

Title of Report:	Planning Committee Report – LA01/2023/1187/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	27th November 2024
For Decision or For Information	For Decision – Referred Application by Alderman Mark Fielding

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	Development Management and Enforcement Manager

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

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: LA01/2023/1187/F **Ward:** Kilrea

App Type: Full

Address: 10 Clagan Park, Aghadowey, Coleraine

Proposal: Proposed new domestic shed and extension to curtilage

Con Area: N/A **Valid Date:** 23.11.2023

Listed Building Grade: N/A

Agent: Simpson Design, 42 Semicock Road, Ballymoney, BT53 6PY

Applicant: D Rainey, 10 Clagan Park, Aghadowey, Coleraine

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

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

EXECUTIVE SUMMARY

- Full planning sought for a new domestic shed and extension to the existing curtilage belonging to No. 10 Clagan Park.
- The proposal is contrary to paragraph 4.27 of the Strategic Planning Policy Statement and to the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations, Policy EXT 1 (a) in that the proposal is not domestic in nature, and the scale, massing, and design of the proposal is unsympathetic and will detract from the appearance and character of the surrounding area.
- The proposal is also contrary to Policies CTY13 and CTY14 of PPS21, Sustainable Development in the Countryside, in that the scale, massing, design and external materials of the proposal are not sympathetic with the built form and appearance of the existing property and will detract from the character and appearance of the surrounding area, and the lack of boundaries around the site will make the proposed shed appear incongruous in the landscape.
- Refusal is recommended.

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** full planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located within the rural area as identified within the Northern Area Plan (NAP) 2016. The site is located at No. 10 Clagan Park, Aghadowey.
- 2.2 The site is a roadside plot that hosts a two storey detached dwelling and two no. outbuildings. The red line incorporates a hardstanding, rectangular section of a neighbouring agricultural field. The northern boundary is defined by mature hedging and trees, while the western boundary is defined by a post and wire fence, the remaining boundaries are physically undefined. The topography of the site and surrounding rises slightly from the west towards the east.

3 RELEVANT HISTORY

- 3.1 Reference: LA01/2017/0701/F
Location: 86 Ballyreagh Road, Portstewart
Proposal: 10 Clagan Park, Coleraine.
Proposal: Replacement two storey dwelling on site of existing two storey dwelling. Replacement of stables and sheds with new car port.
Retention of existing general purpose store.
Decision: Permission Granted 07.02.2018

4 THE APPLICATION

- 4.1 This is a full application for a new domestic shed and extension to curtilage at No. 10 Clagan Park.

5 PUBLICITY & CONSULTATIONS

5.1 External

No neighbouring properties were notified as no neighbouring dwellings directly abut the application site. No letters of representation have been received.

5.2 Internal

Department for Infrastructure (Roads) – Content

Northern Ireland Environment Agency: DEARA – Content

Dfi Rivers: Content

6 MATERIAL CONSIDERATIONS

- 6.1 Section 45(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 both 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:

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

Regional Development Strategy 2035.

Northern Area Plan 2016.

Strategic Planning Policy Statement.

PPS 3: Access, Movement and Parking.

Addendum to PPS7: Residential Extensions and Alterations

PPS 21: Sustainable Development in the Countryside.

Building on Tradition: A sustainable Design guide for Northern Ireland.

8.0 CONSIDERATIONS & ASSESSMENT

PPS 3: Policy AMP 2 - Access to Public Roads

8.1 Planning Policy Statement 3 relates to vehicular and pedestrian access, transport assessment, and the protection of transport routes, and parking. Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

8.2 DFI Roads were consulted on the proposal and were content subject to conditions.

Addendum to PPS 7 - Residential Extensions and Alterations:

8.3 This policy sets out planning policy and guidance for achieving quality in relation to proposals for residential extensions and alterations.

- 8.4 Policy EXT 1 of APPS7 indicates 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.

**Annex A: Guidance for Residential Extensions and Alterations:
Garages and other associated outbuildings**

- 8.5 Buildings within the residential curtilage, such as, garages, sheds and greenhouses can often require as much care in siting and design as works to the existing residential property. They should be subordinate in scale and similar in style to the existing property, taking account of materials, the local character and the level of visibility of the building from surrounding views. The use of false pitches should be avoided as these often detract from the appearance of these buildings, particularly when viewed from the side. Garages should be positioned where they can be accessed safely.
- 8.6 The proposal is for an extension of curtilage to host a domestic shed. The shed is to measure 26.3metres by 10.65metres, finished in a pitched roof measuring 7.6metres in height above ground level. The bottom section of the walls will be finished in render, while the top section and roof will be dark grey/green metal cladding. The floorplan of the shed indicates that the shed will host a domestic digger, hay for animals, cars, horse box, farm roller, telehandler, small HGV and flatbed trailer. Overall, it is considered that this proposed shed is not domestic in size or scale. Further, as the floorplan indicates, it would appear this shed is for agricultural

purposed rather than domestic. The extension of curtilage is to measure 17.9metres by 32.6metres to host the proposed shed.

