



<b>Planning Committee Report</b> <b>LA01/2016/1429/F</b>	<b>22<sup>nd</sup> February 2017</b>
<b>PLANNING COMMITTEE</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	Protecting and Enhancing our Environment and Assets
<b>Outcome</b>	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
<b>Lead Officer</b>	Principal Planning Officer
<b>Cost:</b> (If applicable)	N/A

**56 Dhu Varren  
Portrush  
BT56 8EW**

**LA01/2016/1429/F  
Full Planning**

**22<sup>nd</sup> February 2017**

<u>App No:</u>	LA01/2016/1429/F	<u>Ward:</u>	Atlantic
<u>App Type:</u>	Full Planning		
<u>Address:</u>	56 Dhu Varren, Portrush, BT56 8EW		
<u>Proposal:</u>	Retrospective application for first floor patio (With amendments) on top of flat roof at rear of existing dwelling accessed via steel stairs.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	1 <sup>st</sup> December 2016
<b>Applicant:</b>	<b>Mr &amp; Mrs Earl Jenkins, 5 Lynwood Grove, Doagh BT39 0TZ</b>		
<b>Agent:</b>	<b>Mr Raymond Doherty, 28 Glenloch Park Coleraine BT52 1TY</b>		
<b>Objections:</b>	2	<b>Petitions of Objection:</b>	0
<b>Support:</b>	0	<b>Petitions of Support:</b>	0

**Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://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 & AREA

- 2.1 The site is located at 56 Dhu Varren, Portrush. On the site is a two-storey semi-detached dwelling which has a rendered finish at first floor level with a red brick finish at ground floor level. At the front of the property is an existing paved area and single-storey porch. The boundary treatment at the front of the dwelling consists of 1.5m high metal gates, 1m high fencing and a 1-1.5m high wall which has metal railings upon it. There is a single-storey garage at the side of the premises. At the rear of the site is an existing yard area and single-storey return. The proposed raised patio area sits above this return at a height of

approximately 3 metres. There is an external steel staircase which leads to the raised patio area. At the date of inspection there was a set of table and chairs upon the raised area. The raised patio area is surrounded by glass and PVC balustrade. The floor of the raised area has been finished with a PVC cladding. The boundary treatment at the rear of the property consists of approximately 2m high timber fencing.

- 2.2 The area is predominately residential and is characterised by residential dwellings and apartments. The site is located within the settlement limit of Portrush as designated by the Northern Area Plan 2016.

### **3 RELEVANT HISTORY**

LA01/2016/0877/F- Retrospective application for new first floor patio on top of flat roof at rear of existing dwelling accessed via steel stairs at 56 Dhu Varren, Portrush  
Withdrawn 21.10.2016

### **4 THE APPLICATION**

- 4.1 Retrospective planning permission is sought for a new first floor patio (roof terrace) on top of a flat roof at rear of existing dwelling accessed via steel stairs. The roof area has been finished with steel balustrading and supports. The balustrade around the roof has been finished with toughened glass and PVC Panels. Relative to the existing, this proposal reduces the length of the raised roof terrace by 1.7m.

### **5 PUBLICITY & CONSULTATIONS**

#### **External**

- 5.1 **Neighbours:** There are 2 letters of objection to the application which raise the following concerns:
- a) The Patio area is out of character in the area
  - b) Privacy/Overlooking
  - c) The proposed patio area is invasive
  - d) Noise and nuisance
  - e) Size and scale
  - f) Close proximity to the neighbours

## **Internal**

- 5.2 **NI-Water**- Has no objections to the application.

## **6 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 7 (Addendum): Residential Extensions and Alterations

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the size and scale of the proposal/ impact on character, impact on residential amenity, and; other matters.

### **Planning Policy Context**

- 8.2 The principle of the proposed development must be considered having regard to the policy documents specified above and the supplementary guidance.
- 8.3 The site is located within the settlement limit for Portrush as defined in the Northern Area Plan 2016. The site is not subject to any other designation or zonings.
- 8.4 A transitional period operates until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the documents identified below together with the SPPS. This policy should be read in conjunction with Planning Policy Statement 7 (Addendum): Residential Extensions and Alterations.
- 8.5 The SPPS and PPS7 (Addendum) provide the policy context for residential extensions and alterations. Policy EXT1 of PPS7 states that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:
- (a) The scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;
  - (b) The proposal does not unduly affect the privacy or amenity of neighbouring residents;
  - (c) The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and

