



Title of Report:	Planning Committee Report – LA01/2025/0631/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	25th March 2026
For Decision or For Information	For Decision – Objection Item
To be discussed In Committee YES/NO	NO

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

Estimated Timescale for Completion	
Date to be Completed	N/A

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	NO

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: LA01/2025/0631/F

Ward: Atlantic

App Type: Full

Address: Land between No.5 York Avenue and No.9 York Avenue,
Portstewart

Proposal: Infill Urban Dwelling

Con Area: N/A

Valid Date: 25.06.2025

Listed Building Grade: N/A

Agent: Wilson McMullen Architects

Applicant: Eric Cosgrove

Objections: 14 **Petitions of Objection:** 0

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

Executive Summary

- This proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and all other material considerations.
- The application site falls within the settlement limit of Portstewart.
- 14 letters of objection have been received in relation to this application.
- No objections have been raised by statutory consultees in relation to this proposal.
- The proposal in terms of scale, massing, design and layout does not cause unacceptable damage to the character of the surrounding area.
- Proposed materials and finishes for the dwelling are satisfactory and in keeping with the local area.
- The site is small but the layout of the proposal has been designed accordingly and there are no unacceptable impacts upon local character or neighbouring residential amenity.
- The proposal is not considered to create conflict with adjacent land uses and there is no unacceptable adverse effect on neighbouring properties.
- Parking arrangements are acceptable. The proposal is in a highly accessible location near to public transport links and cycle provision is provided on site. Also, the parking survey provided demonstrates there is on-street parking spaces to serve this development.
- The proposal is regarded acceptable from a sewage perspective and will not result in an environmental impact.
- The proposal does not result in natural heritage issues.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS 7, Addendum to PPS 7, PPS 3 and PPS 2.

Drawings and additional information are available to view on the Planning Portal- <https://planningregister.planningssystemni.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 rectangular in shape comprising a strip of land between Nos. 5 and 9 York Avenue which is overgrown with grass/weeds. The site is approximately 6.5m in width and has a depth of approximately 21m. The site is open at the front and defined by a fence at the rear. A low brick wall forms the boundary with No. 9 York Avenue and a wall with a fence above defines the boundary with No. 5 York Avenue. The site has no vehicular access. The site has a gentle slope from street edge to the rear of the site.
- 2.2 York Avenue can be accessed via Central avenue and Heatherlea Avenue, which connect with the main roads of Station Road and Portrush Road connecting Portstewart with Portrush and Coleraine. The surrounding area is characterised predominately by residential use. There are two storey detached, semi-detached and terrace dwellings located along York Avenue. There is a mixture of in-curtilage and on-street parking dependent on plot size. A Scout Hall is also located along York Avenue. The application site is located within Portstewart settlement Limit.

3.0 RELEVANT HISTORY

- 3.1 C/2005/11/41/F
Adjacent to 5 York Avenue, Portstewart

Proposed dwelling
Refusal 11/10/2006
Appeal Dismissed 02/03/2009

4.0 THE APPLICATION

4.1 Infill Urban Dwelling

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

14 letters of objection have been received in relation to this application from 7 separate addresses. The main issues raised are summarised below and will be considered in the remainder of this report.

- Overshadowing/loss of light
- Overlooking/Loss of privacy
- Impact residential amenity of Nos. 5 and 9 York Avenue
- Impact residential amenity of properties to the rear of the site
- Small plot
- Overdevelopment of constrained site
- No in-curtilage parking so proposal fails to meet the minimum parking standards required
- Insufficient street parking for all residents
- Parking Survey is not accurate
 - Avenue is only wide enough to park on one side of the road
 - Most spaces are currently filled
 - Scout Hall incurs additional street traffic several times a week
 - Spill parking for Apartments being built at the York has not been considered
 - Survey completed in March which is not at peak times
 - Majority of people own cars for travelling purposes
 - Parking spaces shown are compromised
 - The parking survey re-submitted on 8th September suggests there are a total of 26 spaces in the street. However, 10 of these are in spaces that are not permitted. This leaves a maximum of 16 places in the whole street,

for 17 dwellings plus a Scout Hall. 11 of the 16 spaces are not within view of the property.

