



Title of Report:	Planning Committee Report – LA01/2022/0791/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	22nd January 2025
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	Development Management and Enforcement 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	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:

<u>App No:</u>	LA01/2022/0791/F	<u>Ward:</u>	Portrush and Dunluce
<u>App Type:</u>	Full Planning		
<u>Address:</u>	57-59 Causeway Street Portrush		
<u>Proposal:</u>	Full Planning Application for residential apartment scheme comprising 6no apartments, landscaping, access off Causeway Street and ancillary works		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	20.07.2022
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
<u>Agent:</u>	Henry Marshall Brown Architectural Partnerships, 10 Union Street, Cookstown, BT80 8NN		
<u>Applicant:</u>	Ideal Seaview Developments LLP, The Gasworks, 12 Cromac Place, Belfast, BT7 2JB		
<u>Objections:</u>	13	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	0

Executive Summary

- Planning permission is sought for a residential apartment scheme comprising 6no apartments, landscaping, access off Causeway Street and ancillary works.
- The site is located both within the Portrush Settlement Development Limit as designated within the Northern Area Plan 2016. The site is located within an Area of Archaeological Potential and partially within Local Landscape Policy Area Designation PHL 01 Ramore Head. AONB is located further to the northeast.
- There have been 13 objections and 1 comment received.
- Full consultations have been carried out and all consultees are content to approve.
- Approval is recommended subject to conditions.

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

<https://planningregister.planningssystemni.gov.uk/>

1 RECOMMENDATION

- 1.0 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 **GRANT** planning permission for the reasons set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located at No's 57 – 59 Causeway Street, Portrush. On site is a dashed rendered 2.5 storey dwellinghouses with pitched roof. The property has internalised chimneys, a bay window and roof lights at the front. The building has two storey returns at the rear and a flat single store return. The rear of the site is located at two tiers. The top tier is located at the dwelling level and consists of garden areas. The lower tier accesses onto a road running to the rear and is accessible via steps from the rear garden. This lower tiered area has been used as a compound for construction work at an adjoining development.
- 2.2 A stone wall runs along the northwest boundary of the site adjoining a laneway providing access to dwellings to the rear of Causeway Street. Beyond this laneway is a dwellinghouse No. 53. An apartment building, Sandy Bay adjoins the site to the southeast. To the northeast of the site is a road beyond which is Portrush East Strand. To the southwest are dwellinghouses. The character of the area is primarily residential with some commercial uses located along Causeway Street in close proximity to the site.
- 2.3 The site is located both within the Portrush Settlement Development Limit as designated within the Northern Area Plan 2016. The site is located within an Area of Archaeological Potential and partially within Local Landscape Policy Area Designation PHL 01 Ramore Head. AONB is located further to the northeast.

3.0 RELEVANT HISTORY

- 3.1 LA01/2021/1224/F - Proposed 11 no. apartments (amendments to previous approval LA01/2019/0784/F to include minor amendments and facade alterations) – 67 – 73 Causeway Street, Portrush – Permission Granted – 01.07.2022

LA01/2019/0784/F - Proposed demolition of existing dwellings and erection of 11 no. apartments with associated parking - 67 – 73 Causeway Street, Portrush – Permission Granted – 31.03.2021

THE APPLICATION

- 4.1 The application seeks a residential apartment scheme comprising 6no apartments, landscaping, access off Causeway Street and ancillary works.

5.1 PUBLICITY & CONSULTATIONS

- 5.1 **External:** All neighbours that have been identified for notification within the terms of the legislation have been notified on 2nd August 2022, 6th September 2022, 30th December 2022, 20th May 2024, 11th October 2024 and 29th November 2024. The application was advertised on 3rd August 2022 and re-advertised on 24th August 2022.

14 representations have been received for this application including 13 objections and 1 comment. The main issues raised are summarised below:

- Scale
- Size
- Overshadowing
- Extension not reduced
- 4 storey building less than 9/10 metres from front door, main entrance, kitchen windows and childrens bedroom on south facing aspect and less than 5 metres from front garden and patio/amenity

- Proposal different to any precedent for scale at No. 61-67 Causeway Street as impact was on neighbouring amenity and not on south facing front aspect of a property/windows in such close proximity
- Non-Compliance with Creating Places
- Clarity sought on rules applied in assessing with reference to Creating Places and Site Layout Planning for Daylight and Sunlight guidance
- Clarity on what daylight, sunlight and overshadowing impact studies/assessments have been undertaken
- Loss of light and impact on amenity
- No adjustment to the scale of the extension
- What are plans for boundary treatment beside Strandmore
- Old stone wall may restrict light to ground floor apartments
- Side access required for boiler services
- 1.5 metres was stipulated up to point of original home and applies now
- Access required for upkeep, maintenance, painting of their building
- Impact on quality of life
- Overbearing
- Height of extension
- Fails to meet 25 degree rule of BRE document Site Layout Planning for Daylight and Sunlight
- Kitchen window and south facing outside amenity in complete shadow especially in winter
- High level windows not obscured and should be above head height
- Balcony windows frosted, living area windows not and overlooked/perceived overlooking
- Full connection to apartments on beach side blocking utilities access
- Site line to apartment was confirmed by planning no building could pass same
- Traffic/building issues if permission is granted as very confined space to work
- 3 years and 10 hours daily of continual building and quality of life of locals
- No access to kitchen windows
- Lack of parking and availability/reliance on on-street car parking

- Traffic
- Overdevelopment with car parking and traffic demands from increased number of units
- Building extend beyond building line
- Increased footprint
- Negative visual impact
- Extension to the east of detriment to the area
- Overlooking from windows and balconies
- Minimum requirement to remove all overlooking windows and 1.8 metre screens for balconies and roof terrace
- Change to entirely apartments on this stretch, changing the character of the street and at odds with APPS 7
- Increasing density which is trebled in busy area with recent developments constructed.
- Increase from 8 to 25 units in a very small stretch with further raise to 31 with proposal.
- Roadside car parking are public spaces
- Further demand cannot be met with even current units
- Concerns with height of green roof parking facility
- Balcony depth is deeper than existing sight lines explained
- No access to kitchen windows with 2 ensuite windows added with a light well blocking free access
- Blocked access to fire valves and heating system
- Concerns of lightwell with regard to fire preservation
- Block work would take at least half of natural light into building living/kitchen
- Within regulations should be a 2.2 metre distance as original access for maintenance
- Height of proposed garage and noise from garage door

5.2 Internal:

Environmental Health: No objection to the proposal.

Northern Ireland Water: No objections to the proposal.

DFI Roads: No objection to the proposal.

Historical Environment Division – Historic Buildings - No objection.

Historical Environment Division – Historic Monuments - No objection.

