

Title of Report:	Planning Committee Report – LA01/2026/0356/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	23rd September 2026
For Decision or For Information	For Decision – Objection Item
To be discussed In Committee YES/NO	No
Linkage to Council Plan (2026-31)	
Strategic Theme	Governance, Quality & Continuous Improvement
Outcome	Governance arrangements that ensure compliance, transparency and effective decision-making
Lead Officer	Development Management Manager

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

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	N/A

Screening Requirements	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:

No: LA01/2026/0356/F

Ward: Portstewart

App Type: Full

Address: 51 Cappagh Avenue, Portstewart

Proposal: Change of Use from dwelling to House in Multiple Occupation (HMO) property.

Con Area: N/A

Valid Date: 03/04/2026

Listed Building Grade: N/A

Agent: Williams Creative Design, 220a Ballybogey Road, Portrush, BT56 8NE

Applicant: Jonathan Bell, 51 Cappagh Avenue, Portstewart, BT55 7RY

Objections: 44 (38 objectors) **Petitions of Objection:** 0

Support: 0 **Petitions of Support:** 0

Executive Summary

- This is a full application seeking a change of use from dwelling to House in Multiple Occupation (HMO) property.
- The site is located within the settlement development limit of Portstewart as identified on Map 03/05a of the Northern Area Plan 2016. This site is not subject to any further zonings or designations.
- There are 44 objections from 38 in relation to this application.
- The principle of development is acceptable, and the proposal will not result in unacceptable damage to the character of the surrounding area or neighbouring amenity.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS Edition 2 (2025) and PPS3.
- Consultation was carried out with DFI Roads, Environmental Health and NI HMO Unit. No objections were raised.
- The application is recommended for **APPROVAL**.

Drawings and additional information are available to view on the Planning Portal- <https://planningregister.planningsystemni.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 sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site is located at 51 Cappagh Avenue, Portstewart.
- 2.2 The application property is a two-storey semi-detached dwelling. It is accessed via Agherton Road. The principal elevation is finished in painted render with a stone finish at the front door and a pitched roof with black roof tiles. There is a paved area along the front providing level access into the property.
- 2.3 The property is within a residential estate. The property fronts onto an area of communal open space. There is car parking to the west of the application site and a small private amenity area to the east.

3.0 RELEVANT HISTORY

- 3.1 A search of planning history revealed there are no recent or relevant applications to the property.

4.0 THE APPLICATION

- 4.1 The application proposes the change of use of 51 Cappagh Avenue, Portstewart from a residential dwelling to a 4 Bedroom HMO with a communal Lounge, Kitchen / Dining, WC, Utility, Storage and Bathroom.
- 4.2 The proposed involves no internal or external physical changes to the property.
- 4.3 The immediate yard space to the east will have secure communal private amenity.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

Advertising: The proposal was advertised on 15/04/26.

Neighbours: 3 neighbours were notified.

Representations: 38 objections have been received from different persons in relation to the proposal.

The issues raised include the following:

- Overprovision of HMO in family area
- Crime, safety and house values
- Waste and rubbish concerns
- Anti-social behaviour
- Health and safety; and HMO size requirements
- Increased traffic, risk to children and car parking issues
- Noise and disturbance
- Over-crowding problems
- Health and wellbeing
- Impact on schools and services
- Reducing the number of family housing / first time buyers.
- Policy Context
- Over intensification / Impact on water and sewage utilities
- Impact on character of area.

Concerns regarding the above issues are addressed in paragraphs 8.1 to 8.34.

5.2 Internal:

Three (3) consultations were issued in relation to this application.

- DfL Roads were consulted and stated that they had no objection to the proposal.
- Environmental Health did not raise any objection to the proposal and provided informatives.

- NI HMO Unit were consulted on the proposal and replied there were no other licenced HMO's on Cappagh Avenue. They did not raise any objection to the proposal.

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 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 Edition 2 (2025) (SPPS) is a material consideration. As set out in the SPPS Ed. 2 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

7.1 The application has been assessed against the following planning policy and guidance:

- [Regional Development Strategy 2035 \(RDS\)](#)
- [The Northern Area Plan 2016 \(NAP\)](#)
- [The Strategic Planning Policy Statement Edition 2 \(SPPS Ed. 2\) \(2025\)](#)

- [Planning policy Statement \(PPS\) 3: Access, Movement, and Parking](#)

8.0 CONSIDERATIONS & ASSESSMENT

The main considerations in the determination of this application relate to the principle of development, access, movement and parking, and consideration of representations.