- Previous Planning History was refused so this proposal should also be refused as it is similar in terms of parking
- Each dwelling should have a minimum of 2 parking spaces in accordance with Creating Spaces
- Incompatibility with local character – out of place structure that undermines the coherent appearance of York Avenue
- Maintenance of dwelling for example cleaning out gutters and windows
- Bin location
- Loss of open sea views at No. 12 York Avenue
- Height of development
- Inappropriate design
- No relevance of precedents quoted by Agent
- Bicycles on display at the front could attract crime/antisocial behaviour
- Contrary to PPS 7 Policy QD1 criteria (a, d, f, g, h, i)
- No proper plans/scaling
(All plans submitted are to scale so measurements can be taken. There is no need for dimensions to be annotated on the plans.)
- No. 5 York Avenue not shown correctly on plans
(Plans were amended to show this property accurately.)
- Neighbour Notification process – lack of letters and timing
- If parking is proposed on-street then property nos.16-26 Heatherlea Avenue and property nos. 16-26 York Avenue should have received notification of this planning application.
(Neighbour notification is carried out on receipt of an application so the timing of this is controlled by submission. Only neighbours which directly adjoins the application site or which would adjoin it but for an entry or road less than 20 metres in width are notified in accordance with legislation and guidance. The application is also advertised so information is in the public domain.

5.2 Internal:

NI Water (No objections)

Environmental Health (No objections)

DFI Roads (No objections)

DAERA: Water Management Unit (No objections)

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 (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

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS) Edition 2 (2025)

PPS 2 – Natural Heritage

PPS 3 - Access, Movement and Parking

PPS 7 – Quality Residential Environments

Addendum to PPS 7 – Safeguarding the Character of Established Residential Areas

Supplementary Planning Guidance

Creating Places

DCAN 8 – Housing in Existing Areas

Development Control Advice Note 15 Vehicular Access Standards

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The site is located within Portstewart settlement limit so Policy SET 2 of NAP 2016 applies and planning permission will be granted provided the proposal is sensitive to the size and character of the settlement.
- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: Local character, environmental quality and residential amenity, sewerage, access and parking and natural heritage.

Local Character, Environmental Quality and Residential Amenity

- 8.3 PPS 7 promotes quality residential development in all types of settlements. DCAN 8 and Creating Places is additional guidance intended to supplement this policy in terms of improving the quality of new housing development.

Policy QD1 – Quality in New Residential Development

8.4 This policy sets out a presumption against housing development in residential areas where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. Proposals for new residential development should comply with the following criteria:

(a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;

8.5 The proposed site is a piece of land between Nos. 5 and 9 York Avenue. It measures approx. 21m long x 6.5m wide. The proposal is for a small infill dwelling with a front garden and cycle parking and a rear amenity space. The dwelling has a living room and kitchen/dining at ground floor level and two bedrooms, ensuite and bathroom at first floor level.

8.6 The site has a gentle slope from front to rear but the position of the new dwelling on the site is acceptable. The dwelling respects the staggered building line along York Avenue. The dwelling is two storey in height which is reflective of the area. Properties along York Avenue have pitched roofs with one dwelling having a hipped roof. The proposed dwelling has a mono-pitch roof which could not be construed as being incongruous for this area. It is acknowledged the dwelling has a narrow frontage which is not akin of other dwellings along York Avenue, but the scheme as a whole would not harm the surrounding context to such an extent to warrant refusal.

8.7 The proposed dwelling is positioned 3.6m – 4.1m from the rear boundary which is below the recommended 10m requirement identified in Creating Places. Other properties along York Avenue do not meet this 10m separation distance from the rear boundary such as No. 5 (6.2m), No. 9 (7.6m) and No. 11 (7m).

- 8.8 It is important to note that planning permission was granted at land to the rear of 19 Central Avenue, Portstewart for a new dwelling (LA01/2022/0106/F) which is not far removed from the application site. This approved dwelling had two bedrooms on an urban infill site with a separation distance from the rear boundary of only 4.2m.
- 8.9 The limited separation distance from the rear boundary is permissible for this dwelling in this circumstance, given the smaller distances outlined with other neighbouring properties along York Avenue and the rear boundary and the precedent that has been set under LA01/2022/0106/F.
- 8.10 Objectors are concerned this proposal is overdevelopment of a constrained site. It is acknowledged the site is small, but the layout of the proposal has been designed accordingly and there are no unacceptable impacts upon local character or neighbouring residential amenity (see assessment under paragraphs 8.27- 8.39 of this report).
- 8.11 Paragraph 6.137 of the SPPS advises “the use of greenfield land for housing should be reduced and more urban housing accommodated through the recycling of land and buildings and the encouragement of compact town and village forms. More housing should also be promoted in city and town centres and mixed use development encouraged.” This proposal is seeking to meet this objective of new housing on an infill site within the town of Portstewart.
- 8.12 The proposal in terms of scale, massing, design and layout does not cause unacceptable damage to the character of the surrounding area.