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
- 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)

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 6 (PPS 6) Planning, Archaeology and Built Heritage

Planning Policy Statement 7 (PPS 7) Quality Residential Environments

Planning Policy Statement 7 (Addendum) (APPS 7) Safeguarding the Character of Established Residential Areas

Departmental Parking Standards

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The proposed development must be considered having regard to the Area Plan, SPPS and PPS documents specified above.
- 8.2 The site is located both within the Portrush Settlement Development Limit as designated within the Northern Area Plan 2016. The site is located within an Area of Archaeological Potential and partially within Local Landscape Policy Area Designation PHL 01 Ramore Head. AONB is located further to the northeast.

Density

- 8.2 Policy LC 1 of APPS 7 requires the consideration of the density of the proposal and that it should not be greater than that of the established residential area.
- 8.3 Objectors have raised the proposal to be overdevelopment and trebling of the density in a busy area with the recent developments constructed.
- 8.4 The proposal is located on Causeway Street which is primarily defined by residential properties. Further to the northwest, properties are primarily dwellings. The northwest of the proposal is bound by an access. To the southeast are two apartment buildings and then a road. Consequently, this section of Causeway Street is defined by apartments.
- 8.5 No. 61 Causeway Street contains 8 apartments. No. 67 – 73 Causeway Street was under construction as of site visit and is now complete. The planning approval under LA01/2021/1224/F

related to 11 apartments. The density for both apartment buildings is 172 dwellings per hectare. The proposal has a density of 140 dwellings per hectare. Individually, both existing apartment buildings have a higher density than the proposal.

- 8.6 It is acknowledged that newer development has changed the density and character on the street. Previous proposals along Causeway Street would have been considered against the policy requirements and on their own merits. Paragraph 4.16 of the SPPS outlines support for a mixture of house types, sizes and tenures within housing schemes. The diversity in housing stock finds support in planning policy. The policy test requirements of Policy LC 1 of APPS 7 are that the proposal does not have a density significantly higher than that found in the established residential area. The policy test is complied with in the case of this proposal as it does not have a density significantly higher than within the established area.

Design

- 8.7 The proposal seeks to replace two 2.5 storey dwellings which front onto Causeway Street. These dwellings are finished in a dash render and are in a traditional style. The dwellings have bays over single and 2.5 storeys and velux windows at the front. No. 57 has an internalised chimney on its gable.
- 8.8 Objectors have concerns with the negative visual impact, the scale and footprint of the proposal including the height and length of the rear return which has been requested to be reduced and has not been adjusted and the impact on sight lines/building lines.
- 8.9 Dwellings in the area have a mixture of heights but are predominately 2, 2.5 and 3 storey. The adjoining apartment building at No. 61 has replicated the bay windows across its 2.5 storey frontage. The proposed design of the frontage of the proposal has replicated that of No. 61 with bay windows in the same pattern of development and identical ridge height and eaves height. The ridge height at the front sits at 9.3 metres. This is a larger 2.5 storey building than that on site with a greater level of accommodation due to the higher ceiling height and the pitched roof. This is acceptable in terms of the design and pattern of development proposed.

- 8.10 At the rear, the proposal extends into a three storey flat roof rear return. This return sits below the ridge level onto Causeway Street. As the site has split levels between Causeway Street and the rear road, the rear return reads as four storey. The height of the rear return is 13.5 metres at the rear. The length of the rear return from the rear wall at the second storey and including the balconies is 18.9 metres. The scale has been accepted previously with regard to No. 61 and the Tides apartment development at No's 67 – 73. The massing for No. 61 is brought down by the mono pitch roof element. Whereas the massing of the proposal is similar to the southeast elevation of the Tides apartment development. Precedent has been set for this scale, footprint, massing and design in the immediate area. The single storey element projects beyond the rear building line by approximately 13 metres which has been raised by objectors. This element has a flat roof and sits below the first floor apartment of the adjoining apartment building at No. 61.
- 8.11 Views will be possible of the single storey element containing the basement car parking at the rear. This extends out from the three storey return. The height of the single storey car park sits lower than that of the car parking area of No. 61 adjoining. There will be partial screening of this element from the Council amenity block from the east. Views of the single storey element are not considered to be intrusive or detrimental to the character of the area despite the extension beyond the rear building line.
- 8.12 On the southern approach along Causeway Street, the views of the gable are more extensive due to the set back of No. 55 Causeway Street. Views of the gable begin to appear passing Victoria Street travelling south. On this approach there are views of the rear return of the adjoining Sandy Bay apartment building. The rear return of the adjoining apartment building is set back and views of the proposed rear return will be closer on this approach. The flat roof rear return proposed is subordinate and is recessed in from the gable. The length of the return will not be appreciated until the immediate approach due to the screening of the rear by the development along the northeast side of Causeway Street. Weighing up the extent of views of an existing rear return on the southern approach, the scale and massing of the rear return and its subordinate design and the

extent of views possible it is considered that it would be compliant with the policy test requirements. Views of the gable are limited travelling north as they are located behind you on passing. Views of the rear from the road and beach to the north and northeast are not considered to be dissimilar to that of views of the rear of the adjoining apartment buildings.

- 8.13 Given the similarities in the scale, massing and design to adjoining development, the respecting of the building line at the front onto Causeway Street and similar views of the rear as existing development, the pattern of development is in keeping with the overall character and environmental quality of the area.
- 8.14 The materials and finishes proposed include natural slates to pitched roof and dark grey aluminium standing seam to the flat roof. The walls are to be render to agreed colour with natural stone cladding. The windows are to be dark grey uPVC and aluminium double glazed windows. The gutters are to be uPVC box guttering with 63mm round downpipes.
- 8.15 These materials and finishes are not dissimilar to those found in the surrounding area which are generally painted render with slate pitched roofs. The flat roof is atypical in the area. No colour has been specified for the render. It is noted that there is a mixture of colours defining the front facades onto Causeway Street. Given that the rear return is mostly cladded, it is considered that a condition would not be required to specify the colours.
- 8.16 An objector has raised concern in relation to how the existing wall running along the northwestern boundary will be impacted by the proposal. Concerns were also raised that this wall could block light to the ground floor windows.
- 8.17 This matter was raised with the agent who amended the plans to indicate the wall. The wall is to be demolished during construction and rebuilt using natural stone to match existing. This matter should be conditioned to ensure that the wall is reinstated. The wall is indicated on the plans to sit below the proposed apartment windows. No further comment was raised further to re-notification on this matter.

- 8.18 The perception that the proposal results in a negative visual impact is ultimately subjective. In terms of the policy requirements, the development is considered to respect the surrounding context and to be appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings.
- 8.19 There is no landscaping or hardstanding proposed given that the proposal encompasses the entirety of the application site area.
- 8.20 Annex A of APPS7 requires a maximum 90sqm of floorspace for each apartment. The proposed apartments range between 116 and 130sqm. The proposal is compliant with Annex A and Policy LC 1 in this respect.

