

<b>Title of Report:</b>	<b>Planning Committee Report - LA01/2022/0954/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>26<sup>th</sup> February 2025</b>
<b>For Decision or For Information</b>	<b>For Decision</b>
<b>To be discussed In Committee YES/NO</b>	<b>NO</b>

<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Senior Planning Officer

<b>Budgetary Considerations</b>	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

<b>Legal Considerations</b>	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

<b><u>App No:</u> LA01/2022/0954/F</b>	<b><u>Ward:</u> Islandmore Upper</b>
<b><u>App Type:</u> Full Planning</b>	
<b><u>Address:</u> 244 Islandmore Crescent, Portrush.</b>	
<b><u>Proposal:</u> Proposed ground floor store and first floor balcony with associated wing walls</b>	
<b><u>Con Area:</u> N/A</b>	<b><u>Valid Date:</u> 06/09/2022</b>
<b><u>Listed Building Grade:</u> N/A</b>	
<b><u>Agent:</u> Moore Design, Market Court, 63 New Row, Coleraine.</b>	
<b><u>Applicant:</u> Mr and Mrs A. Davidson, 244 Islandmore Crescent, Portrush.</b>	
<b><u>Objections:</u> 0</b>	<b><u>Petitions of Objection:</u> 0</b>
<b><u>Support:</u> 0</b>	<b><u>Petitions of Support:</u> 2</b>

## Executive Summary

- Full planning permission is sought for the construction of a first floor balcony to the rear of the dwelling incorporating an external staircase providing access to the rear garden, together with a small store and a retaining wall at ground level.
- Planning permission was previously granted under LA01/2020/1143/F for an extension to the rear of the existing dwelling at first floor level to provide additional living accommodation with internal alterations to include a first floor Juliet balcony.
- The site is located within the countryside being outside any defined settlement development limits and is not subject to any notable designations or zoning
- No consultations have been issued in relation to this application given the nature of the proposal, with no apparent issues encountered while undertaking the site inspection.
- The unsympathetic scale massing and design of the proposed balcony extension adversely impacts on neighbouring amenity through dominance, loss of light and overshadowing.
- The proposal would if permitted unduly affect the privacy of neighbouring residents by reason of overlooking.
- The proposal fails to comply Paragraph 4.27 of the Strategic Planning Policy Statement and criteria (a) and (b) of Policy EXT1 of the Addendum to PPS 7.
- Two letters of support have been received in relation to this application.
- This application is recommended for Refusal.

**Drawings and additional information are available to view on the Planning Portal:**

<https://planningregister.planningssystemni.gov.uk/simple-search>

## **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 and 8 and resolves to **REFUSE** planning permission subject to the conditions set out in Section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 This planning application relates to 244 Islandmore Crescent, Portrush. The site as delineated by the red line contains a single storey semi-detached dwelling which features attic accommodation together with a two storey rear extension. The property benefits from an in curtilage car parking area to the front, a driveway to the northern side, and sizeable rear garden which extends across the rear boundary of the neighbouring dwelling to the north (no 90 Gateside Road).
- 2.2 The front eastern boundary of the site is defined by low level precast concrete panels approximately 0.75m in height adjoining the rear of the public footpath with an opening retained for vehicular access. The southern party boundary is established by a 1m high timber close boarded fence to the front of the dwelling and a combination of the house extension, section of 1.8m high timber panel fence, 1.2m high wire mesh fencing and clumps of vegetation to the rear. The northern party boundary is defined by a 1m high rendered wall between the dwellings transitioning to a 1.2m high post and wire fence and low level dry stone dyke with sections of vegetation. The short segment of western boundary to no. 90 is defined by a 1.5m high timber fence, while the main rear boundary of the site is defined by 1.2m high post and wire fencing and mature hedging approximately 1.8m in height. The topography of the eastern half of site is relatively flat, with one notable step up in ground level from the rear patio area of the dwelling into the garden of approximately 0.75m. The garden then slopes gently up in ground level towards the west.

- 2.3 Islandmore Crescent forms part of a small countryside cluster of housing and no. 244 is located on the western side of Gateside Road between its junctions with Ballylagan Road and Craigahullier Road, approximately 4.1km southeast of Portrush. The surrounding area is rural in character, comprising of residential dwellings, farm holdings, and agricultural land.
- 2.4 As indicated by Map No 3 of the Northern Area Plan (NAP) The site is located within the countryside being outside any defined settlement development.