(b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

- 8.13 The application site does not contain any listed buildings or monuments. There are no important landscape features within the site. A block plan has been submitted showing the boundary treatments for this development. The front boundary is to be a 0.6m high boundary wall to the street frontage which is reflective

of other front boundaries within York Avenue. The rear boundary will have a new 1.8m high fence set behind the neighbouring 1.5m high fence. The boundary adjacent to No. 9 York Avenue is a 0.6m -0.9m high wall which is to be retained. The boundary beside No. 5 York Avenue is an existing 1.6m-1.8m high closed boarded fence line set behind existing 0.6m-1.1m high boundary wall. These boundary treatments are deemed satisfactory for this plot. Limited landscaping is proposed but this is normal for an urban site.

(c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

- 8.14 Adequate provision for public and private open space and landscaped areas should be an integral part of the development. Creating Places, paragraph 5.19 states all houses should have an area of private open space behind the building line and it should be approx. 70m² per house or greater. Smaller areas may be more appropriate for houses with 1 or 2 bedrooms but any individual house with an area of less than around 40m² will generally be unacceptable.
- 8.15 Creating Places, paragraph 5.20 states “In the case of apartment or flat developments, or 1 and 2 bed roomed houses on small urban infill sites, private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10 sq m per unit to around 30 sq m per unit. The appropriate level of provision should be determined by having regard to the particular context of the development and the overall design concept. Generally, developments in inner urban locations and other high-density areas will tend towards the lower figure.”
- 8.16 The dwelling has a small front garden and a small rear amenity space. Bin storage is possible at the rear with access at the side to bring forward to York Avenue for refuse disposal. A domestic bin measures under 0.6m wide and the separation distance between the shared boundary and the dwelling is 0.8m wide so

there is sufficient space. Objectors are concerned there is no space for maintenance of this new dwelling in terms of cleaning gutters and windows. However, there is 0.8m and 0.6m spacing on either side of the dwelling allowing adequate space for maintenance.

8.17 It is important to note that planning permission was granted at land to the rear of 19 Central Avenue, Portstewart for a new dwelling (LA01/2022/0106/F) which is not far removed from the application site. This approved dwelling had two bedrooms with a private rear amenity space of 32m² on an urban infill site.

8.18 Objectors are concerned about the lack of private rear amenity space for this dwelling. The size of the rear amenity space for this proposed dwelling measures approx. 26m². Whilst this figure is lower than 40m² mentioned in Creating Places for one dwelling, this is a 2 bedroomed house on a small urban infill site, so private amenity space can be in the range of 10-30m² as stated in paragraph 5.20 of Creating Places. Whilst it would have been preferred for a larger rear amenity space, material weight is attached to the site being an urban infill within Portstewart and the location of the site within walking distance to coastal paths.

(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

8.19 The site is located within the settlement limit of Portstewart with various amenities available so neighbourhood facilities are not required as an integral part of this development.

(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;

8.20 The site is within the settlement limit of Portstewart and within walking distance of local retail units, cafes, restaurants and recreational uses as well as having convenient access to public transport links.

(f) adequate and appropriate provision is made for parking;

8.21 The proposal has been assessed in detail under the sub-heading “Access and Parking” and is considered compliant with this criterion.

(g) the design of the development draws upon the best local traditions of form, materials and detailing;

8.22 There is planning history on this site (C/2005/1141/F) for a dwelling which was refused. Refusal reason one included the detrimental impact to townscape by reason of height which is out of character for the street. The design of the refused scheme was 3 storey high which was contextually inappropriate along York Avenue harming local character. The decision was appealed and dismissed with the refusal reason relating to inappropriate height sustained.

8.23 This proposal differs in terms of design as the dwelling is two storey high with a mono-pitch roof with a maximum ridge height of 7.3m. The roof form seeks to replicate that of No. 9 York Avenue to assist with complementing other designs along the street. The proposed ridge height for the dwelling is also lower than neighbouring properties. It should be noted that there is a mixture of house types along York Avenue such as detached, semi-detached and terrace properties. Most dwellings are two storey in height so the proposal is similar in this regard. Designs vary but most dwellings have a pitched roof except for a hipped roof at No. 11A York Avenue. Finishes tend to be coloured render with small aspects of red brick/cladding for porches etc.

