

Title of Report:	Planning Committee Report – LA01/2023/0615/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	26th March 2025
For Decision or For Information	For Decision – Referred Item – Ald. Mark Fielding/Ald. John McAuley
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

Estimated Timescale for Completion	
Date to be Completed	N/a

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

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

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

<u>App No:</u>	LA01/2023/0615/F	<u>Ward:</u>	Portstewart
<u>App Type:</u>	Full Planning		
<u>Address:</u>	40 Strand Road, Portstewart, BT55 7LU.		
<u>Proposal:</u>	Erection of proposed 2 storey replacement dwelling, including attic rooms, integral garage and detached artists studio as ancillary to dwelling, including extension to curtilage and all associated works/landscaping.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	13.06.2023
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	26.09.23
Agent:	Bell Architects Ltd, 65 Main Street, Ballymoney, BT53 6AN		
Applicant:	Mr & Mrs Henderson 40 Strand Road, Portstewart, BT55 7LU		
Objections: 4	Petitions of Objection:	0	
Support: 0	Petitions of Support:	0	

Executive Summary

- Planning permission is sought for Erection of proposed 2 storey replacement dwelling, including attic rooms, integral garage and detached artist's studio as ancillary to dwelling, including extension to curtilage and all associated works/landscaping.
- The application site is located within the settlement limit of Portstewart as defined in the NAP 2016 at 40 Strand Road, Portstewart.
- The application has been assessed against the relevant policies within the NAP, SPPS, PPS2, PPS3, PPS6, PPS7, Addendum to PPS7.
- The proposal, if permitted, would have a significant impact on the character of the area and LLPA by way of design, scale, massing and its location. The proposal would also have a detrimental impact on the amenity of the adjacent properties.
- The site is subject to Policy PTL06 which states that no further development is appropriate, other than the replacement of existing buildings of comparable footprint and height. As the proposed dwelling is not of comparable scale to the existing dwelling, it is therefore contrary to Policy PTL06. The proposal also fails to comply with Policy ENV01.
- Objections to the proposal include the excessive scale of the proposal, impact to amenity/ privacy and the environmental quality/ character of the area.
- Refusal is recommended.

Drawings and additional information are available to view on the Planning Portal- <https://planningregister.planningsystemni.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 **Refuse** planning permission for the reasons set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site is within the settlement development limit of Portstewart. The site is within Northern Area Plan designation PTL 06, Dominican Walk, a Local Landscape Policy Area. The site is also in the North Coast Strands and Dunes Seascape Character Area. The site is not subject to any other specific zonings or designations as set out in the Northern Area Plan 2016.
- 2.2 The site comprises a single story detached dwelling with integral garage, amenity area and driveway to the front/ side. The ground rises steeply from the rear of the dwelling.
- 2.3 The western boundary of the site is defined by a rendered wall, approximately 1.5m. Beyond the wall is the Dominican Walk, a coastal path popular with locals and tourists. Beyond the path is the shoreline. A 1m close board fence defines the northern boundary, beyond which is a 1.5 storey semidetached block at 38 and 36 Strand Road. The eastern boundary is defined with a 1m fence abutting the footpath at Strand Road. An access lane intersects the site, providing vehicular access to the subject dwellings and dwellings to the immediate north. The southern boundary is defined with a stone wall, approximately 2.5m, beyond which is a residential unit comprising a semidetached dwelling and apartments.
- 2.4 The character of the immediate area is defined with the coastal path, panoramic sea views and residential development.

3.0 RELEVANT HISTORY

- 3.1 There is no relevant recent planning history. However, an outline permission (now expired) was granted on the site, under planning application C/1999/0908/O, for 3No. dwellings which restricted ridge height to 7m above FFL in the interest of visual amenity.

4.0 THE APPLICATION

- 4.1 The application seeks full planning permission for the erection of proposed 2 storey replacement dwelling, including attic rooms, integral garage and detached artist's studio as ancillary to dwelling, including all associated works/landscaping.
- 4.2 During the proposing of the application, the proposal was amended which included the removal of a proposed granny flat which was subject to objection. The latest and revised scheme is considered within this Report.
- 4.3 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.

5.0 PUBLICITY & CONSULTATIONS

- 5.1 **External:** All relevant neighbours have been notified. The application was advertised on 15th June 2023 & 9th October 2024.

There were 4 objectors to the proposal. Issues raised include:

- The proposed height of the proposal will adversely affect views and privacy.
- The additional traffic that may be expected from a development of this scale would adversely affect the use of the shared private laneway.