Principle of Development

- 8.1 This application seeks a change of use from dwelling to House in Multiple Occupation (HMO) property.
- 8.2 The application must be considered having regard to the RDS, NAP, SPPS Ed. 2 and PPS policy documents.
- 8.3 The RDS seeks to promote sustainable patterns of development and recognises the development of balanced communities should be encouraged by promoting a mix of housing tenures and types. In addition, the creation of quality-built environments can contribute to the achievement of safe, complete and balanced communities.
- 8.4 SPPS Ed. 2 states the policy approach for housing must be to facilitate an adequate and available supply of quality housing to meet the needs for everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. This approach to housing will support the need to maximise the use of existing infrastructure and services and the creation of more balanced sustainable communities. Paragraph 2.3 states that the basic question to be addressed is whether the development would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. Section 4 sets out the planning principles when making decisions. Paragraph 4.12 relates to safeguarding residential and work environments. This application complies with the general planning principles outlined within the SPPS Ed. 2.

- 8.5 The application site is located within the Portstewart settlement development limit as identified on Map 03/05a of NAP. This site is not subject to any further zonings or designations.
- 8.6 The proposal relates to a proposed change of use to a House in Multiple Occupation therefore Policy HOU 4 'use of dwellings for Multiple Occupation' of NAP applies. The NAP states that the provision of HMO properties need to be controlled to ensure that the accommodation provided for residents is of a satisfactory standard, and that the impact on neighbouring properties is not detrimental to their amenity, or to the environment or character of the area. This would include issues such as increased density, overlooking, increased traffic congestion and the loss of family sized housing. Policy HOU4 supports HMO development where all 5 criteria are met.
- 8.7 Criteria 1: The premises are suitable to accommodate the proposed number of occupants;
- HMO regulations in Northern Ireland, under the [Houses in Multiple Occupation Act \(Northern Ireland\) 2016](#) and 2019 Regulations, enforce strict minimum bedroom sizes and amenity standards to ensure safety and comfort. Key requirements include a minimum of 6.5m² for single rooms, proper heating, adequate washing facilities, and specific kitchen requirements. Licenses are required from local councils.
- 8.8 The total number of proposed residents stated by the agent is four (4) and the bedroom sizes have been considered under the HMO guidance. The application is compliant with criteria 1 of Policy HOU 4 of NAP as the premises is suitable in terms of room sizes for the bedrooms and the ensembles provided for each room. There are also communal lounge and kitchen dining areas which are above the recommended sizes. There are no internal alterations proposed. In total, there will be four (4) bedrooms.
- 8.9 The bedrooms have been measured and evaluated under HMO guidance. All of the bedrooms exceed the minimum space standard of 6.5m² (for a single bedroom) as set out in the Houses in Multiple Occupation Act (NI) 2016. NI HMO unit were consulted and made no objection. NI HMO provided guidance and advice on legislation. Objections have been received about overcrowding. The space requirements are adequate in line with the legislation

therefore it has been demonstrated that the premises are suitable to accommodate the proposed number of occupants. The application complies with criteria 1 of HOU4 of NAP.

- 8.10 Criteria 2: There is no adverse impact on amenity of neighbouring properties and the character of the surrounding area;
- 8.11 The application is compliant with criteria 2 of Policy HOU 4 of NAP as the proposed change of use will not result in an adverse impact on amenity of neighbouring properties and the character of the surrounding area.
- 8.12 The proposed change of use will have limited impact on the amenity of neighbouring properties as it will be converted from an existing domestic dwelling into a four (4) bedroom HMO. The general nature of a residential use remains. Objections regarding detrimental change to the character and amenity of the area were received. It is considered that there would be minimal adverse impact from this change of the use as it would not be unusual for the similar numbers of residents to occupy the existing dwelling and that of the proposed HMO. This is a domestic dwelling within a settlement limit of Portstewart. As such, a change of use to HMO is not considered substantially detrimental to the character of the surrounding area.
- 8.13 There are no other HMO recorded for Cappagh Avenue on the HMO Licence Register as per the response on 04 August 2026 from HMO Department. The property is considered suitable for an HMO given the existing use of the property, the location and access to services within the immediate surrounding area. Sufficient internal floor space is available and amenity space (28.5m²) is available at the rear for bin and cycle storage. There is a nearby bus service on Agherton Road. Taking into account the above, the proposed HMO is not considered detrimental to this particular area and would not demonstrably change the character of this locality.
- 8.14 There have been no issues raised by Environmental Health Department or NI HMO Unit in relation to adverse impact on the amenity of neighbouring properties or the character of the area. The proposal complies with criteria 2 of HOU4 of NAP.