(d) Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

### **Size and scale of the proposal/ impact on character**

- 8.6 The proposed raised patio area is located at the rear of the dwelling and has been finished with steel, toughened glass and PVC panels. The patio area is raised 3m above ground level and has 1.1m glass and PVC balustrade which surrounds the raised patio area and increases its height to 4m.
- 8.7 The introduction of the external steel staircase is unsympathetic in the rear garden of a residential dwelling. This is visible from several neighbouring properties. The size and material of the steel stairs, combined with the scale of the raised area is dominant within the rear garden and detracts from the appearance and character of the dwelling and area. This also creates an overbearing effect on the surrounding neighbours. The design of the steel stairs and patio area is not in keeping with the architectural detailing of the existing dwelling and the surrounding area. The reduction in the length of the raised area by 1.7m makes no impact on the principle of design and does not make the scheme acceptable. As such, this revised scheme does not address the concerns raised under the previous application (Ref: LA01/2016/0877/F), which was withdrawn before a decision was made by the Planning Committee.
- 8.8 The existing raised patio area is not acceptable in terms of its scale and massing and does not respect the surrounding neighbours. The proposed development fails part (A) of policy EXT1 and is unacceptable in terms of design, scale, and massing.

### **Impact on residential amenity**

- 8.9 The proposed raised patio area will unduly affect the privacy and amenity of adjacent neighbours at No. 54 Dhu Varren, Nos 1, 3, 5 and 7 Blackrock Park, Nos A, B and C Mermaid Cottages in terms of overlooking. There will also be

overlooking into the rear amenity of the adjacent apartment development.

- 8.10 The size of the raised patio area allows for the congregation of a significant number of people measuring approximately 3.5m x 4.97m (17.4 sq m). Any users of this area would be able to overlook the most private amenity space of the surrounding neighbours at the properties identified in Para 8.9. The degree of overlooking which is caused by the raised patio area results in an intrusive, direct and uninterrupted view to the surrounding neighbours to the most private area of their amenity spaces. The most private area is considered to be the first 3-4 metres of a rear garden, closest to the residential property (A30 pg.15 PPS 7 Addendum).
- 8.11 The patio area looks into the rear windows of the properties set out in 8.9. The patio area also allows an individual to stand and look directly into the first floor windows of the adjacent apartments at Ocean Court. The reduction of length of the patio area by 1.7m does not solve any of the overlooking concerns to the surrounding neighbours.
- 8.12 The proposed patio area affects the privacy and amenity of the surrounding neighbours to a significant extent and is therefore unacceptable. The proposed development does not comply with the policy test as outlined under policy EXT1 part (B).

### **Other Matters**

- 8.13 The objectors' concerns, including the issue of character, privacy/overlooking, and the invasive nature have been addressed under paragraphs 8.6- 8.12.
- 8.14 The proposed patio area is invasive and creates a prominent feature at the rear of the dwelling. The proximity of the development to the surrounding neighbours would create an overbearing affect.
- 8.15 Given the size and scale of the raised patio which as set out in para 8.10 would allow for the congregation of people, there is the potential for noise and nuisance which would have an unacceptable impact on the residential amenity of the

neighbouring properties. This fails to meet the tests set out in Policy EXT 1.

## **9 CONCLUSION**

- 9.1 The scale of development is out of character with the area and will create significant overlooking concerns to the surrounding neighbours. The raised patio area is a dominant and prominent feature at the rear of No. 56 Dhu Varren and creates an overbearing effect to the surrounding neighbours. The development is contrary to planning policy guidance set out in Policy EXT1 of Planning Policy Statement 7 (Addendum): Residential Extensions and Alterations. Refusal is recommended.

## **10 REASONS FOR REFUSAL**

### **10.1 Reasons:**

1. The proposed development is contrary to Paragraph 4.27 of the SPPS and Policy EXT1 part (A) of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations in that the proposed raised patio area, would, if permitted, be out of keeping with the character of the area by reason of materials, design, scale, height and massing.
- 2 The proposed development is contrary to Paragraph 4.12 of the SPPS and Policy EXT1 part (B) of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations in that, if permitted, the raised patio area would harm the living conditions of the residents in No. 54 Dhu Varren, Nos 01, 03, 05 and 07 Blackrock Park, Nos A, B and C Mermaid Cottages and the adjacent apartment development at Ocean Court, by reason of unacceptable overlooking and detrimental impact on residential amenity.