- There was an agreement with owners of 36, 38 & 40 to keep height of properties similar, to maintain property values.
- Height of new dwelling would severely devalue 34, 36 & 38.
- Neighbouring dwelling has been in family ownership since 1939.
- The proposal is not a reasonable replacement as it excessively exceeds the footprint and height of the existing dwelling.
- In terms of size/ scale and height the proposal is out of context with existing properties on what in effect is a spatially restricted site with limited and challenging shared driveway.
- Moving closer to 38 and will have a negative impact on privacy and environmental quality.
- The existing dwelling is single storey.
- The proposed granny flat (first iteration later removed) located in the bank to the rear of the site will be incongruous and would adversely affect the use of the laneway, with associated H&S issues.
- 34, 36 & 38 were unable to develop into the bank for parking therefore the objector would expect consistency from the Planning Authority on this matter.

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 and 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](#)

[Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas \(DOE August 2010\)](#)

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main consideration in the determination of this application relate to LLPA - PTL06, Planning History, Quality Residential Environment, Traffic Matters and; Other Matters.

Planning Policy

- 8.2 The site is located within the settlement development limit of Portstewart as designated in the Northern Area Plan (NAP).

The proposal is located within Policy PTL 06, Dominican Walk LLPA. The proposal must be considered having regard to the NAP 2016, SPPS, PPS policy documents and any supplementary planning guidance specified above.

LLPA – PTL06

- 8.3 The site is subject to Policy PTL 06, Dominican Walk LLPA. The Policy states: *“The features or combination of features that contribute to the environmental quality, or integrity or character of this area are listed below:*

- 1. The shoreline backed by grass areas and in places by low cliffs, provides the setting for an important and widely used coastal path.*

No further development is appropriate, other than the replacement of existing buildings of comparable footprint and height.”

- 8.4 In terms of footprint, the existing dwelling measures approximately 231sqm. The footprint of the proposed dwelling, including the artist’s studio, measures approximately 340sqm, an increase of just over 47%.
- 8.5 The existing dwelling has a ridge height of approximately 6m from FFL. The proposed dwelling has a ridge height of approximately 8.9m from FFL, an increase of over 48%. As the proposed FFL will also be greater than existing, with an increase of 0.2m, the proposed dwelling will be 9.1m from the FFL of the existing dwelling, an increase of over 51% in real terms.
- 8.6 It is considered that the proposed footprint and ridge height is not comparable to the existing dwelling, therefore the proposal does not comply with PTL 06 and should be refused.
- 8.7 PTL 06 is designed to protect the environmental quality, integrity and character of the lands within the designation. The inappropriate scale of the development will be exacerbated by the increased FFL and the fact that the proposed dwelling will be located approximately 5.7m closer to the path than the existing dwelling. The proposed dwelling will appear dominant to users

of the path and 38 Strand Road by virtue of its scale, massing and proximity.

- 8.8 As the application is within an LLPA, Policy ENV1 also applies. ENV1 states planning permission will not be granted for development proposals that would be liable to affect adversely those features, or combination of features, that contribute to the environmental quality, integrity or character of a designated LLPA. As this proposal is not comparable in footprint and height as the existing, the proposal impacts unacceptably upon PTL06 and therefore adversely affects those features that contribute to the environmental quality, integrity or character of the LLPA.
- 8.9 The proposal is unacceptable when assessed against PTL06 and ENV1 and fails to meet these policy tests and requirements.

Planning History

- 8.10 Approval C/1999/0908/O demonstrates that prior to the LLPA designation in 2016, ridge heights were conditioned to be comparable to the existing dwelling on site, and much lower than those proposed in the subject application, at a time when planning policy was less restrictive than current.

Quality Residential Environment

- 8.11 Notwithstanding Policy PTL 06 allows for the replacement of existing buildings at a comparable footprint and height, as set out in 8.3-8.9 of the Report, the proposal is contrary to this Policy, the subject application is unacceptable.
- 8.12 The development is required to be assessed under Policy QD1 of PPS7 which states:

Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

It goes onto state that, in established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. There are also several criteria that all proposals for residential development will be expected to conform to, and these are assessed and considered accordingly:

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

- 8.13 The proposed development does not respect the surrounding context and does not comply with the LLPA Policy. As detailed above, the proposed dwelling is significantly greater in scale than the existing. Its impact upon the LLPA will be exacerbated with the increase FFL and proximity to the path. The proposed dwelling will be approximately 1m taller than the neighbouring semi-detached block. The design of the dwelling does not appear to take any positive design cues from surrounding development and will be unduly prominent. The proposal does not respect the existing ground levels as evidenced by the substantial groundworks proposed. The proposed dwelling will dwarf the scale of the neighbouring semi-detached block at 36 and 38 Strand Road. With the variance in ground levels the proposed dwelling will appear marginally taller, and of a comparable scale to the neighbouring dwelling and apartment block at the old Rock Castle site. While it is acknowledged that the existing building at 5 Rock Drive is in proximity to the path, the difference in levels, tall wall bounding the path and the fact much of it does not directly abut the path, mitigates the impact of that development. It is also noted that prior to the construction of 5 Rock Drive, a large significant building (Rock Castle) occupied the site.
- 8.14 Considering the existing dwelling and the proposed increase in height, width and the decreased separation distance, the proposal will appear unduly dominant to 38 Strand Road. The side elevation facing towards 38, located at a distance of under 7m, will feature windows on the first floor which will increase the perception of overlooking to an unacceptable degree.

8.15 The massing of the proposal is also unacceptable with few subordinate elements. The proposal will appear excessive in scale in the context of surrounding development on what is a spatially restricted site.

8.16 The proposal is contrary to criterion(a).

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

8.17 The site falls within a consultation zone for listed building. HED was consulted and concludes that the proposal, as presented, satisfies Para 6.12 of the SPPS and BH11 of PPS6. The proposal complies with this part of the Policy.

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

8.18 The proposed private amenity areas exceed the minimum area required for a development of this type. The amenity provision is further enhanced by the balconies. While the bank to the rear of the site will provide a backdrop to the development, it will not successfully integrate due to its design, scale, location and context, and does not meet this part of the Policy.

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

8.19 This proposal will be located within the Settlement Development Limit of Portstewart and residents can make use of facilities located nearby. Given the nature and limited scale of the proposed development provisions for new neighbour facilities are not required. The proposal is acceptable when assessed against this part of the Policy.

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

- 8.20 This proposed site is located within the Settlement Development Limit of Portstewart. Its location will reduce the need to travel to nearby facilities and will promote cycling and walking. The site is close to transport links and therefore meets this part of the Policy.

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

- 8.21 The parking provision is considered acceptable and is likely greater than the existing arrangement. DFI Roads was consulted and is content, subject to conditions. The proposal complies with criterion (f).

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

- 8.22 The proposed dwelling will appear unduly prominent due to its excessive scale and position in relation to other development and the path. The form and detailing of the proposal does not appear to draw upon the best local traditions of form, materials and detailing or from any successful development in the immediate vicinity of the site. Rather it is more reminiscent of an American plantation house. The proposal does not satisfy criterion (g).

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

- 8.23 Due to the scale of the development, orientation and proximity to the semidetached block at 36 and 38 Strand Road, the proposal will overshadow 38 Strand Road to an unacceptable degree. The reduction in separation distance and significant increase in scale will ensure that the proposed dwelling appears dominant to 38 Strand Road and users of the path. The proposed first floor windows facing towards 38 will increase the perception of

overlooking to an unacceptable degree. The environmental quality of the path will be detrimentally affected to an unacceptable degree by the overbearing nature of the proposal by virtue of its scale, massing, design, increase in ground levels and proximity.

- 8.24 While Environmental Health was consulted on the proposal and it raises no objection, the proposal does not satisfy this criterion of planning policy given the foregoing.

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

- 8.25 The proposed development will not lead to the creation of areas where anti-social may be encouraged and is considered acceptable when assessed against criterion (i).

- 8.26 The proposal fails to comply with all the element of QD1 as required by Policy and therefore is unacceptable in this regard.

- 8.27 The Addendum to PPS 7 : Safeguarding the Character of Established Residential Areas applies, and Policy LC 1 Protecting Local Character, Environmental Quality and Residential Amenity is of relevance. It states that in established residential areas, planning permission will only be granted for the redevelopment of existing buildings to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7. Notwithstanding the proposal fails to meet the requirement of QD1 as set out above, LC1 requires further or additional criteria to be met. These are considered accordingly:

(a) the proposed density is not significantly higher than that found in the established residential area;

- 8.28 As it is proposed to replace a single dwelling with another, the proposed density is the same as the existing development. This part of LC1 is met.