8.24 It is acknowledged that the dwelling has a much narrower frontage than other dwellings along this street. However, views of the site are primarily from York Avenue. When travelling along York Avenue and viewing the site from longer distances, the narrow frontage of the dwelling would not be overly perceptible as the design does blend with No. 9 York Avenue. It is not considered that the design would result in such a negative impact upon York Avenue to unacceptably harm the local context to warrant refusal of this scheme.

8.25 Materials and finishes consist of cedar rivendale fibre cement slate (colour - blue/black) for the roof and first floor walls. The ground

floor walls are to be finished in Acheson Glover Woodward facing brick (colour – smooth blue/light grey). The dwelling will have aluminium anthracite grey windows and doors, aluminium anthracite grey fascia, aluminium rainwater goods and downpipes. Solar panels are proposed for the roof. Finishes along York Avenue consist mainly of coloured render with red brick or cladding used for porches/feature walls. This proposal will differ with its contemporary palette of materials however, similar materials/finishes are found within the surrounding area. For example, a housing development at Coach Wall Park uses grey cladding and grey zinc for box dormers. These proposed materials/finishes are considered satisfactory and in keeping with finishes in the wider area of Portstewart.

- 8.26 The scale, form, massing and appearance, materials and detailing of the proposal is acceptable and will not result in unacceptable harm to the local context.

(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;

- 8.27 Several objections have been received in relation to this application with concern expressed in relation to the impact on neighbouring residential amenity. For all detailed objections review section 5.2 of this report.

No. 5 York Avenue

- 8.28 The proposal should not result in unacceptable overlooking to this neighbouring property. There are no concerns from proposed ground floor windows as views will be partially screened by the existing boundary treatment. There are no first floor windows proposed in the side elevation facing this property. Velux windows are proposed on the roof plane but this would not result in a privacy concern as direct views would not be possible.
- 8.29 The proposal should not result in unacceptable overshadowing or loss of light to No. 5 York Avenue. The site orientation is south facing so No. 5 will only be affected in the morning time in terms of overshadowing. No. 5 has only one ground floor window in the

gable elevation facing the application site. There may be some loss of light to windows in their front elevation, but this is mitigated by the height of the development with the roof pitch being lower immediately beside them. The proposal is not regarded as dominant to No. 5 given the overall scale and positioning in the site. Occupants of No. 5 would not feel hemmed in by this development.

- 8.30 The relationship between the proposal and No. 5 York Avenue is satisfactory and the new dwelling will not have an unacceptable adverse impact upon their amenity.

No. 9 York Avenue

- 8.31 The proposed dwelling should not result in unacceptable overlooking or loss of privacy to No. 9. There is only one window in the side elevation facing this property. This window is for a hall and will be finished in obscure glass to prohibit overlooking. This will be conditioned if permission is granted for this application.
- 8.32 The proposal should not result in unacceptable overshadowing or loss of light to No. 9. The site orientation is south facing so No. 9 will only be affected late afternoon/evening in terms of overshadowing. However, No. 9 has no windows in the gable facing the application site. There may be some loss of light to their first floor windows in the front elevation closest to the site but this would not be unreasonable given these windows relate to a landing/hall which is not a main habitable room. The proposal is not regarded as dominant to No. 9 given the overall scale and positioning in the site. Occupants of No. 9 would not feel hemmed in by this development.
- 8.33 The relationship between the proposal and No. 9 York Avenue is satisfactory and the new dwelling will not have an unacceptable adverse impact upon their amenity.

Properties to the rear of the site

- 8.34 The proposed dwelling has a ground floor kitchen dining area and a first floor bedroom window in the rear elevation. The proposal was amended to show only one first floor window instead of two to limit overlooking. Properties to the rear of the site are located at a much lower level due to the topography of the land. These

properties have several windows located at various levels looking into the application site. This proposal will have two windows in the rear elevation with a 1.8m high fence proposed along the rear boundary to help screen views at ground floor level. Whilst there will be some overlooking from the first floor window, at a set back distance of approx. 3.8m, this is not considered unreasonable in an urban context. There are other two storey dwellings along York Avenue with first floor windows looking into these properties at the rear so this arrangement is deemed satisfactory.