Archaeology and Built Heritage

- 8.21 The site is located within an Area of Archaeological Potential. HED Historic Monuments were consulted and advised that given the level of disturbance on the site they are content having regard to the requirements of the SPPS and PPS 6 with regards to archaeology.
- 8.22 HED: Historic Buildings advised they were content having assessed the impact on the setting of the listed St Patrick's RC Church. There have been amendments to the design of the proposal. However, these design changes do not warrant further consultation with Historic Buildings given the nature of the changes. There are no concerns with the impact of the proposal on the setting of any listed building.
- 8.23 There are no archaeological features or built heritage features required to be integrated into the development. The proposal is considered to be compliant with the archaeological requirements of the SPPS and PPS 6 in this respect.

Local Landscape Policy Area

- 8.24 The site is partially within a further landscape feature, LLPA Designation PHL 01 Ramore Head. The part of the site included within the LLPA designation relates to the single storey element at the rear encompassing the basement car parking area and a small section of the rear of the three storey element. This LLPA

is designated for the dolerite headland, the geological and landscape interest as well as being in Ramore Head and the Skerries ASSI and due to the area being almost entirely in public ownership, with most of the headland used for passive recreation with a network of paths and including an area of recreation grounds provided by the Council and NIEA Portrush Countryside Centre.

- 8.25 The area to the rear of the existing building on site comprises the rear gardens of the two properties and an area of hardstanding to the rear of the gardens which at the time of site visit was being used by a construction company for their portacabins. The development on these areas is not considered to impact on the key features forming under Designation PHL 01. The access from the car parking area accesses onto a section of road which leads into pathways associated with the beach. The areas to the rear of the apartment buildings is associated with vehicular access and the usage of this area by the proposal is not considered to adversely affect the features of the LLPA. The proposal is considered to be compliant with Policy ENV 1 of the Northern Area Plan 2016 and there are no landscape features requiring integration into the proposal in this respect.

Amenity Space

- 8.26 The site has no public open space provision given its location. The existing building fronts directly onto the pavement which is sought to be replicated with this proposal. There is a public outlook from the rear which is onto the beach area. The proposal is designed such that it encompasses the entirety of the plot. Views of the rear will be towards the rear balconies which are private space. These views are not dissimilar to design elements that are present on the adjoining apartment buildings. Visual impact in relation to the front elevation will be similar to existing.
- 8.27 The private balconies have 7sqm of floorspace. There is further 3sqm of floorspace in the basement for storage areas for each unit. The amenity space is in keeping with that approved for development under LA01/2021/1224/F. The open space provision is considered to be adequate in this instance having regard to the amount of provision and the location.

Residential Amenity

- 8.28 Objections have raised overlooking, overbearing/dominance, impact loss of light, overshadowing and impact on amenity on No. 53 and No. 61 Causeway Street.
- 8.29 Clarity has been sought on rules applied in assessing with reference to Creating Places and Site Layout Planning for Daylight and Sunlight guidance
- 8.30 Guidance in relation to these matters are located within Creating Places, PPS 7 and APPS 7.
- 8.31 Planning guidance is not planning policy and the proposal is required to adhere to criterion (h) of Policy QD 1 of PPS 7. Criterion (h) of Policy QD 1 requires that 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.
- 8.32 Paragraph 7.21 of Creating Places outlines that layouts and dwellings should be planned to provide acceptable levels of daylight into interiors. The building spacing required for privacy will normally ensure a satisfactory level of daylight and an acceptable minimum amount of sunlight.
- 8.33 Guidance within Annex A of APPS 7 relates to extensions, but the guidance remains applicable. It outlines that extensions may reduce a neighbours daylight and adversely affect their amenity to an unacceptable level and that overshadowing to a garden area on its own will rarely constitute sufficient grounds to justify a refusal of permission. It continues that in terms of daylight the effect on all rooms, apart from halls, landings, bathrooms and utility rooms will be considered. Where an extension would be likely to reduce the amount of light entering the window of a room, other than those indicated above, to an unreasonable degree, planning permission is likely to be refused.
- 8.34 Both the planning policy and guidance acknowledge that overshadowing and loss of light is acceptable to a degree but in context of a proposal but that it should not be unreasonable or cause an unacceptable adverse effect.

- 8.35 In terms of overlooking, there are no concerns with views from the windows on the front elevation given that views are onto the street.
- 8.36 Clarity has also been sought from objectors on what daylight, sunlight and overshadowing impact studies/assessments have been undertaken
- 8.37 Assessment of this matter is carried out using professional judgement having regard to the aforementioned policy and guidance. Assessments are not deemed to be necessary in this instance given the layout and design proposed.
- 8.38 The views from the rear comprise those from the rear balconies and rear windows serving the living spaces. The balconies have screens on their sides removing any unacceptable overlooking. These screens also reduce views from the rear windows serving the living areas. Views are directly towards the beach. Conditions should be applied for the erection of these screens and for them to remain in perpetuity. A further rear facing window is located on the main building. This window serves a bathroom and there are no privacy or overlooking concerns given the nature of the use of the room.
- 8.39 The windows facing No. 61 Causeway Street are high level windows with cill levels 1.5 metres above floor level. The floor plans indicate the location of the windows facing No. 61 as bedroom and kitchen windows. The windows on the gable of No. 61 Causeway Street are also annotated. The location of the windows are such that there are no direct views. Weighing up the high level design of the windows with their placement relative to No. 61 there will be no unacceptable overlooking towards No. 61.
- 8.40 Objections have been submitted from No. 53 Causeway Street raising overlooking/perceived overlooking from the windows and balconies, the minimum requirement to remove all overlooking windows and 1.8 metre screens for balconies and roof terrace, that the high level windows are not obscured and should be above height and that balcony windows are frosted and the living areas are not.

- 8.41 A number of changes to the scheme have been made further to objection comments received and planning department concerns. The roof terrace referred was present on the original scheme and has been removed. The plans have also been amended to provide obscure balcony screens and living room windows on the gable.
- 8.42 The policy test requires that any overlooking is not unacceptable. Where windows create unacceptable overlooking then refusal is justified. The policy test does not require removal of any windows which cause any overlooking. The development of 1.8 metre screens for balconies is through best practice and not planning policy or guidance.
- 8.43 The windows facing No. 53 Causeway Street comprise a mixture of high level and standard windows. The windows serving the bathroom, ensuite and utility rooms are normal size and to be openable with frosted glazing. Given the nature of the rooms this arrangement is acceptable and there are no overlooking concerns with this.
- 8.44 There are full length windows serving the living areas. These windows are indicated to be fixed shut with frosted glazing. There will be no unacceptable overlooking from these windows with this arrangement. The quality residential environment for these windows is maintained given there are non obscured windows which are openable at the rear.
- 8.45 There are high level windows serving kitchen and bedrooms. These windows have cill levels of 1.5 metres. Cill levels beyond this are atypical given Building Control and escape requirements. Given the cill levels, it is considered that any overlooking would not be unacceptable. The introduction of high level windows is considered to reduce the perception of overlooking.
- 8.46 The Creating Places guidance stipulates separation distances for back to back relationships. None of the proposed windows are in this relationship. The proposal is not considered to result in any unacceptable adverse effect in terms of overlooking having regard to the window design and arrangement.