- 8.15 Criteria 3: The external spaces are of a safe and secure design, providing easy and convenient access to yards, gardens, bin storage and parking;
- 8.16 The application is compliant with criteria 3 of Policy HOU 4 of NAP as the external spaces are of a safe and secure design, providing easy and convenient access to a rear yard, bin storage and parking adjacent the dwelling. There is currently a rear yard area located immediately east of the property. This space is secure with a high gate and rendered block wall. The yard currently houses the bins and oil tank and finished in concrete and loose stones. The amenity area measures approximately 28.5m² which is unchanged for the existing property and is considered adequate for a property of this size within the Portstewart.
- 8.17 Objections were received regarding waste and rubbish. The proposed plans show a suitable private secure communal amenity space with bin storage, ample area for bike storage and paved and loose stone amenity area. The bin storage area is suitable for the property residents and should be managed to a satisfactory standard. This will be easily accessible from the application property by the side gate. The objections do not hold sufficient weight to warrant refusal. The proposal complies with criteria 3 of HOU4.
- 8.18 Criteria 4: Parking and service requirements will not result in adverse traffic impact or detract from amenity of local residents;
- 8.19 The parking and service requirements for the proposed HMO will not result in adverse traffic impact or detract from the amenity of local residents and criteria 4 is considered to be complied with. Refer to paragraphs 8.21 and 8.26 of the PCR for the full assessment.
- 8.20 Criteria 5: Landscaping reflects the character of the property and neighbourhood, avoiding the excessive use of hard landscaping, and where relevant, making provision for future maintenance.
- 8.21 The application proposes no changes to the landscaping. The private amenity space is currently a concrete yard with loose stone. This provides a bin storage and space for cycle storage. As such, this application is compliant with criteria 5 of Policy HOU 4 of

NAP. This application complies with all the criteria of Policy HOU 4 of NAP.

Access, Movement and Parking

- 8.22 PPS 3 sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. Policy AMP 7 states that proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.
- 8.23 There are no parking standards for HMO uses within Departmental Parking Standards. DfL Roads were consulted during the processing of this application to comment on the proposal and had no issues of concern. Parking arrangements are an amenity issue to be considered by the Planning Department.
- 8.24 There is currently no in-curtilage parking provision within the site to serve the existing development. The parking statement submitted states that there are two (2) number assigned car parking spaces to the side of the property *“and communal shared parking spaces within a small distance as per the existing arrangements which was deemed acceptable when the original dwelling was designed and passed for development”*. The development is located within walking distance of public transport.
- 8.25 Increased traffic and parking issues were noted as points of objection within representations. Objections stated that the proposed HMO would result in greater demand for parking which according to objectors is already facing parking constraints. It is considered that there is sufficient capacity in the area to accommodate the demand generated by the proposed development, without adversely impacting existing parking provision. A Parking Statement was submitted with the application referencing the use of a tenancy agreement restricting the future occupants to 2 cars only. This is out with the remit of planning. However, there are available communal parking spaces close by to sufficiently accommodate visitors. Public transport and cycling are suggested to be encouraged in the Planning Statement to promote a sustainable and environmentally friendly ethos.

- 8.26 Considering a mix of factors including the modest size of the HMO, the existing use of the property, and with consideration given to the sustainable approach to public transport and, the availability of parking as demonstrated in this instance would be adequate for the property as an HMO. The proposal is consistent with Paragraph 5.40 and 5.41 of the justification and amplification to Policy AMP 7 of PPS 3 and the parking arrangements are considered acceptable.
- 8.27 This application complies with Policy AMP 7 of PPS 3 and criteria 4 of Policy HOU 4 of NAP as the proposal will not result in adverse traffic impact or detract from amenity of local residents.