- 8.35 The proposal at two storey high (sloping ridge height from 5.5m to 7.3m) will not result in unacceptable overshadowing or dominance to the properties at the rear given its location within the site. The proposed dwelling is no further to the rear than neighbouring properties so the relationship would be similar to what already exists along York Avenue.
- 8.36 There is a separation distance of approx. 16m back-to-back from No. 8 Portmore Avenue and the proposed dwelling. This distance is not dissimilar from 14.5m separation between No. 6 Portmore Avenue and No. 5 York Avenue.
- 8.37 No. 12 York Avenue is concerned about the loss of view but this is seen to be in the private interest, not necessarily in the public interest and as stated in paragraph 2.3 of the SPPS, "The planning system... does not exist to protect the private interests of one person against the activities of another...". The loss of view has been considered, however the protection of a private view is not enough to warrant a refusal.
- 8.38 Noise is not perceived to be an issue as this proposal is for a residential dwelling in the settlement limit of Portstewart and Environmental Health have no objections.
- 8.39 The proposal is not considered to adversely conflict with adjacent land uses and there is no unacceptable adverse effect on the residential amenity of neighbouring properties.

(i) the development is designed to deter crime and promote personal safety.

- 8.40 The development has been designed to deter crime and promote personal safety.
- 8.41 An objector raised concern over antisocial behaviour because bikes would be positioned in the front garden. Anti-social behaviour and crime are non-planning issues; being impacts of third parties upon the proposed development instead of direct impacts resulting from the development itself. Although the Council recognises the perceived and perhaps real issue of anti-social behaviour, it is not enough to warrant a refusal on this proposal.
- 8.42 The Addendum to PPS 7 seeks to safeguard the character of Established Residential Areas. The key consideration is to ensure that new residential schemes are sensitive in design terms to people living in existing neighbourhoods and are in harmony with the local character of established residential areas, villages and smaller settlements.

Policy LC1 – Protecting Local Character, Environmental Quality and Residential Amenity

- 8.43 This policy requires the proposed density is not significantly higher than that found in established residential areas. It requires the pattern of development to be in keeping with the overall character and environmental quality of the established residential area. It states all dwelling units and apartments should meet the appropriate space standards.
- 8.44 The proposed dwelling is acceptable in terms of density as the proposal only entails one dwelling on an urban infill site. Whilst the proposal is located on a small site, the size of the new dwelling reflects the site's limited capacity.
- 8.45 The pattern of development is in keeping with the overall character of the established residential area. York Avenue is comprised of detached, semi-detached and terrace properties of varying sizes of plots. This site is an urban infill with a dwelling of acceptable scale, massing and height as assessed earlier in this report. Design cues have been taking from the surrounding context.

8.46 The new dwelling measures approx. 90m² which is above the space standard for a two storey 4 Person-2 Bedroom unit (75/80m²) so it is satisfactory in terms of the Space Standards outlined in Annex A.

Sewerage

8.47 The agent advised pre-application discussion has taken place with NI Water. An agreement is in place to connect into the foul drainage system. Storm water connection is also available within the street and will be subject to a further NI Water consultation.

8.48 DAERA: Water Management Unit was consulted in relation to this application and refer to standing advice.

8.49 NI Water was consulted in relation to this application. There is available capacity at the Waste Water Treatment Works. There is a public foul sewer within 20m of the proposed development boundary which can adequately service these proposals. There is no public surface water sewer within 20m of the proposed development boundary however access is available via extension of the existing public surface water network, or via direct discharge to a designated watercourse, at an agreed discharge rate. Any discharges into a NIW surface water sewer will be restricted to a rate which does not exceed Greenfield Runoff of 10 litres/second/hectare. A Waste Water Impact Assessment was completed for this site and NI Water consents to foul discharge of 0.02L/S.

8.50 NI Water have no objections to this proposal and recommend a planning condition if approval is granted. The proposal is now regarded acceptable from a sewage perspective and will not result in an environmental impact.

Access and Parking

8.51 Planning permission will only be granted provided the proposal does not prejudice road safety or significantly inconvenience the flow of traffic. The proposal entails a new dwelling on an urban site with no vehicular access proposed and no in-curtilage parking. Objectors are concerned in relation to the lack of vehicular access and in-curtilage parking as well as this proposal making use of on-street parking spaces. Queries have also been raised about the

accuracy of the parking survey submitted by the Agent. For details of all objections on this matter, please review section 5.2 of this report.