- 8.47 Objections have been raised by No. 61 in terms of loss of light including that the block work is outlined to take at least half of the natural light into their property including living/kitchen rooms.
- 8.48 In terms of overshadowing and loss of light the relationship to No. 61 Causeway Street is similar to that of the relationship to that from The Tides development at No. 67 – 73 Causeway Street. An objector has raised that a distance of 1.5 metres was stipulated to them. The proposed return is located 1.6 metres from the gable wall and windows of No. 61 Causeway Street. No. 67 – 73 is sited 1.9 metres from No. 61. The windows layout on both gables of No. 61 are similar. Given the acceptability of this relationship previously in terms of loss of light and overshadowing there are no concerns in relation to the similar relationship with the current proposal. Both the proposal and The Tides development have access to these windows from the northeast. Concerns have been raised about the height of the proposed garage. There will be no amenity impacts from this siting in terms of overshadowing or loss of light as it sits lower than the floor level of the first floor apartments adjoining at No. 61. Concerns have also been raised regarding the depth of the balconies. The balconies extend the same distance as that of the balconies on No. 61 and there are no concerns in relation to this relationship in terms of loss of light or overshadowing from the screens or balconies.
- 8.49 Objection has been made from No. 53 Causeway Street on loss of light and overshadowing to their gardens and windows including main entrance, kitchen and childrens bedroom windows. These arguments are based on impact from the scale and massing of the proposal. This proposal is argued to be different than any precedent set for scale at No. 61 – 67 as impact was not on the south facing front aspect of a property/windows in such close proximity. The proposal is outlined to be a 4 storey building less than 9/10 metres from their windows and 5 metre from their front garden and patio/amenity area.
- 8.50 The gable of No. 53 has a bay window, entrance door and windows on the ground and first floors. The proposal sits both forward and behind No. 53.

- 8.51 Measured from the site plan the gable of No. 53 is between 10.6 and 10.8 metres from the gable of the proposal. This drawing does not include the bay window of No. 53 and consequently the distance is closer to these windows. This separation distance includes a driveway adjoining the site serving an apartment building to the north and the driveway of No. 53. The driveway has a width of 5 metres which separates the curtilage of No. 53 from the proposal.
- 8.52 Precedent has been set in terms of the scale and massing along this section of the street. It is agreed with the objector comment that this does not automatically mean that any unacceptable impact on amenity arising from this scale and massing would be acceptable. However, existing relationships in terms of loss of light and overshadowing should be weighed up accordingly.
- 8.53 The proposed rear return is four storey. However, due to the site levels indicated on the side elevation, it will read primarily as a three storey building facing towards No. 53 as the car parking floor is situated below ground levels and is screened by the boundary wall.
- 8.54 The sunpath is from east to west. The proposal is located to the southeast and south of No. 53. No. 53 is a 2/2.5 storey property. Where the gable faces onto No. 53, the windows are over two storeys. The site plan indicates a surveyed eaves height of 16.25 and ridge height of 20.66 for No. 53. The top of the first floor windows sit slightly above the eaves and consequently, the 16.25 spot level. The proposal has a finished floor level of 10.45. The gable elevation is located on a slope and therefore the height of the proposal facing No. 53 varies. The return is 9 metres above finished floor level. The main building is 9.3 metres above finished floor level. The return sits between 8.9 and 10.8 metres above ground level given the fall in ground levels. The ridge height of the main building is 9.2 metres above ground level. The main building has a pitched roof with the return a flat roof which sits slightly in from the gable.
- 8.55 Consequently, the ridge at the gable of No. 53 is 20.66. The finished floor levels/spot levels are based on Ordnance Datum. The return sits at 19.45 OD and the main building at 19.75 OD.

The ridge height of the building sits below the ridge height of No. 53 by 1.22 metres. The top floor apartment a floor level at 16.45 which is similar to that of the location of the first floor windows on No. 53. The return sits approximately 3 metres above those windows.

8.56 The proposal introduces built development into the area which is currently the garden area of No. 57 and 59. The proposal will result in overshadowing of No. 53 Causeway Street. However, this impact is not deemed to be unacceptable.

8.57 The windows at the front and rear of No. 53 pass the light test outlined within Annex A of APPS 7. The light test cannot be applied to side/gable windows.

8.58 The sunpath is from east to west in spring/autumn. In the summer it is closer to northeast and northwest. In the winter, the path is smallest from southeast to southwest. This is due to position of the sun in the sky. The location of the proposal is such that the sun path is unrestricted to the northeast to east and the southwest through northwest for No. 53. Shadows will be cast from the southeast and south of the proposal towards No. 53. The height of the proposal is approximately 3 metres higher than the top of the first floor windows. The impact on the first floor windows is similar to that of a single storey building on these windows considering their approximate full height. The ground floor includes an entrance which is not a main room. An objection outlines that their kitchen window and south facing outside amenity will be in complete shadow especially in winter. The impact on the ground floor windows is greater than that of the first floor windows. However, the proposal will not result in the constant overshadowing of the windows and gardens of No. 53.

8.59 It is considered weighing up the height of the building relative to No. 53, the distances involved, the nature of a side relationship, the similar relationship of No. 61 to the application site, the sunpath and the extent of impact that there would not be any unacceptable loss of light or overshadowing to No. 53.

8.60 The proposal is not considered to result in unacceptable dominance or overbearing effect. The distance between No's 67

– 73 to the No. 61 is 1.9 metres. The proposed return is located 1.6 metres from the gable wall and windows of No. 61 Causeway Street. This relationship is similar to that previously approved and the 0.3 metres difference is not considered to result in an appreciable difference in terms of the separation distances for dominance or overbearing. No. 53 is separated from the proposal by a laneway with a width of 5 metres. The relationship is not dissimilar of that of No. 61 to the application site.

8.61 An objection has raised concerns with noise from the car park shutter. However, it is noted that No. 61 and The Tides development also have rear shutters. Environmental Health were consulted on the proposal and advised they had no adverse comments. The proposal is not considered to result in any noise or other disturbance.

8.62 The design and layout is not considered to 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. The proposal is considered to be in compliance with relevant planning policy and guidance.

Contamination

8.63 A Preliminary Risk Assessment was submitted for the proposal. Environmental Health were consulted and highlighted the recommendations provided within the PRA. No adverse comment was raised in relation to the proposal.