(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area;

8.29 The proposed pattern of development is not in keeping with the overall character and environmental quality of the established residential area. The frontage of the dwelling and height is of a comparable width and height to the residential block neighbouring the site to the south. The apartment block at Rock Castle comprises a single dwelling and 6 apartments. The contextual elevations and photomontage illustrate and reinforce the disproportionate scale of the proposal. It shows the proposed dwelling is of a comparable scale to the apartment building to the south which is on a much less obvious and visible site than that the subject of this application. This is due to the topography, built form, ground levels and previous development. However, the proposal dwarves the more immediately obvious and natural comparable semi-detached block to the immediate north.

8.30 Furthermore, the visual impact of the existing apartment building (to the south) does not present with the same overbearing nature on the public vantage points, particularly along the cliff path, as the subject proposal. The broadside of the neighbouring development is perpendicular to the path, on a significantly larger site, lessens its dominance and detrimental impact as a result.

8.31 An essential part of the environmental quality of this residential area is the Dominican Walk LLPA. The proposal does not comply with the policy of PTL06 due to its excessive height and footprint. The proposal results in a minimum increase of 47%, which as a matter of fact, cannot be considered *comparable* in footprint or height. The scale of the proposed dwelling and its proximity to the path, will have an unacceptable impact upon the environmental quality of the LLPA. The proposal is contrary to criterion (b) of Policy LC1.

(c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

8.32 The proposed dwelling will exceed the minimum space standard set out in Annex A and meets criterion (c)

8.33 Having regard to the foregoing, the proposal is contrary to criterion (b) of Policy LC1 and therefore fails to meet this Policy.

Traffic Matters

- 8.34 Policy AMP 2 of PPS 3 Access, Movement and Parking applies and states 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.*

- 8.35 DFI Roads has been consulted and confirms it has no objection to the proposal in terms of AMP2. Strand Road is not a protected route. As DFI Roads is the competent authority on traffic matters and it is content, the proposal complies with Policy AMP 2 of PPS 3 Access, Movement and Parking.

- 8.36 Policy AMP 7 Car Parking and Servicing Arrangements applies and states development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.

- 8.37 The proposed car parking arrangement is considered to be an enhancement over the existing arrangement. It is therefore acceptable in regards to AMP7.

Other Matters

- 8.38 There are 6no. objections from 4 objectors. Consideration of the concerns main concerns raised are set out accordingly:

The proposed height of the proposal will adversely affect views and privacy:

- 8.39 The scale of the proposal will negatively affect 38 Strand Road, in particular. Due to the orientation of the subject site and No. 38, the proposal will overshadow No. 38 to an unacceptable degree. Furthermore, the proposed balcony to the front of the dwelling, closest to No. 38, will allow lateral views into the side amenity and windows of No. 38. During the consideration of the application the applicant amended the scheme to replace the open slat enclosure to balconies with privacy screening. Considering the height of the proposed privacy screening, at just 1m from the floor level of the balcony, it will not satisfactorily restrict views into the windows or side amenity area of No. 38 or mitigate the perception of overlooking. Additionally, there is a first-floor window proposed to the elevation facing No. 38 which will further exacerbate overlooking/perception of overlooking.

The additional traffic that may be expected from the development of this scale would adversely affect the use of the shared laneway:

- 8.40 The proposal replaces a single dwelling with another. This will not exacerbate traffic as a result of the new development. DfI Roads was consulted on the proposal and do not object to the proposed access or parking arrangement.

There was an agreement with the owners of 34, 36 and 38 to keep the height of the properties similar to maintain property values.

- 8.41 While an agreement between property owners is not a material consideration, the scale and design of the proposed dwelling will result in a higher ridge height than these properties and is likely to have an unacceptable impact on No. 38 in particular and, the environmental quality of the LLPA.

Neighbouring dwelling (No. 38) has been in family ownership since 1939:

- 8.42 This is a consideration that is immaterial in planning and afforded no weight in the context of this proposal.

The proposal is not a reasonable replacement as it excessively exceeds the footprint and height of the existing dwelling:

- 8.43 It is considered that the scale of the proposed dwelling is excessive and cannot be considered comparable in terms of footprint and height as per the requirement of Policy PTL 06.

Moving closer to 38 will have a negative impact on privacy and environmental quality.

- 8.44 As previously set out, the proposal will have a negative impact on No. 38 in terms of overshadowing and privacy. The proposed dwelling will be larger, and approximately 3m closer to No.38 than the existing dwelling. The impact to No. 38 is further exacerbated by the increase in scale of the elevation closest to No.38 and the proposed first floor balcony/ window.