Representations

- 8.28 The number and content of objections have been detailed at paragraph 5.1. Paragraph 8.24 discusses the consideration of parking and access objection points.
- 8.29 Noise and disturbance were noted as points of objection within representations. Objections indicated that an increased number of residents would increase noise levels which would detrimentally impact neighbours' quality of life. The proposed change of use will have limited impact on noise and overall disturbance of neighbouring residents as it will be converted from a residential house into a four (4) bedroom HMO. It is considered that there would be minimal adverse impact from this change as noted above. As such, a change of use to HMO is not considered substantially detrimental. Environmental Health was consulted and made no comment in relation to noise. Further, late night activity and noise disturbance are matters that would be regulated under Environmental Health and also addressed through the management of the property.
- 8.30 Anti- social problems, child safety, increased crime and house values were noted as a point of objection within representations. The planning system operates in the public interest of local communities and the region as a whole in terms of good design and layout, and it cannot control the behaviour of future residents

and anti-social issues. No evidence was provided in relation to house values decreasing as a result of the proposed change. In fact, a separate representation stated that the HMO will reduce supply and thus increase the house value therefore pricing out families and first-time buyers. Both representations provide conflicting views and in any event the housing market will dictate the house prices in any area.

In terms of anti-social behaviour, one representation states that the existing nearby social housing already causes anti-social behaviour whilst another argues that the existing area is quiet and this proposal will lead to anti-social behaviour. This is an existing residential housing development. The proposal adds to the mix of accommodation, Environmental Health have no objection and the proposal meets with the relevant planning policies.

8.31 Health and safety monitoring were noted as another point of objection within representations. Objections stated that HMO properties could potentially lead to poor waste management and rubbish concerns which would negatively impact neighbouring residents. This has largely been addressed under the previous subsections of section 8. Further, HMO is one of the most heavily regulated forms of housing and are subject to continuous compliance. NI HMO Unit and Environmental Health were consulted and raised no objection to the proposal. If planning approval is granted, then the proposed development will require to be licensed under the HMO Act (NI) 2016.

8.32 Over provision of HMOs was noted as a point of objection within representations. Each application is assessed on its on merit and in accordance with policy. Each planning decision takes account of the potentially damaging effect of cumulative changes in a neighbourhood when considered alongside other recently approved development. The HMO Department confirmed via email on 28 July 2026 that there were no HMO's registered on Cappagh Avenue, Agherton Lane or Agherton Road. As such, this additional single HMO property will not detrimentally impact the character of the area nor has it been demonstrated that there is an over provision of HMOs in this immediate area.

8.33 Impact on health care and services was a reason of objection. No evidence has been submitted to demonstrate this. The perceived impact is not a planning consideration and therefore weight cannot be given to this element of the objection.

- 8.34 Loss of family home was stated as a concern. In its currently format it could be used as a family home but planning have no control over the selection of future residents.
- 8.35 Finally, impact on services and utilities was noted as another point of objection within representations. Objections stated that if approved, there would be an impact at health care facilities. No demonstrable evidence of any impact on services and utilities was submitted.

9.0 CONCLUSION

- 9.1 The proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and other material considerations including the SPPS Edition 2 and PPS 3. Given the existing use of the property, its location within the settlement of Portstewart, and the existing character of the site and surrounding area, the proposal will not detrimentally impact the amenity, environment, or character of Cappagh Avenue. All representations have been fully considered and there are no objections from consultees.
- 9.2 This application is recommended for **APPROVAL**.

10.0 PROPOSED CONDITIONS

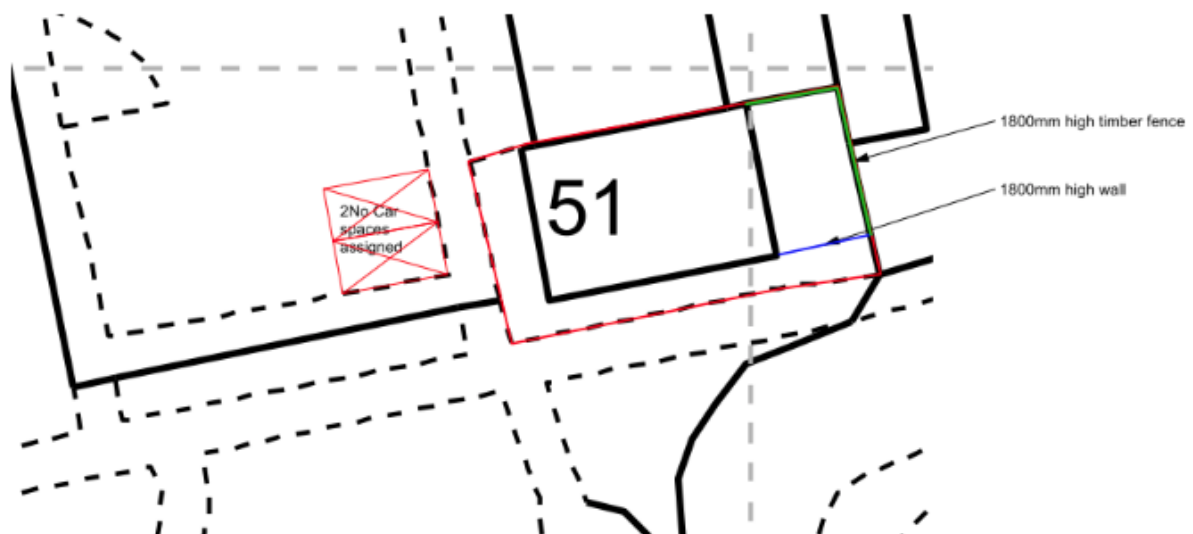
1. The development hereby permitted must be begun within five years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