8.64 The PRA indicates no pathways to the military site located c.45 metres away and that the site has been occupied by residential uses since 1840s – 1860s. Consultation is not deemed to be required with Regulation Unit on this basis. Conditions should be applied in case of any contamination found when developing the site. There are no concerns regarding contamination with adherence to these conditions.

Sewerage

- 8.65 The proposal intends to use mains for water supply and sewage disposal and surface water disposal.
- 8.66 NI Water have raised issues with sewerage capacity within the area and public sewerage and watermain infrastructure which may be impacted by the proposal.
- 8.67 The agent has liaised with NI Water and who are content to provide conditions in relation to sewerage. Conditions have also been requested in relation to the public sewers and a watermain crossing the site. It is considered that with adherence to these conditions that a method of sewerage disposal should be available to serve the proposal and damage to public infrastructure will be prevented.

Access and Parking

- 8.68 Objections have raised the proposal to be overdevelopment with the level of car parking provision for the proposal including the utilisation of on street car parking. The popular nature of the street for car parking is highlighted with many of the original houses having no off street car parking.
- 8.69 The proposed parking arrangements comprises a basement level car park accessed from the rear of the site. This car parking area has 8 car parking spaces. There is no parking allocation indicated.
- 8.70 DFI Roads were consulted on objections and advised that they considered it to be adequate and that it was an amenity issue for the Council Planning Department.
- 8.71 The proposal relates to the creation of six apartments. Each apartment has three bedrooms. Departmental Parking Standards outlines the requirement for 1.75 spaces for each apartment.
- 8.72 The parking standards for the proposal results in the requirement for 10.5 spaces. The proposal has an in-curtilage shortfall of 2.5 spaces. However, each apartment has a parking space available with surplus. The 0.75 space requirements includes spaces for visitors and deliveries. Deliveries are unlikely to use the basement level car park given its internalised

within the building.

- 8.73 The objection points raised outlining that car parking spaces on street are not dedicated spaces solely for use by the development and are public spaces is correct. The reliance on street car parking for a development is unsustainable and continued reliance on this will create future car parking and traffic issues.
- 8.74 The proposal will result in a further demand for car parking on street. Given the prevalence of on-street car parking available within the area and the space provision in-curtilage it is considered that 2.5 spaces could be accommodated on street for visitors and deliveries as required. This arrangement is not atypical for residential development as the space usage is not long term.
- 8.75 Car parking to serve the proposal is considered to be adequate and appropriate.
- 8.76 Objectors have also raised concerns with the traffic demands from the increased number of units on the site.
- 8.77 The proposal seeks to create a vehicular access onto a right of way which then connects to the public road. DFI Roads have not raised any concerns in relation to the vehicular access to the site. It is noted that there is similar access for the adjoining apartment buildings. The proposal does not encroach onto the pavement to the front of the site. It is considered that the proposal complies with PPS 3 in this respect.
- 8.78 The proposal provides a movement pattern that supports walking and cycling and has adequate and convenient access to public transport given its location within Portrush. Access to the parking area is via a road to the rear which is accessed from Causeway Street further to the south. DFI Roads have not raised any requirement for traffic calming measures. The proposal includes a lift and the layout is generally appropriate for those whose mobility is impaired. The Site Location Plan indicates a right of way along the rear of the building connecting to the public road. The proposal respects existing public rights of way.

Other Matters

- 8.79 There is no requirement for local neighbourhood facilities given the scale and nature of the proposal.
- 8.80 The site layout and design of the proposal fills the plot. There is outlook available to the front, side and rear of the proposal. The layout is sufficient to deter crime and promote personal safety.
- 8.81 Objections have raised access to the side of the building for maintenance, to their kitchen windows, access to boiler services, fire preservation, blocked access to fire valves and heating system, painting and upkeep of walls, windows and plant and machinery/utilities access. The presence of a light well has been highlighted blocking free access.
- 8.82 The previous revisions of the proposal had a light well which precluded access to windows of the apartment building at No. 61. This has been removed from the scheme and access is possible along the gable of No. 61. A 2.2 metre gap is specified to be required within regulations for maintenance.
- 8.83 There is no separation distances specified within planning guidance or policy for maintenance purposes. A gap of 1.6 metres is present along the roof of the basement area. The agent was asked for comment and advised that this was a civil matter and that following review of the title deeds, the owners of the properties adjoining the application site have no legal right to access this part of the application site within the applicants ownership.
- 8.84 Any matters of legal access to adjoining land to do work is a civil matter and beyond the remit of this application to consider.
- 8.85 Traffic and building issues and 3 years and 10 hours daily of continual building and quality of life of locals have been raised if permission is granted given the space limitations for construction. The construction of the proposal is a matter for the developer and beyond the remit of the application to consider.
- 8.86 Impact on quality of life has been raised. The proposal has been considered against relevant planning policy and guidance. Matters including quality of life and human rights are considered

within policy formulation.

Habitat Regulation Assessment

8.87 The site has no hydrological connections on site and is located a substantial distance from the sea. Consequently, there are no concerns on impact on the conservation objectives or selection features of Skerries and Causeway SAC. Consultation with SES is not deemed necessary and this conclusion is consistent with the decision making on LA01/2021/1224/F and LA01/2019/0784/F

8.88 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

9.0 CONCLUSION

9.1 The proposal is considered acceptable at this location having regard to the Northern Area Plan and other material considerations, including the SPPS and Planning Policy Statements 2, 3, 6 and 7 and its addendum. Approval is recommended.

10.0 Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

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

2. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at:
<https://www.gov.uk/guidance/land-contamination-how-to-manage->

the-risks. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

3. After completing any remediation works required under Condition 2 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contaminationhow-to-manage-the-risks>. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

4. No development shall progress beyond the foundation of buildings stage until it has been demonstrated to the satisfaction of the Council and agreed in writing that the mains sewer and the receiving Waste Water Treatment Works has the capacity to receive the waste water and foul sewage from the development.

Reason: To ensure an adequate means of sewage disposal is provided and to ensure protection of the aquatic environment.

5. No development shall be occupied until connection has been made to the public sewer and the Article 161 Agreement authorised.

Reason: To ensure an adequate means of sewage disposal is provided and to ensure protection of the aquatic environment.

6. No development shall commence until the applicant has demonstrated to the Council that NI Water are content that the proposed development will not affect the public sewer/s traversing the proposed development site. Drawings shall be submitted which clearly indicate the required wayleaves.

Reason: To prevent disturbance / damage to existing sewers and in the interest of public safety.

7. No development shall commence until the applicant has demonstrated to the Council that NI Water are content that the proposed development will not affect the watermain traversing the site. Drawings shall be submitted which clearly indicate the required wayleaves.

Reason: To prevent disturbance / damage to existing watermains and in the interest of public safety.

8. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed and permanently marked in accordance with the approved Drawing No. 04D to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

9. The external balconies at the rear of the apartments hereby approved shall not be accessible until the frosted glass screens have been provided in accordance with Drawings 03D, 04D and 05C. These privacy screens shall at all times be glazed with obscure glass to at least Privacy Level 3 (or equivalent). The privacy screens shall be retained in perpetuity.

Reason: To safeguard the amenities of the adjacent properties.

10. The apartments hereby approved shall not be occupied until the frosted glazing has been provided on the windows as indicated on Drawings 03D. The windows shall at all times be glazed with obscure glass to at least Privacy Level 3 (or equivalent). The windows shall be frosted in perpetuity.

Reason: To safeguard the amenities of the adjacent properties.

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent properties for the removal of or building on the party wall or building on the party wall or boundary whether or not defined.

2. 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.

3. 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.

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



Addendum

LA01/2022/0791/F

1.0 Update

- 1.1 Following publication of the Schedule of Applications for Planning Committee on Wednesday 15th January 2025, a further objection was received.
- 1.2 Within this objection, the matter of overshadowing is set out in a very detailed manner, illustrating the potential loss of light and overshadowing of the sole window to a main habitable room of No.53 Causeway Street.
- 1.3 To progress the matter, the Planning Department proposes to investigate the extent of overshadowing and potential loss of light further. It is not appropriate to consider or determine the application until the Council is satisfied of the position. It is proposed that this will be done by way of the applicant submitting a shadow analysis to demonstrate the existing impact of development considered against the potential impact of the proposed development.
- 1.4 It is therefore recommended that the Committee note the contents of this Addendum and agree to defer the application pending being satisfied on the position regarding the overshadowing and loss of light. This recommendation supersedes the recommendation provided in the Planning Committee Report.

2.0 Recommendation

- 2.1 That the Committee note the contents of this Addendum and agree with the recommendation to defer the application to allow the matter of overshadowing to be considered further in accordance with the recommendation set out in 1.4 of this Addendum.

Addendum 2

LA01/2022/0791/F

1.0 Update

- 1.1 This application was deferred from the January 2025 Planning Committee to allow consideration of an objection raising details of overshadowing and loss of light arising from the proposal and the potential impact on their property.

Objectors Position

- 1.2 The objection received from No 53 Causeway Street, ask that the significant and unacceptable overshadowing is considered. They suggest that a 3 storey new build, 9 metres from their south facing kitchen window will leave their property completely blocked from daylight for the entire year and will block sunlight completely for at least 6 months. They consider this to be unreasonable, unacceptable and detrimental.
- 1.3 Reference is made Creating Places para 7.21 where separation of 30 metres is good practice between new apartments and existing residential properties.
- 1.4 The distances in this planning application are 9m between properties rather than recommended 30m and 5m to the boundary of neighbouring property rather than 15m in the recommendation.
- 1.5 Reference is also made to the Addendum to PPS 7 including that:
- ‘the Department will not permit proposals for new housing development in established residential areas where these would result in unacceptable damage.....to the quality or residential amenity of these areas. New residential developments should therefore be sensitive in design terms to people living in the existing neighbourhood’

....the Department will need to be satisfied that any extension will: not be detrimental to the amenities of adjoining properties, particularly in terms of privacy and their right to light.

- 1.6 The window is outlined to be south facing and the only window into their kitchen. All sunlight and daylight is outlined to be completely blocked out by the proposal.
- 1.7 Photographs have been submitted with areas shaded to indicate the impact the new 3 storey extension will have with the blue shading representing the new building. Internal views from the kitchen are indicated to completely and almost completely block out daylight. External views indicate the complete block of sunlight.
- 1.8 Diagrams have also been attached which indicate the application will block out light for at least 6 months of the year with sun movement impact indicated from 7am – 1pm. It is highlighted that the height of the proposal will impact ground floor windows for at least 6 months.
- 1.9 It is summarised that given the evidence outlined, that it is unacceptable to remove sunlight from a living room space for greater than 6 months and the proposal should be rejected by causing unreasonable overshadowing on a neighbouring property.

Further Information

- 1.10 In response to the letter of objection, a Daylight and Sunlight report was requested from the agent and submitted. Also amended plans clarifying the location of the boundary wall to be re-constructed were submitted in March 2025.
- 1.11 The Daylight and Sunlight Report has been carried out using the nationally recognised assessment methodologies under Building Research Establishment (BRE) Report, Site Layout Planning for Daylight and Sunlight: A guide to good practice and having regard to the planning policy requirements under PPS 7, APPS 7 and DCAN 8.

- 1.12 The impact on daylight has been assessed using the following tests:

Vertical Sky Component (VSC) - the proportion of sky dome that can be seen from a point in the centre of the window. BRE guidelines recommend a main window should retain at least 27% VSC or at least 0.80 times the VSC in the existing conditions.

No Sky Line (NSL)/Daylight Distribution test – the area of the working plane in a room that can and cannot receive direct sunlight. BRE guidelines recommend that a habitable room should retain at least 0.80 times the NSL in the existing conditions.

- 1.13 The impact on sunlight has been tested using the following test:

Annual Probably Sunlight Hours (APSH) – the total number of hours in the year that the sun is expected to shine on a window, allowing for average levels of cloudiness. It is recommended that a room retains at least 25% APSH, including at least 5% during the winter months, or at least 0.80 times the APSH received in the existing conditions, or have an absolute reduction in APSH of no more than 4%.

- 1.14 The assessed properties were No. 53 and No's 61 – 65 and 60 – 64 Causeway Street.

- 1.15 The objector property is No. 53 Causeway Street. The assessment outlines that floor plans have not been able to be obtained for this property. However, they have confirmed that the bay window facing the site serves a kitchen. The assessment outlines that it is not immediately obvious what windows to the left of the bay and entrance door serves, however they have included it in analysis, with the assumption that first and second floor windows serve bedrooms. A plan has been submitted indicating window positions.

- 1.16 The NSL results indicate all three ground floor rooms comply with BRE guidelines retaining direct skylight to between 97% and 100% of room areas, well in excess of the 80% recommendation.

- 1.17 The VSC results show that of eight ground floor windows assessed that six would comply with BRE guidelines. The two windows

which deviate are the middle gable bay window serving the kitchen and a gable window to the left of bay window serving an unknown room. These windows are indicated to retain 0.74 and 0.77 times the existing VSC, only marginally below the 0.80 recommendation. The remaining windows serving the kitchen are indicated to meet BRE guidelines. The two affected windows are indicated to retain 25.40% and 25.61% VSC which is only marginally below the 27% recommendation. Diagrams have been submitted to illustrate that whilst marginally below the 27% recommendation, a large portion of sky will continue to be visible to each window.

