

NI Water – No objection.

Loughs Agency – No objection.

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 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.

7.0 RELEVANT POLICIES & GUIDANCE

Northern Area Plan 2016

Strategic Planning Policy Statement

PPS2 Natural Heritage

PPS 21 Sustainable Development in the Countryside

Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this full application are; the principle of development; integration; impact on rural character and impact on the Area of Outstanding Natural Beauty.
- 8.2 The site is located within the rural area as provided for within the Northern Area Plan 2016. The main policy consideration is contained within the Northern Area Plan 2016, the Strategic Planning Policy Statement, Planning Policy Statement 21 and Planning Policy Statement 2. As this is an outline proposal for a dwelling the main policy considerations are paragraphs 6.70, 6.73 of the SPPS, Policy CTY1 and 8 of PPS21.

Principle of development

- 8.3 Policy CTY1 of PPS21 states that there are a range of types of development that may be acceptable in principle in the countryside. In the case of an infill dwelling, Policy CTY1 refers to Policy CTY8.
- 8.4 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.

- 8.5 The application site is located on the northern side of Gortgarn Road, which contains a number of dwellings and a farm yard to the rear of No. 12. To the immediate east of the application site is No. 16 which contains a dwelling which is in a state of construction/repair. To the west of the application site are four dwellings which access onto Gortgarn Rd. Three are located in a roadside location with the front gardens fronting onto the public road and another No.8a, set back behind No. 10 and No. 8. Taking this into account, the Planning Authority is content that there is a substantial and continuously built up frontage at this location.
- 8.6 The policy requires consideration of whether the site represents a gap within the substantial and continuously built up frontage. The application site is located within the front garden of No. 12 Gortgarn Rd, which currently extends to the public road and provides a common frontage onto the Gortgarn Rd. No. 12 is set approximately 40m back from the roadside but this is characteristic of most of the other dwellings along the northern side of Gortgarn Road. For example the dwellings at No. 8 and 6 are set back approximately 40m and 43m respectively and no 8a is set back approximately 65m from the roadside. Therefore dwellings set back in the region of 40m are characteristic of this substantial and continuously built up frontage, and form part of the established character when assessing the additional planning criteria within Policy CTY8. However, no.s 10 and 16 are stepped forward towards the roadside resulting in the prevailing character being roadside dwellings with front gardens stepped back at varying degrees. No. 12 itself is not far removed from the frontage dwellings either side of it and is read as part of the road frontage when driving along the Gortgarn Road. Therefore, given the position of No. 12 and its relationship to the public road and surrounding dwellings, the application site within the front garden of no. 12 does not represent a gap in which it is suitable to infill and is therefore contrary to Paragraph 6.73 of the SPPS and Policy CTY 8 of PPS21.
- 8.7 Turning to whether the proposal respects the existing development pattern in terms of size and plot size, the plot size

of the existing curtilage for no. 12 is 0.18ha. The other dwellings in the vicinity are no. 6 (0.33ha), no. 8 (0.27ha), no. 8a (0.39ha), no. 10 (0.20ha) and no. 16 (0.08ha). The average plot size along this frontage is 0.24 ha which has been reduced by the presence of the smaller site at no. 16. The approval of the application site would render the existing plot size of no. 12 unacceptable as it would no longer respect the pattern of exiting development as it would result in a plot size comparably smaller, at 0.09 ha than the average existing development in the vicinity. Similarly the application site would also be comparably smaller (0.09ha). The proposal is therefore contrary to Policy CTY8 of PPS21.

8.8 The application site is approximately 18m in width and the new plot width of the existing dwelling at no 12 is reduced to 6m both of which are considerably smaller than the surrounding plots along the frontage. No. 16 to the east has a plot width of approximately 35-36m, No. 10 to the west of the site has a plot width of approximately 68m. The access to No. 8a is approximately 16m which leads to a much larger plot to the rear of No. 8 and 10. No. 8 has a plot width of approximately 54m and No. 6 has a plot width of 64m. Taking the above into consideration it is evident that the proposed plot widths are considerably smaller than the surrounding plots. The average plot width of the other plots in the frontage, including the access at No. 8a is 47.5m which is still significantly larger than the proposed site and the new plot width of no. 12. The proposed form of development would therefore not respect the surrounding character in terms of plot size and is contrary to Policy CTY8 of PPS21.

8.9 As no overriding reasons have been forthcoming as to why this development is essential in this rural location the proposal is contrary to Paragraph 6.73 of the SPPS and Policy CTY1 of PPS 21.

Integration

8.10 In terms of integration the proposed site is not visible in a significantly wide context with views limited to close range, due to the surrounding built form and mature trees/hedges in the vicinity and along the roadside boundaries. Views of the site will be visible when passing No. 10 on approach from the west. On approach from the east along Gortgarn Rd views are longer but

broken up with roadside hedgerow and trees and the alignment in relationship with other buildings. From these vantage points the sites are afforded a strong backdrop by the mature trees and dwelling at No. 12 and associated farm buildings. Given the site characteristics, the site could integrate development but only if restricted in height.

9 CONCLUSION

- 9.1 The site fails to constitute a small gap between existing residential development along a road frontage and fails to respect the existing development pattern as it would render the host dwelling to be out of character with the existing development pattern. This is principally due to the effect the proposal will have on plot sizes. As such, the proposal fails to meet the exception test of Policy CTY 8 of PPS 21. As no other overriding reasons as to why the development is essential and could not be located in a settlement have been forthcoming, the proposal is contrary to CTY1 of PPS21. Refusal is recommended.

10 Refusal Reasons

- 10.1 The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement 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.
- 10.2 The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21 in that the proposal is not considered to be infill of a small site in an otherwise substantial and continuously built up frontage and does not respect the existing pattern of development in that the proposed site is significantly smaller than the surrounding plot sizes along the frontage.