### **3 RELEVANT SITE HISTORY**

- 3.1 LA01/2020/1143/F - 244 Islandmore Crescent, Portrush. Proposed Extension to rear of existing dwelling at first floor level to provide additional living accommodation and internal alterations to include first floor Juliet balcony to the rear. Permission granted.
- 3.2 C/2005/0530/F - 244 Islandmore Crescent, Portrush. Single storey extension to dwelling to provide kitchen and bedroom. Permission granted.
- 3.3 C/1995/0366 - 244 Islandmore Crescent, Portrush. Single storey rear extension to dwelling to provide disabled facilities. Permission granted.

### **4 THE APPLICATION**

- 4.1 The application seeks full planning permission to construct a first floor balcony to the rear of the dwelling incorporating an external staircase providing access to the rear garden, together with a small store and a retaining wall at ground level.

### **5 PUBLICITY & CONSULTATIONS**

#### **External:**

Advertising: The application was advertised on 12<sup>th</sup> September 2022.

Neighbours: Following neighbour notification, no objections have been received in relation to the proposal. Two letters have been submitted supporting the application.

**Internal:**

No consultations have been issued in relation to this 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 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**

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Addendum to PPS 7: Residential Extensions and Alterations

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the principle of development, design & character of the area, impact on residential privacy and amenity.

### **Principle of Development**

8.2 The Policy EXT 1 of the Addendum to PPS 7, states that 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 local 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.

The guidance set out in Annex A of APPS 7 will be taken into account when assessing proposals against the above criteria.

8.3 The proposal relates to the construction of a first floor balcony to the rear of the dwelling incorporating an external staircase providing access to the rear garden, together with a small store and a retaining wall at ground level. The main policy consideration is contained within the Northern Area Plan 2016, the Strategic Planning Policy Statement (SPPS) and the relevant Planning Policy Statement Addendum to PPS 7: Residential Extensions and Alterations. For the purposes of the policy, the proposal is considered to be contrary to criteria a and b of Ext1 of PPS7 Addendum.

### **Design and Character of the Area**

- 8.4 The current proposal involves the construction of a first floor balcony which projects out approximately 4.4m from the rear of the existing dwelling and extends across the entire width of the property which scales approximately 9.1m. The existing Juliet balcony to the glazed patio doors of the first floor living/kitchen area will be removed to provide direct access to/from the balcony, and an external staircase will allow access from the southwestern corner of the balcony to the rear garden of the property. Including the landing of the staircase the balcony delivers a total gross floor area of approximately 28.7m<sup>2</sup>. The balcony consists of concrete slabs supported by steel posts and beams and features frameless glass balustrading to the western edge and 1.8m high solid clad screens to both the northern and southern sides.
- 8.5 The scale and design of the proposed balcony structure unduly affects the amenity of neighbouring residents creating an excessively dominant form of development on no. 243 Islandmore Crescent (discussed further at paragraph 8.7 – 9.8). Furthermore, the extent of the proposed structure results in an overall incongruous form of development at odds with the existing character. Following initial concerns raised over the scale and design of the proposal and the adverse impacts created on neighbouring privacy and amenity, which resulted in a planning office meeting being facilitated, the application was subsequently revised to include a reduction in the balcony floor area of approximately 5.8m<sup>2</sup>. The reduction in scale is not deemed sufficient to overcome the concerns in what is still considered an unsympathetic form of development, which is intensified by the addition of the full height screen walls to either side which are incorporated to allay overlooking of neighbouring properties.
- 8.6 Although no. 90 Gateside Road screens some of the two- storey extension to the rear of the subject dwelling when viewed travelling towards Islandmore from Portrush, a public view is still available. The construction of the proposed balcony will detrimentally increase the visual impact of the built form to the rear of the subject site and result in an unsympathetic form of development that will detract from the appearance and character of the surrounding area.

## Residential Privacy and Amenity



8.7 The agent suggests that the existing fenestration to the rear of the dwelling already impacts on neighbouring privacy and therefore a further reduction in scale would only compound the issue. Having considered the planning history, it is apparent that the assessment of the first floor extension previously approved under LA01/2020/1143/F determined that the Juliet balcony would not create any adverse impacts on neighbouring privacy given its angled orientation and design. In addition, while it considered that the extension would have a somewhat detrimental impact on the architectural integrity of the existing built form, weight was given to the positive impact it would have in terms of modernising the existing dwelling. Therefore, limited weight can be given to the existing Juliet balcony arrangement in terms of impact on neighbouring privacy. It is acknowledged that the previously approved extension presently creates a dominant form of development on the attached property no. 243 but determining weight for this, as previously stated was, modernisation of an existing dwelling. The current application only exacerbates dominance by virtue of the design and its position on the party boundary. As a result, the rooms to the rear of the neighbouring dwelling and the patio area to the immediate rear of no 243 will be dominated further with the introduction of the side wall to the store and balcony above (4.9 m high in total) which projects out a further 4.4m and would adversely affect amenity to an unacceptable level. No overriding reasons or material considerations have been forthcoming to justify setting aside residential amenity of existing properties for this proposal.