- 1.18 The first and second floor windows and rooms of No. 53 Causeway Street are indicated to comply with BRE guidelines for both VSC and NSL.
- 1.19 All rooms are indicated to comply with BRE guidelines for both annual and winter sunlight and remain well sunlit. The kitchen is indicated to retain 67% APSH including 13% in winter months, well in excess of BRE recommendation of 25% APSH including 5% in winter months.
- 1.20 The conclusion reached is that whilst the analysis has identified minor transgressions of BRE guidance for VSC to two windows, owing to the high levels of NSL and sunlight retained, the effect of the development on this house can be considered acceptable.
- 1.21 No. 61 – 65 Causeway Street is outlined to have been assessed from floor plans available in planning history for the building. This is indicated to confirm that large windows on the rear elevation serve deep living/kitchen/dining rooms with these rooms served by further, smaller, windows in the flank elevation, abutting the site boundary.
- 1.22 The assessment indicates that given the location of these smaller secondary windows that noticeable reductions in daylight is inevitable with any development of the site. It is outlined that where an existing building has windows unusually close to the site boundary and taking more than their fair share of light, the BRE suggest that the VSC, NSL and APSH targets for these windows could be set to those for a 'mirror image' building on the same height and size, an equal distance away on the other side of the

boundary. It is outlined that even without undertaking this analysis, it is clear that daylight would be entirely blocked to these secondary windows. The four secondary windows are indicated to retain between 1.18% and 4.64% VSC.

- 1.23 The report analysis indicates that the main rear facing windows which are located beneath balconies and face the Atlantic Ocean, would all comply with the BRE guidelines for VSC. The three corner windows adjoining the main windows are indicated to deviate from numerical guidance for VSC as they also abutt the site boundary. All three living/kitchen/dining rooms are indicated to comply with BRE guidelines for NSL, with 100% of each room retaining direct skylight. A second floor apartment, served by a skylight in the pitched roof is indicated to also comply with BRE guidance for daylight amenity.
- 1.24 The windows serving the living/kitchen/dining rooms are indicated to be orientated in a northerly direction and in accordance with BRE guidelines, sunlight does not require assessment.
- 1.25 The conclusion reached is that while the development results in reductions to daylight to the secondary windows serving three living/kitchen/dining rooms, the main windows to each would comply with the BRE guidance for VSC and the rooms would retain sky visibility throughout. The effect of the development on these apartments is indicated to be acceptable.
- 1.26 No's 60 – 64 Causeway Street are indicated to have VSC and NSL results in full compliance with BRE guidelines for daylight amenity. The south-facing elements of the bay windows are also indicated to comply with BRE guidelines for sunlight amenity.

Assessment

- 1.27 Previous consideration of loss of light and overshadowing was outlined under Paragraphs 8.28 – 8.62 of the Planning Committee Report. The conclusion reached was that the impact of the proposal would not be unacceptable.
- 1.28 The policy test requirements outline that there should be no unacceptable adverse effect on existing or proposed properties in

terms of loss of light or overshadowing.

- 1.29 The results of the assessment of BRE guidance indicate that six out of eight windows will meet the guidance. The remaining two windows are indicated to be marginally below the guidance. As previously outlined planning policy and guidance outlined that overshadowing and loss of light is acceptable to be a degree. One of these windows is associated with a bay window which is served by two other windows which meet BRE guidance. Refusal is not considered to be sustainable on the impact on one room which is slightly below BRE guidance weighing up that this window has satisfactory sunlight and a large portion of visible sky still visible.
- 1.30 The assessment provided within the Daylight and Sunlight report in accordance with BRE guidance indicates that objections in relation to loss of light and overshadowing to No. 53 are not sustained.
- 1.31 Guidance has been referred by the objector under Creating Places. The distances referred under Paragraph 7.21 of Creating Places relate to back-to-back relationships only and not side relationships. The BRE guidance is bespoke guidance relating to assessment of daylight and sunlight and would be afforded greater weight than that of Creating Places.
- 1.32 The impact on No. 61 – 65 Causeway Street was previously considered under Paragraph 8.48 of the Planning Committee Report in terms of loss of light and overshadowing with weight given to the similar relationship from the southeast gable of No. 61 to the Tides development approved and constructed at No. 67 – 73 Causeway Street.
- 1.33 The Daylight and Sunlight report indicates that the gable windows of No. 61 will be adversely affected. However, light will still reach the room served by the gable windows from the rear windows which are the larger windows. Having regard to the further assessment provided against BRE guidelines, it is considered that there would not be any unacceptable loss of light or overshadowing to No. 61.
- 1.34 There are no concerns in relation to any other properties in terms of overshadowing or loss of light given the separation distances

involved. The Daylight and Sunlight report indicates that No's 60 – 64 Causeway Street in compliance with BRE guidelines.

2.0 Recommendation

- 2.1 It is recommended that the Committee note the contents of this Addendum and agree to grant planning permission as per the recommendation provided at Paragraph 9.1 in the Planning Committee Report.

Addendum 3

LA01/2022/0791/F

1.0 Update

- 1.1 This application was deferred at the April 2025 Planning Committee further following receipt of an objection and additional information from the agent in response to objector comments. Deferral was sought to consider the objection and carry out re-notification with the objector on this additional information. The notification period expired on the 15th May 2025.

Objectors Position

- 1.2 An objection was received on 28th April 2025 from Anstey Homes acting on behalf of No. 53 Causeway Street.
- 1.3 The objection refers to the Daylight and Sunlight report, submitted by the agent and outlines that three of the four relevant tests were undertaken with discussion of the potential effects to 16 windows serving eight habitable rooms within their clients property. The objection outlines the Vertical Sky Component (VSC) test as a measure of direct sky visible at the centre of a window and that VSC may be adversely affected if the retained value is less than 27% in absolute terms and is less than 0.8 times its former value.
- 1.4 It is outlined that six out of the eight ground floor windows assessed meet the criteria set out in BRE guidelines with two ground floor windows serving the kitchen and boot room falling short of BRE's recommended threshold. These windows are outlined to retain 0.74 and 0.77 times their former VSC values respectively with absolute retained VSC values of 25.40% and 25.61%.
- 1.5 The Daylight and Sunlight report is outlined as stating that the development will have no significant impact on Annual Probable Sunlight Hour (APSH) values with reference to BRE guidelines.

However, the objector highlights that there are limitations of the BRE APSH assessment method itself which relies on theoretical models of sunlight exposure, based on probability, sun path, and sunspots rather than on the actual lived experience of sunlight within a space. The objector notes that while the APSH test shows compliance by reference to BRE guidelines that the kitchen will experience a loss of 14% in relation to annual sunlight and a reduction of just below 50% during the winter months. This is stated to be noticeable despite the room being compliant with the BRE suggested APSH test.