- 8.7 It is considered the scale, massing, design and external materials of the proposal are not sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area. The lack of boundaries around the site will make the proposed shed appear incongruous in the landscape and is unacceptable as a domestic shed.
- 8.8 There are no neighbours within close proximity that would be negatively impacted by the proposal.
- 8.9 Aerial photography appears to show that work has already commenced on the extension of curtilage in the form of hardstanding. It however does not indicate that there was an unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality as there are no trees or other landscape features present where the proposal is located.
- 8.10 Given as the proposal is not located within the existing curtilage, sufficient space remains within the curtilage of the property for recreational and domestic purposes.
- 8.11 Overall, the proposal is not domestic in scale, massing, design and external materials. It is considered that the extension of curtilage is unnecessary and that an appropriately designed domestic shed/garage could be accommodated within the existing curtilage. The proposal fails Policy EXT 1 of PPS7.

PPS 21: Sustainable Development in the Countryside

- 8.12 Taking into account the transitional arrangements of the SPPS, retained PPS 21 provides the relevant policy context for the proposal. Supplementary guidance on PPS 21 is contained in document 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.

Policy CTY 13

8.13 Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- (c) it relies primarily on the use of new landscaping for integration; or
- (d) ancillary works do not integrate with their surroundings; or
- (e) the design of the building is inappropriate for the site and its locality; or
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
- (g) in the case of a proposed dwelling on a farm (see Policy CTY10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

Policy CTY14

8.14 Policy CTY14 of PPS21 states planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

- 8.15 The Justification and Amplification of CTY13 states that new buildings should blend sympathetically with their surroundings and do not appear incongruous in the landscape. It is essential that similar care is exercised in the siting and design of new buildings to ensure they too can integrate harmoniously with their surroundings and thereby protect the amenity and character of our countryside. One of the main criteria against which the degree of visual impact will be considered includes the suitability of the design of the building for the site and its locality, including its form, scale and massing.
- 8.16 Similarly, the Justification and Amplification of CTY14 states there are a number of different ways in which new development in the countryside can impact detrimentally on rural character. One building by itself could have a significant effect on an area if it is poorly sited or designed and would be unduly prominent, particularly in more open and exposed landscapes.
- 8.17 Both CTY13 and CTY14 clarify that critical views will be judged along stretches of the public road network; shared private lane-ways serving existing or approved dwellings.
- 8.18 Firstly, it is worth noting that this proposal is for a domestic shed which includes the extension of the existing curtilage belonging to No. 10 Clagan Park to accommodate this shed which is proposed to measure 26.3metres by 10.65metres, finished in a pitched roof measuring 7.6metres in height above ground level.
- 8.19 The scale and massing of the shed is inappropriate to be used as domestic and due to this the shed will appear incongruous in the landscape. The shed has more of a commercial/agricultural appearance and no farm maps have been submitted for this to be assessed as an agricultural building.
- 8.20 While there is a hedgerow and some trees to the north of the site, the remaining boundaries are unable to provide an acceptable degree of enclosure for the proposed shed to integrate into this rural area. Drawing 02 indicated mature hedging and trees to be planted at this boundaries. Paragraph 5.64 clarifies that a building on an unacceptable site cannot be successfully integrated into the

countryside by the use of landscaping. New planting will inevitably take a considerable length of time to mature and in the interim will not mitigate the impact of new development.

- 8.21 Paragraph 5.78 states that in assessing the cumulative impact of a building on rural character the matters taken into consideration include the intervisibility of the proposed building with existing and approved development, the vulnerability of the landscape and its capacity to absorb further development; and the siting, scale and design of the proposed development.
- 8.22 When travelling along Clagan Park, given its size and scale, the proposed shed will have a substantial visual impact which is not in keeping with the existing buildings within this area. The proposal will not be absorbed into the existing development, rather will be read as an incongruous feature in the landscape.
- 8.23 It is considered the scale, massing, design and external materials of the proposal are not sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area. The lack of boundaries around the site will make the proposed shed appear incongruous in the landscape and is unacceptable as a domestic shed. The proposal therefore fails CTY13 and CTY14.