- 8.8 While the inclusion of screens to either side of a first floor balcony can be viewed as a reasonable and obvious solution to alleviate privacy concerns, their construction needs to be balanced against the dominant impact that they can consequently create. Although the Planning Department consider that the proposed screen to the southern side can potentially mitigate overlooking directly into the immediate rear of the attached dwelling no. 243, its position directly adjacent to the party boundary unquestionably creates a dominant form of development and greatly exacerbates the existing situation created by the rear extension. The proposed screen at this side has a surface area of approximately 7.9m<sup>2</sup> and will be installed at the finished floor level of the balcony which is at a similar level to the eaves height of no. 243. Additionally, the external wall of the proposed ground floor store directly below the screen has a surface area of approximately 8.5m<sup>2</sup> resulting in a considerable two-storied structure (4.9m high) on the party boundary extending out by a further 4.4m in addition to the existing two-storey extension.
- 8.9 In addition to scale and massing, concerns exist with the overall scale and design of the balcony and staircase which has the potential to detrimentally affect privacy and amenity, in particular no. 90 Gateside Road, given the relationship that the property shares with the neighbouring dwellings. The proposed balcony will be located approximately 2.1m from the party boundary with no. 90 at the closet point and will be separated from the rear of the neighbouring dwelling by approximately 4.4m. In addition to overlooking, it is anticipated that further adverse impacts would be created on neighbouring amenity through potential noise nuisance arising from gatherings hosted on the structure. The balcony as presented is capable of functioning in a variety of ways, due to the fact that it opens off the existing living/kitchen area of the property, can be accessed externally from the rear garden, and proposes a very generous floor area.
- 8.10 Annex A of Addendum to PPS 7 provides additional guidance on how to extend or alter a property in a neighbourly manner that is sympathetic with the original property, respects the character and appearance of the surrounding area and contributes towards a quality environment. The proposal as submitted is contrary to policy Ext1 of the Addendum to PPS7.

## **Other Matters**

- 8.11 Two letters of support have been received from neighbouring properties to either side of the subject site with both representations stating that each neighbour has no concerns regarding any loss of privacy, adding that in their opinion, the screen walls proposed to the balcony actually affords more privacy. No objections have been received in relation to the application.
- 8.12 Consideration has been given to the representations submitted, however the Council are obliged to safeguard neighbouring privacy and amenity in perpetuity and therefore the concerns raised and opposition to the proposal in this instance are warranted.

## **Habitats Regulations Assessment**

- 8.13 The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas 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, conservation objectives or status of any of these sites.