- 8.52 There is planning history on this site (C/2005/1141/F) for a dwelling which was refused. Refusal reason two was the scheme would prejudice the safety and convenience of road users since it is not possible to provide site visibility splays to the west of the proposed access. The decision was appealed but this refusal reason was not upheld. The PAC sated “the issue could be addressed by the imposition of a negative condition requiring provision of the splays before the development commenced.”
- 8.53 DFI Roads was consulted several times in relation to this application. The Parking Survey required amendment to show all of the existing vehicular accesses and only show available parking spaces. DFI Roads notes the objections raised and would point out that PPS 3 and the published standards recommend in-curtilage parking for a proposal such as this. However, if the Local Planning Authority are minded to approve this application given the mitigation in the form of a parking survey, DFI Roads have no objection to this application.
- 8.54 It is important to note that planning permission was granted at land to the rear of 19 Central Avenue, Portstewart for a new dwelling (LA01/2022/0106/F) which is not far removed from the application site. This approved dwelling had two bedrooms on an urban infill site with no in-curtilage parking.
- 8.55 Another planning permission was granted at Lands immediately west of no. 50 Old Coach Road and North of 90 Lever Road, Portstewart for a new dwelling (LA01/2020/1353/F) which is within walking distance of the application site. This dwelling also had no in-curtilage parking spaces and relied on street parking with a parking survey submitted.
- 8.56 This proposal includes a new dwelling on an urban infill site with no parking spaces provided so a parking survey accompanies this application. The surveys undertaken included surrounding streets to include up to 200m from the site where considerably more parking is available, but the need for demonstrating additional parking availability is not considered necessary when there is already a minimum of 6 spaces available along York Avenue. 16

surveys have been undertaken on various dates in March, April, May, July and August. Times vary from morning, afternoon and night. York Avenue parking on-street can only be accommodated on one side due to its narrow width. This is reflected in the parking survey submitted. Spaces have not been shown on both sides of the road.

- 8.57 Objections have been raised in terms of some car parking spaces shown in the survey not being located in legitimate spaces. It is determined that even if these spaces were discounted sufficient car parking spaces remain on-street to serve this development. In addition, DFI Roads have not raised any road safety issues with the parking survey submitted and they are the competent authority in this matter.
- 8.58 Although the Scout Hall would incur additional street traffic and parking this is primarily at night and for a limited time frame. It is most likely parents drop off children and then collect them, so they are not necessarily staying parked for the duration.
- 8.59 Objectors have raised concern over the York Hotel Project. The original hotel had 27 parking spaces, but a hotel of that size would have required more spaces and thus relied on street parking. The replacement of the Hotel with an apartment development has improved the arrangement because the 10 Apartments required 16 parking spaces which were provided on site with no reliance on street parking. The York Hotel development has freed up on street capacity.
- 8.60 Policy AMP 7 of PPS 3 requires proposals 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 of the development and its location. A reduced level of car parking provision may be acceptable in certain scenarios:
- Where the development is in a highly accessible location well served by public transport
 - Where the development would benefit from space capacity available in nearby public car parks or adjacent on street car parking
- 8.61 It is considered this proposal meets Policy AMP 7 of PPS 3 because it is in a highly accessible location near to public transport

links and cycle provision is provided on site. Also, the parking survey provided demonstrates there is on-street parking spaces to serve this development.

- 8.62 Refusal of this proposal on the lack of car parking spaces provided in-curtilage could not be sustained on the basis that other permissions for new dwellings with no in-curtilage parking in the local context have been approved; the availability of on-street parking along York Avenue shown by the parking survey submitted; and the fact York Avenue comprises a mix of property types dependent on a combination of on and off-street parking.
- 8.63 The proposal is acceptable in that it does not prejudice road safety or significantly inconvenience the flow of traffic. The proposal complies with Policy AMP 2 and 7 of PPS 3.

Natural Heritage

- 8.64 The Agent submitted a Biodiversity Checklist in relation to this application which did not raise any natural heritage concerns. Following site inspection, the Biodiversity Checklist is accurate. DAERA: NED was not consulted on this application as no natural heritage concerns require assessment as this proposal is for a dwelling on an urban site with no landscaping.
- 8.65 Following assessment, the proposal is acceptable in terms of natural heritage interests and is considered to meet the requirements of PPS 2.

Habitats Regulations Assessment

- 8.66 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.