Habitat Regulations Assessment

- 8.24 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

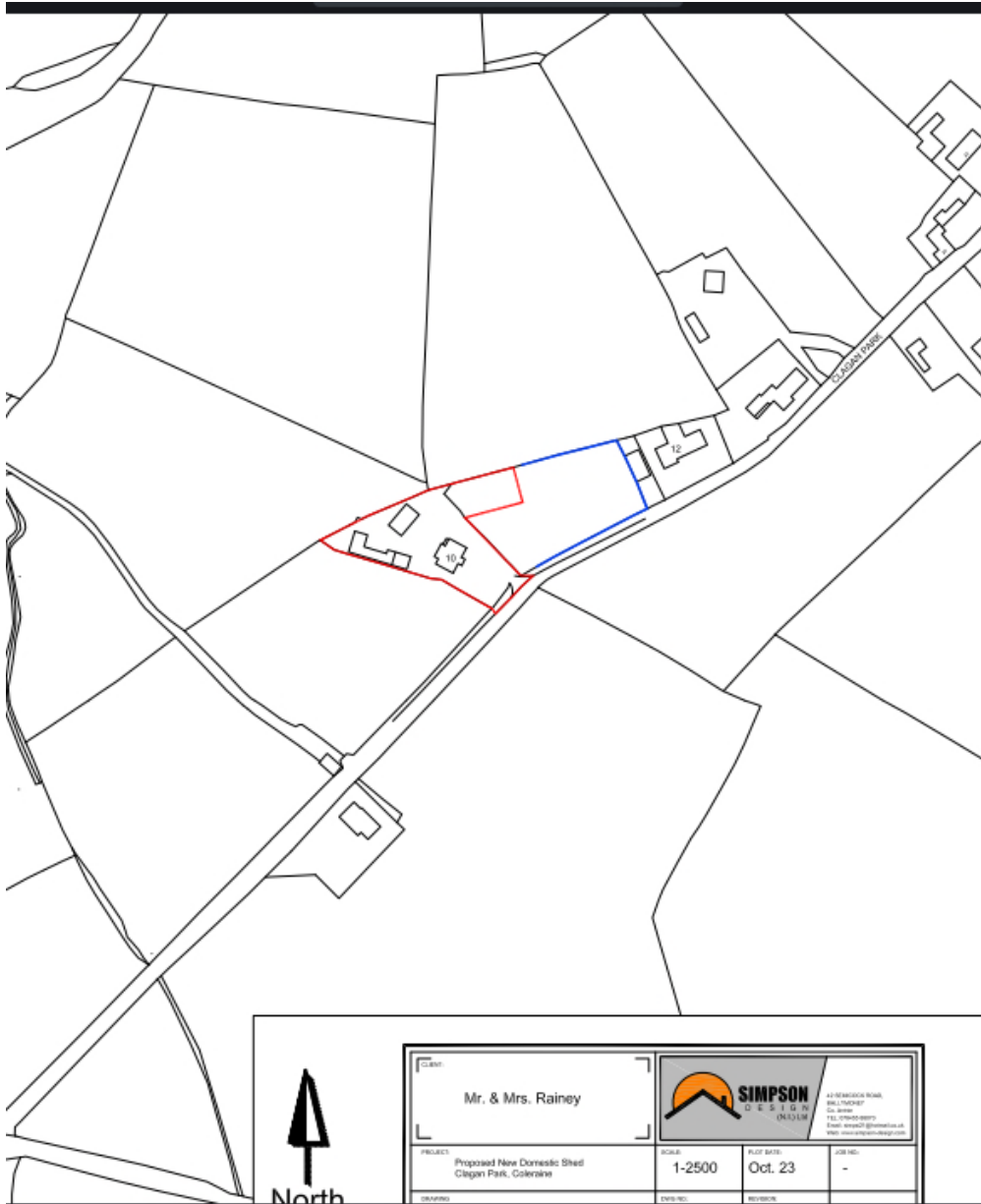
- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including Planning Policy Statement 21 –

Sustainable development in the Countryside, CTY 1, CTY3, CTY13 and CTY 14; in that the design of the proposed replacement dwelling is not appropriate to its rural setting and does not have regard to local distinctiveness and if approved would be detrimental to the rural character of the area.