## **9 CONCLUSION**

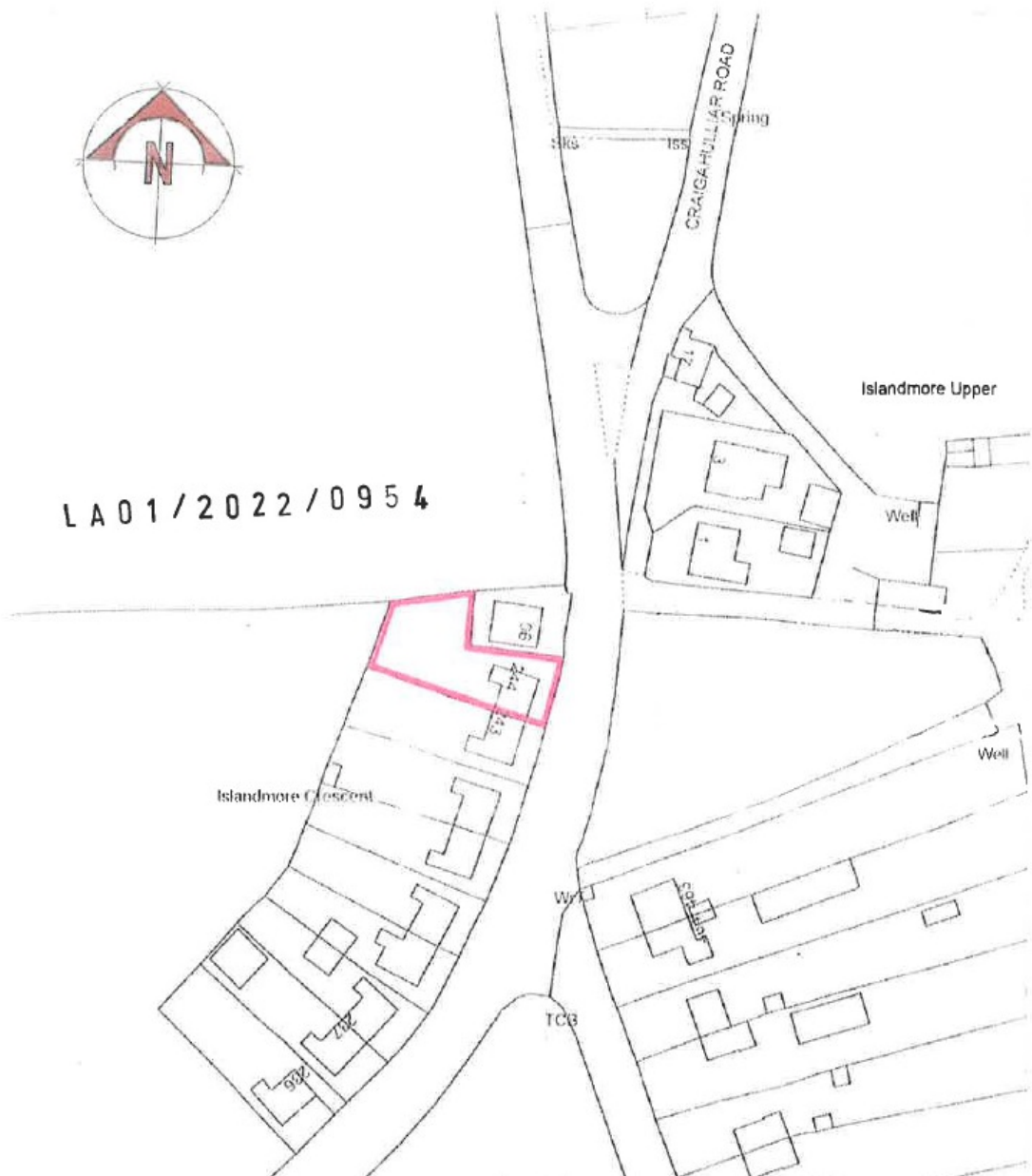
- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016, prevailing Planning Policy and other material considerations. The proposed balcony and external staircase fail to meet planning criteria of Policy EXT1 of the Addendum to PPS 7 as it adversely impacts on neighbouring privacy and amenity. Additionally, the scale, massing and design are unsympathetic with the character of the surrounding area, by creating a dominant form of development. Refusal is recommended.