9.0 CONCLUSION

- 9.1 The proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal in terms of scale, massing, design and layout does not cause unacceptable damage to the character of the surrounding area. Proposed materials and finishes for the dwelling are satisfactory and in keeping with the local area. The site is small but the layout of the proposal has been designed accordingly and there are no unacceptable impacts upon local character or neighbouring residential amenity. The proposal is not considered to create conflict with adjacent land uses and there is no unacceptable adverse effect on neighbouring properties.
- 9.2 Parking arrangements are acceptable. The proposal is in a highly accessible location near to public transport links and cycle provision is provided on site. Also, the parking survey provided demonstrates there is on-street parking spaces to serve this development. In addition, similar applications have been approved for dwellings without parking provision in-curtilage in the local area, so a precedent has been set.
- 9.3 The proposal is regarded acceptable from a sewage perspective and will not result in an environmental impact. The proposal is acceptable in terms of natural heritage interests. Approval is recommended.

10 CONDITIONS

1. As required by Section 61 the Planning Act (Northern Ireland) 2011 the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. No development shall proceed beyond sub-floor construction until a suitable dedicated surface water solution has been agreed upon. The applicant may requisition NI Water in accordance with Article 154 of the Water and Sewerage Services (Northern Ireland) Order 2006, for this purpose.

Reason: To ensure a practical solution to the disposal of surface water from this site.

3. The hall window in the proposed side elevation facing No. 9 York Avenue shall be finished in obscure glazing (minimum privacy level 3) prior to occupation of the dwelling hereby approved in accordance with Drawing No. 06B and permanently retained as such.

Reason: In the interests of residential amenity.

4. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting that order with or without modification), no extension, garage, shed, outbuilding, wall, fence or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected without express planning permission.

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area.

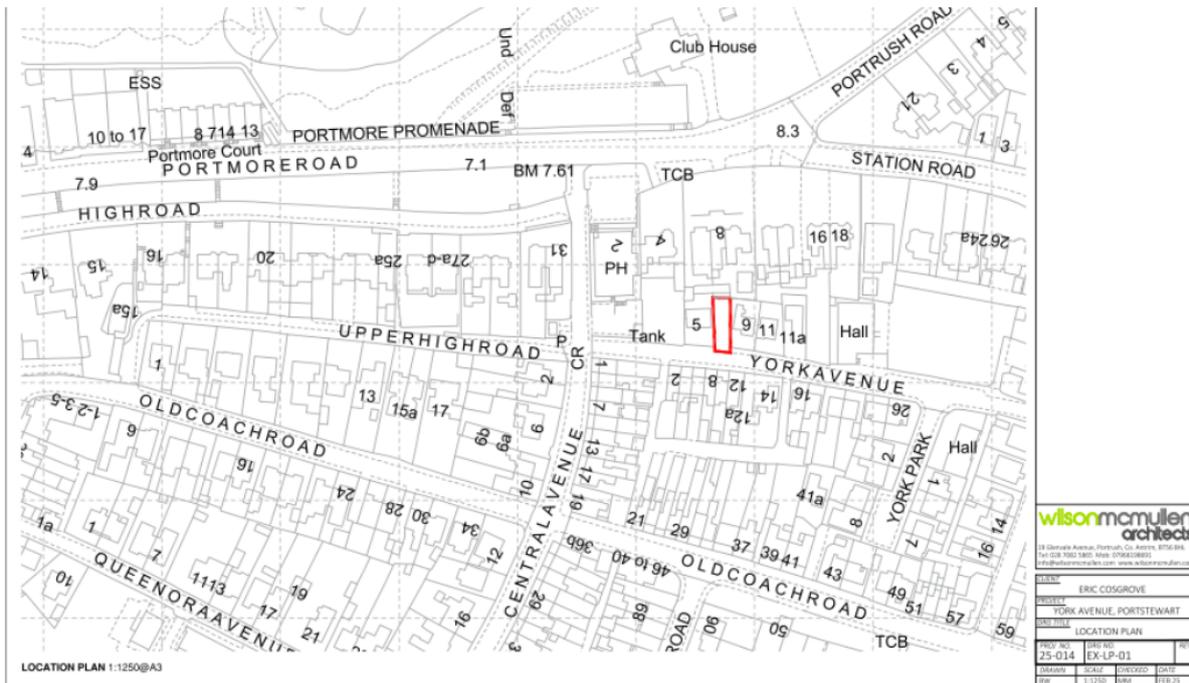
5. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional or altered windows, doors and openings shall be formed in the elevations without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties.