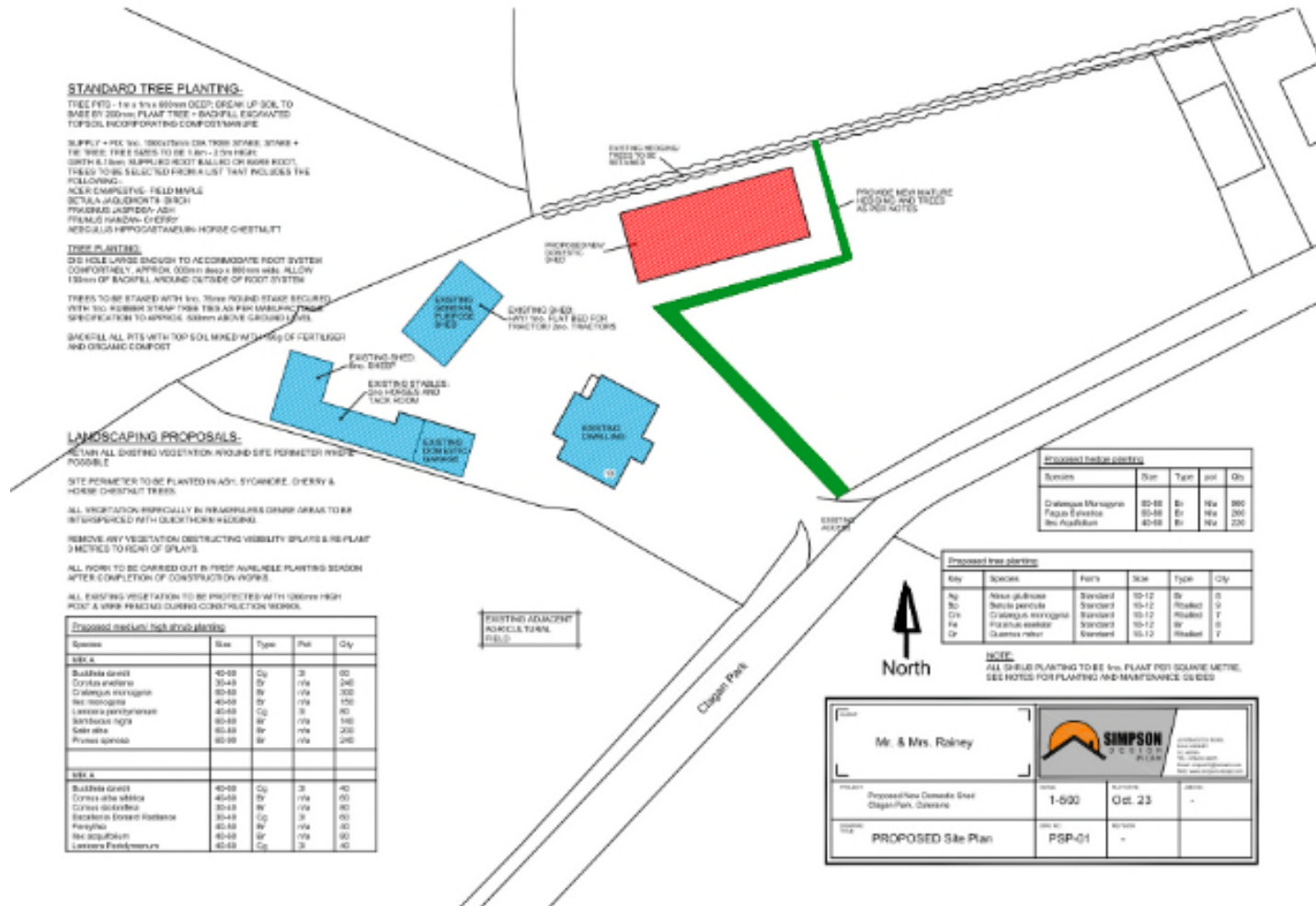
10.0 Reasons for Refusal

- 10.1 The proposal is contrary Para 4.27 of the Strategic Planning Policy Statement and to the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations, Policy EXT 1 (a) in that the proposal is not domestic in nature, and the scale, massing, and design of the proposal is unsympathetic and will detract from the appearance and character of the surrounding area.
- 10.2 The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and would rely primarily on the use of new landscaping for integration, the design of the building is inappropriate for the site and its locality and the building would be incongruous in the landscape.
- 10.3 The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that approved would cause a detrimental change to the rural character of the area.