- 1.6 The APSH test is indicated to be useful at providing an indication of potential sunlight availability but is rudimentary and does not fully account for the nuanced impact of changes in the built environment, particularly how sunlight may be perceived in reality. Despite no significant effect on APSH values, the actual lived experience of sunlight in the kitchen of their clients property will be diminished due to shading from the development. The reduction is indicated in photographs submitted in objection published 21st January 2025 and will result in a less pleasant and well-lit living environment, which is not adequately represented in the APSH test.
- 1.7 The objector outlines that their client is not fully opposed to the development and wish to protect their daylight and sunlight amenity. They request the scheme be scaled back or reduced in height as outlined in a previous objection. This reduction is indicated to better safeguard their residential amenity and would ensure the proposed developments overbearing nature and its subsequent effects on sunlight are reduced to acceptable levels.
- 1.8 The objector further outlines that the Daylight and Sunlight report does not address the potential impact of the proposed development on sunlight access to their client's rear garden. They outline that their client has expressed concern regarding potential reductions in sunlight availability to this space which is used regularly and considered an important amenity space. The objector outlines a reasonable likelihood that the garden may experience reductions in sunlight beyond BRE-recommended levels and in absence of a dedicated assessment, the potential extent of this

impact remains unclear.

- 1.9 A comprehensive Sun Hours on Ground overshadowing assessment in accordance with BRE guidelines was requested to show the schemes impact on their client's amenity space.
- 1.10 The letter concludes that the current proposal is excessive in terms of its size, scale and proximity to the boundary which results in a built form that is unneighbourly and overbearing with clear potential to undermine the residential daylight and sunlight amenity of our client's home, both indoors and outdoors and a more appropriately scaled scheme that responds sensitively to the surrounding context would achieve a better balance between development and residential amenity.
- 1.11 The conclusion reiterates the limitation of APSH with noticeable reduction in sunlight to their kitchen window. The impact on the rear garden is reiterated without sufficient analysis having been carried out in this area. An overshadowing assessment of their clients rear garden is requested and the proposal is indicated in its current form to risk causing a detrimental impact on the amenity enjoyed by their client and may be contrary to the principles set out in the SPPS. The concerns outlined in this letter are requested to be carefully considered in determining this application.

Further Information

- 1.12 In response to the letter of objection, a response letter was received from on 29th April 2025 from the agent's consultant.
- 1.13 The letter received outlines that the objection does not contain any justifiable reason for the impact of the development being unacceptable and notes that reports completed by Anstey Homes apply BRE guidelines including the Annual Probably Sunlight Hours test.
- 1.14 The letter outlines that the proposal results in some reduction in sunlight to the kitchen at 53 Causeway Street. However, the proposal entirely meets the BRE guidance for sunlight amenity retaining 67% APSH compared to the 25% recommendation, including 13% in the winter months, compared to the 5%

recommendation. The kitchen retains more than double the amount of sunlight recommended by BRE and the objection carries very little weight.

- 1.15 An overshadowing assessment was outlined to not have been undertaken as based on the difference between the current building and the development, the orientation of the neighbouring garden and the results of the APSH assessment, it is immediately evident that the space would not be adversely affected.
- 1.16 In light of the objection, the Sun Hours on Ground, overshadowing test was undertaken. BRE guidelines recommend that at least half an external amenity space should receive at least 2 hours of direct sunlight on 21st March or retain at least 0.80 times the area in the existing conditions.
- 1.17 The area hatched in yellow on a plan of No. 53 indicates the area of which at least 2 hours of direct sunlight were received in existing conditions but less than 2 hours in proposed conditions. This area is located along the back boundary of the rear garden of No. 53.
- 1.18 The assessment outlines that 276.30sqm has been assessed and that 93% of the area would receive at least 2 hours of direct sunlight on 21st March in existing conditions. In proposed conditions 89% of the area would retain at least 2 hours of direct sunlight on 21st March which represents a retained ratio of 0.95 times the existing value.
- 1.19 The letter concludes that the results of the overshadowing assessment show full compliance with the BRE guidance for overshadowing and demonstrate that the development would not cause unacceptable levels of overshadowing to No. 53 Causeway Street.

Assessment

- 1.20 The assessment carried out by both consultants highlights that the proposal will result in an impact on No. 53 Causeway Street.
- 1.21 The scale, massing and design of the proposal was previously found to be acceptable in terms of the character of the area and its

location with the streetscape. This consideration is outlined at Paragraphs 8.7 – 8.20 of the Planning Committee report. The resulting impact of this scale, massing and design on residential amenity requires further consideration.

- 1.22 This proposal is required to be assessed against the policy test requirements which state: there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.
- 1.23 The limitations of BRE guidelines are acknowledged. However, BRE guidelines are a professional standard recognised by RICS which are used to assess daylight, sunlight and overshadowing. The supporting information received indicates that these guidelines are used by both consultants. The BRE guidelines are considered to be an appropriate method for assessing the impact of the proposal in relation to these matters.
- 1.24 The overshadowing assessment to the rear garden indicates non-compliance with BRE guidelines at the back area of the rear garden and an adverse impact on this area.
- 1.25 APPS 7 provides guidance in relation to the assessment of the impact on private amenity space. Paragraph A30 identifies that the main sitting out area, as a general rule of thumb is the first 3 – 4 metres of a rear garden, closest to a residential property. Paragraph A33 outlines that overshadowing to a garden area on its own will rarely constitute sufficient grounds to justify a refusal of permission.
- 1.26 The area adversely impacted is outwith the main sitting out area and comprises a small area at the back of the garden. The impact on this area is not considered to be an unacceptable adverse impact which would warrant an amended design or refusal.
- 1.27 The objection highlights impact on the boot room and kitchen of No. 53.
- 1.28 The kitchen is served by a bay window which has three window openings. Two of these openings are indicated to be compliant with BRE guidelines in the assessment with only one opening

adversely impacted. It is acknowledged that the compliant openings are smaller windows. However, weighing up that the kitchen is served by a bay window with BRE guidance compliant amounts of visible sky from two of its windows and the marginal non-compliance with guidance in the case of its larger third window, the amount of light lost to this room is not considered to result in an unacceptable adverse impact.

- 1.29 The boot room is an ancillary room within No. 53 Causeway Street and the adverse impact on this window is not considered to be unacceptable.
- 1.30 The requirement for and extent of any amendments should be proportionate to the impact of the proposal.
- 1.31 The extent of the impact of the proposal comprises an adverse impact on a small area at the back of the rear garden, a boot room window, one opening of a three opening bay window.
- 1.32 An amended proposal is not considered to have been justified on the basis of the extent of the impact having regard to the previous consideration within this assessment.
- 1.33 The proposal is considered to be compliant with the policy test provisions.

2.0 Recommendation

- 2.1 It is recommended that the Committee note the contents of this Addendum and agree to grant planning permission as per the recommendation provided at Paragraph 9.1 in the Planning Committee Report.