11 INFORMATIVES

1. 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.
2. 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.
3. 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.
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>

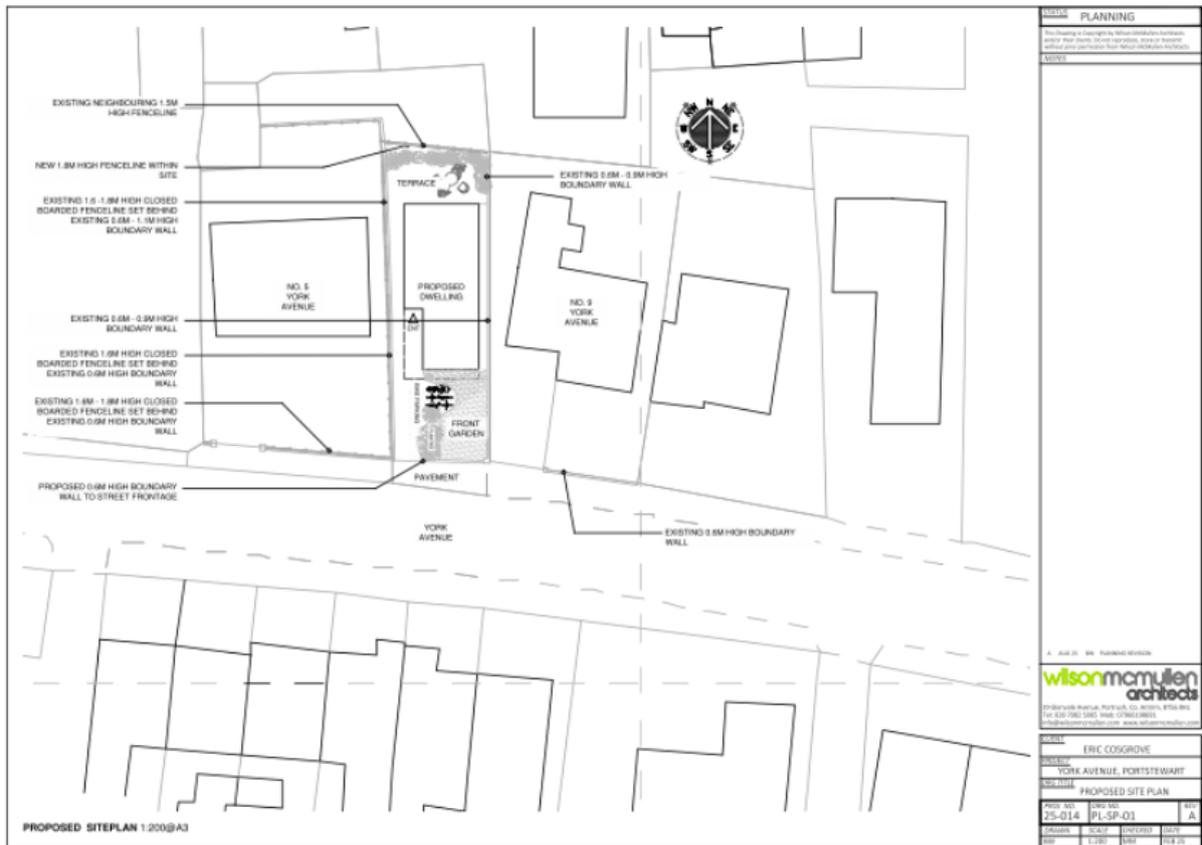
Site Location Map



wilsonmcmullen
architects

DESIGNER	ERIC COSGROVE
PROJECT	YORK AVENUE, PORTSTEWART
DATE	LOCATION PLAN
PROJ. NO.	25-014
DATE	EX-LP-01
DRAWN	SCALE
BY	1:250
CHECKED	DATE
BY	FEB 25

Proposed Site Plan



PLANNING			
<small>This drawing is prepared by WilsonMcMullen Architects and/or its staff based on information provided by the client and is not to be used for any other purpose without the written consent of WilsonMcMullen Architects.</small>			
<small>DATE: 25-01-2014</small>			
<small>SCALE: 1:200</small>			
<small>PROJECT: ERIC COSGROVE</small>			
<small>LOCATION: YORK AVENUE, PORTSTEWART</small>			
<small>CLIENT: PROPOSED SITE PLAN</small>			
<small>PROJ. NO:</small> 25-014	<small>DATE:</small> 25-01-2014	<small>SCALE:</small> 1:200	<small>SHEET:</small> A
<small>DATE:</small> 25-01-2014	<small>SCALE:</small> 1:200	<small>DATE:</small> 25-01-2014	<small>SHEET:</small> A