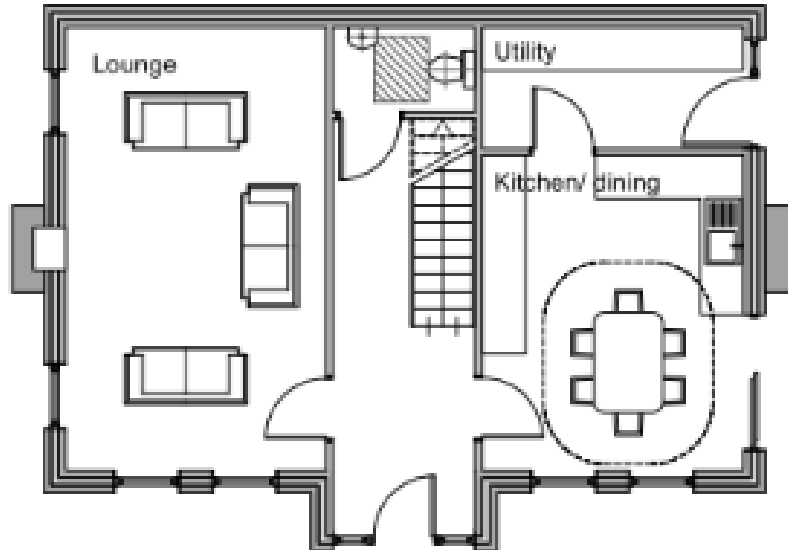
INFORMATIVES

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <https://planningregister.planningsystemni.gov.uk/simple-search>

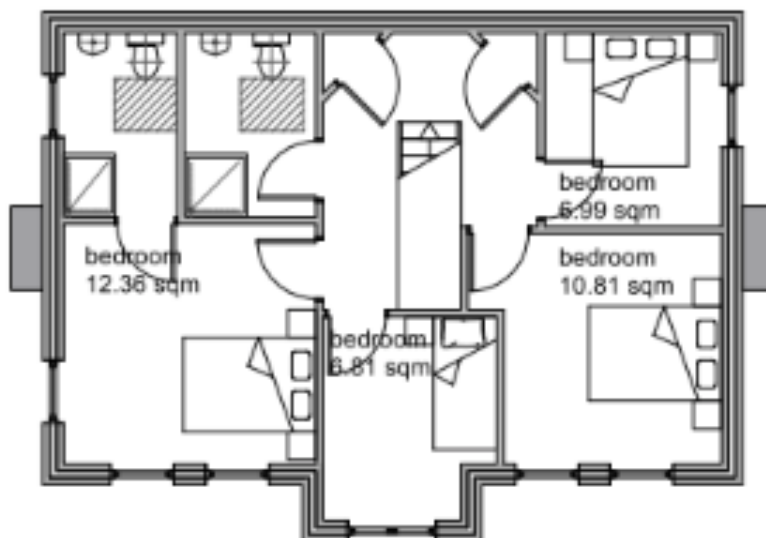
Site Plan



Existing and Proposed Floor Plans



Ground Floor @ Scale 1:100



First Floor @ Scale 1:100

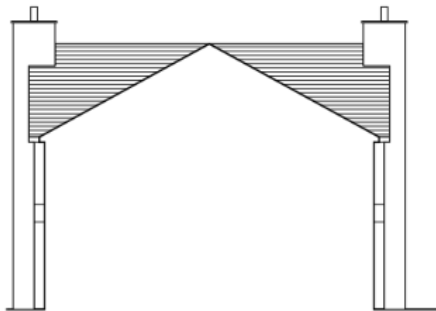
Proposed and Proposed Elevations



Front Elevation @ Scale 1:100



Side Elevation @ Scale 1:100



Rear Elevation @ Scale 1:100



Side Elevation @ Scale 1:100