## **10 REASONS FOR REFUSAL**

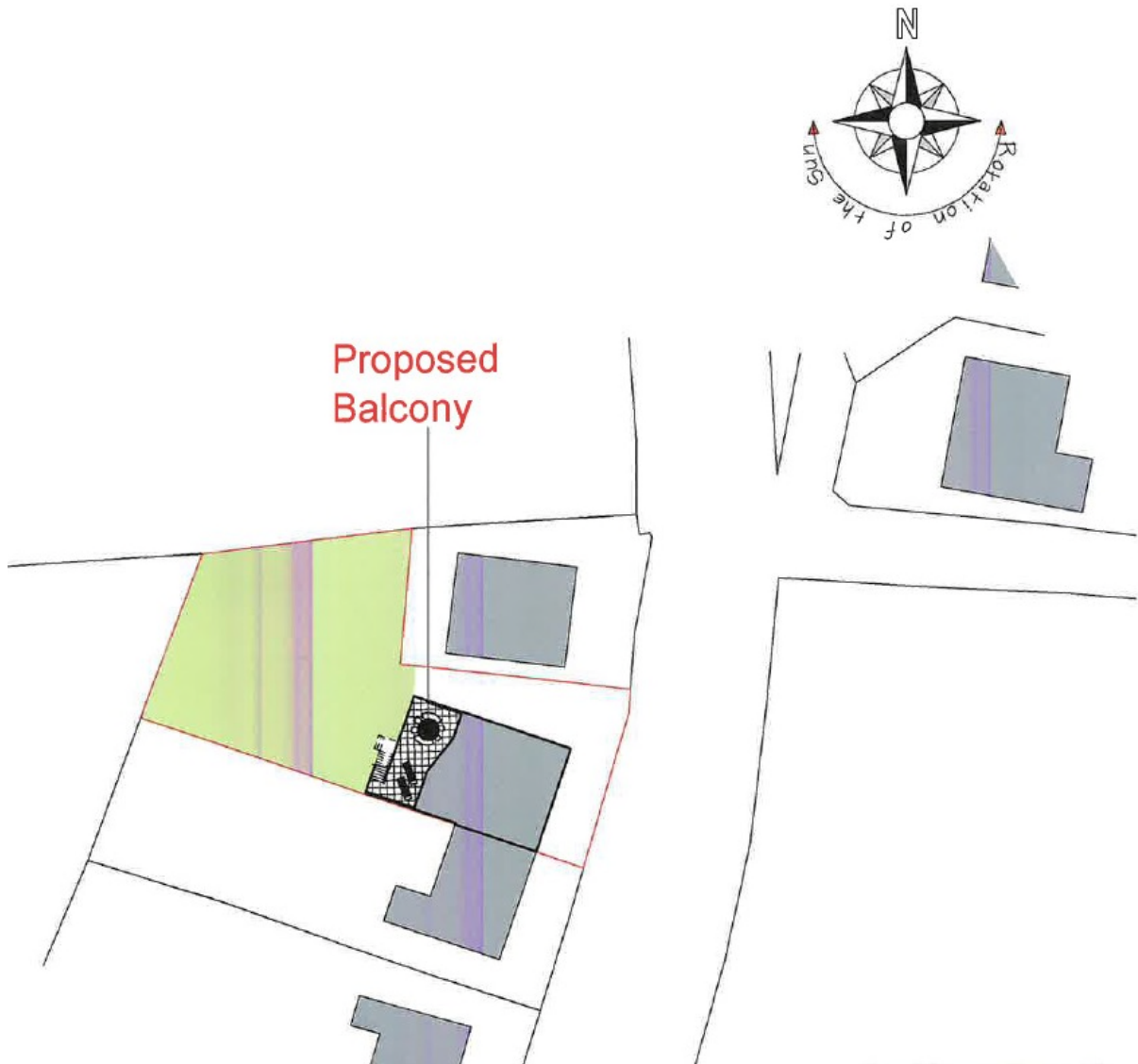
1. The proposal is contrary to Paragraph 4.27 of the Strategic Planning Policy Statement and criteria (a) and (b) of Policy EXT1 of the Addendum to PPS 7 as the scale, massing and design of

the proposed extension would adversely impact the character of the surrounding area, and the amenity of neighbouring properties by reason of dominance, overbearing impact, overlooking and lack of privacy.

# Site Location Plan



# Site Block Plan



**Laura Crawford**

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**From:** Mark Fielding  
**Sent:** 04 November 2024 09:24  
**To:** Planning; Sandra Hunter; Denise Dickson  
**Subject:** Planning Referral - LA01/2022/0954/F  
**Attachments:** Planning referral - 244 Islandmore Crescent.odt

I wish to refer Planning Application LA01/2022/0954/F Proposed ground floor store and first floor balcony with associated wing walls.

244 Islandmore Crescent Portrush.

Yours,

Mark  
Ald M Fielding

## **Planning Reference LA01/2022/0954/F**

### **Elected Member – Mark Fielding**

**Contact Details – Tel : 07971 059829**

**E-mail : [mark.fielding@causewaycoastandglens.gov.uk](mailto:mark.fielding@causewaycoastandglens.gov.uk)**

**Refusal Reason 1** The Proposal will adversely impact on the amenity of the area and its adjacent neighbouring properties.

**Reason for referral to Committee.** The Planning Department have received two letters of support from neighbouring properties, stating that the proposed balcony and wing wall will afford them more privacy to their existing rear gardens. The applicant recent extension (LA01/2020/1143/F) pushed the rear return out 2.4m beyond the rear of adjacent property, with a Juliette balcony overlooking. The new proposed balcony extends this a further 4.4m with wing walls, affording the neighbouring property 6.8m of privacy to their rear garden, with no overlooking whatsoever from the applicant's property. At present neighbour only as 2.4m of privacy.

**Refusal Reason 2** The Proposal would harm the living conditions of neighbouring residents by reason of overlooking, and lack of privacy.

**Reason for referral to Committee.** The applicant's balcony faces west. As the sun rises in the east and sets in the west there will be zero impact on adjacent property – No 243 Islandmore Crescent – south of application site and No.90 Gateside Road

(3.7m rear garden with sheds currently situated here) will suffer no more overshadowing than under the previously approved extension. Both these properties support the application.