Site location Map

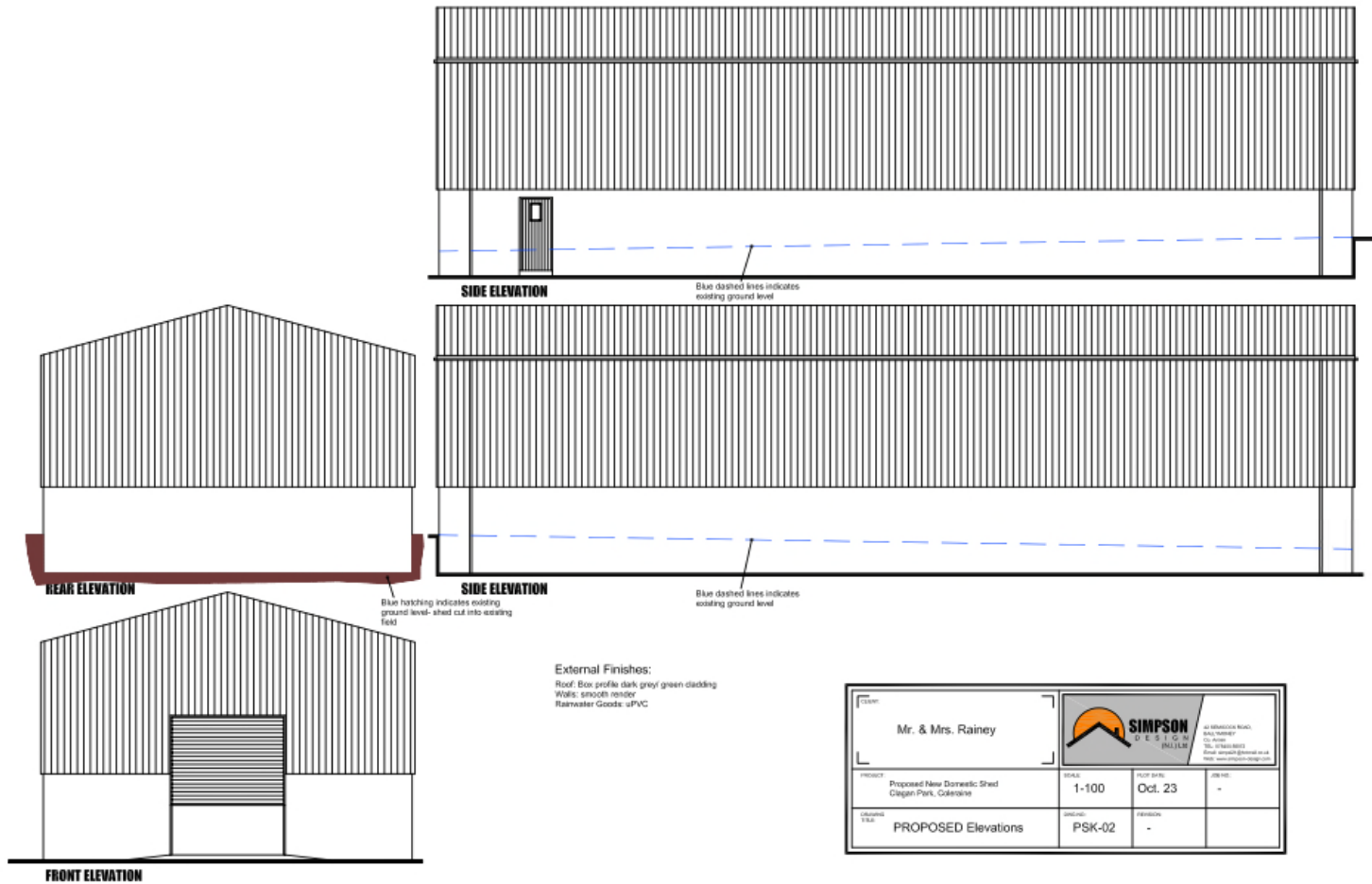


Proposed Block Plan



231024

Proposed Elevations



231024

Referral Request

From: Mark Fielding

Sent: 03 June 2024 08:32

To: Planning; Oliver McMullan; Denise Dickson; Cllr Oliver McMullan

Subject: LA01/2023/1187/F

Attachments: 10 Clagan Park Aghadowey.odt

I wish to refer Planning application LA01/2023/1187/F to Planning Committee–
Proposed new domestic shed
and extension to curtilage. 10 Clagan Park Aghadowey Coleraine.

See attached reasons,

Yours

Mark

Ald. M Fielding

Planning Reference LA01/2023/1187/F

Elected Member Name Mark Fielding

Refusal Reason 1

A layout was provided to planning department to show the use of this proposed new domestic shed and the reasons why it needed to be of this scale. There are similar style sheds all within close proximity to this site.

Refusal Reason 2

The proposed shed is cut into the existing ground and will reduce the height of it above the ground. The applicant's existing dwelling/ roadside hedging will screen this proposed building. A neighbouring garage will screen the building in the opposite direction.

Refusal Reason 3

There is no room within the applicant's yard to accommodate this proposed shed.

Refusal Reason 4

This proposed building will not detract from the appearance and character of the surrounding area.