In terms of size/ scale and height the proposal is out of context with existing properties on what is in effect a spatially restricted site with a limited and challenging shared driveway In terms of size/ scale and height the proposal is out of context with existing properties on what is in effect a spatially restricted site with a limited and challenging shared driveway:

- 8.45 The proposed dwelling is not a comparable replacement for the existing in terms of footprint and height; contrary to Policy PTL 06. The proposed design, reminiscent of an American plantation house, does not appear to take positive design inspiration from surrounding development. It will appear unduly prominent to neighbouring dwellings and the users of the coastal path. The access is considered acceptable to the site.

9.0 CONCLUSION

- 9.1 The proposal is considered unacceptable at this location having regard to the Northern Area Plan and other material considerations, including the SPPS and Planning Policy Statement 7 and the Addendum to Planning Policy Statement 7. The proposal will have an unacceptable impact on the amenity of No. 38 and the environmental quality of the coastal path and designation due to the scale and design of the proposed dwelling. The proposal is contrary to ENV1 and PTL06 of the Northern Area Plan, and Policy QD1 of PPS7. The proposal is also contrary to Policy LC1 of the Addendum to PPS7. Refusal is recommended.

10.0 Reasons for Refusal

1. The proposal is contrary to Policies ENV 1 and PTL 06 of the Northern Area Plan 2016 in that the proposed replacement development is not of comparable footprint and height to the existing buildings and would, if approved have a detrimental impact on the features or combination of features that contribute to the environmental quality, integrity and character of the LLPA.
2. The proposal fails to provide a quality residential environment and if approved would be contrary to criterion (b) of Policy LC1 of Planning Policy Statement 7 Addendum and Policy QD 1 of Planning Policy Statement 7 criteria (a), (g) and (h) in that the proposal fails to respect the surrounding context, is inappropriate to the character of the site in terms of scale, proportions, massing and appearance, fails to draw upon the best local traditions of form and detailing and would have a detrimental impact on surrounding residential amenity.

Site Location Map



Site Location Map
Scale 1:1250



Referral Request



**Causeway
Coast & Glens
Borough Council**

Development Management
Information Note 07

January 2024

Annex 1

Template for Requesting Referral of a Contentious Delegated Decision to Issue' List Planning Application to Planning Committee for Determination

The Protocol for the Operation of the Planning Committee provides for an Elected Member to request a planning application listed on the weekly list of 'contentious delegated decisions ready' to be referred to Planning Committee for determination. This request must be received by the Planning Department no later than 10am on the Monday following the issuing of the contentious list and submitted via email to planning@causewaycoastandglens.gov.uk.

Planning Reference	LA01.2023.0615.F
Elected Member Name	Alderman John McAuley
Contact Details	

Refusal Reasons

1. The proposal is contrary to Policies ENV 1 and PTL 06 of the Northern Area Plan 2016 in that the proposed replacement development is not of comparable footprint and height to the existing buildings and would, if permitted, have a detrimental impact on the features or combination of features that contribute to the environmental quality, integrity and character of the LLPA.
2. The proposal fails to provide a quality residential environment and if permitted would be contrary to Policy LC1 of Planning Policy Statement 7 Addendum and Policy QD 1 of Planning Policy Statement 7 criteria (a), (c), (g) and (h) in that the proposal fails to respect the surrounding context, is inappropriate to the character of the site in terms of scale, proportions, massing and appearance, fails to provide adequate amenity space, fails to draw upon the best local traditions of form and detailing and would have a detrimental impact on surrounding residential amenity.

Responses

Refusal Reason 01

We have demonstrated in the detailed submission of context streetscape elevations (attached below) that our proposal sits suitably and appropriately in the general mass of buildings that form the frontage onto the coast.

The footprint is indeed very similar to the existing dwelling and is not significantly larger.

The previous planning approval allowed an increase in ridge height, and our modest further increase does not conflict with the surrounding buildings or aspect.

The dwellings at 36 and 38 Strand road are indeed modest dwellings, and they reduce in line with the dwelling on the northern side of them, this is the reason for their height, and not the

justification to constrain other heights unreasonably.
An increase in height will not threaten the wider context.



Proposed West Elevation in Context
Scale 1:500



Proposed West Elevation in Context (Montage)
Scale 1:500



Existing West Elevation Image
Approx. Scale 1:500

Proposed Replacement
BUILDING

Refusal Reason 02

The proposed dwelling is essentially a two-storey dwelling in the midst of other two-storey dwellings and three-storey apartments adjacent on the old Rock Castle site.

There are many large blocks of buildings in the immediate vicinity, and the two blocks associated with the Rock Castle development could still be built as part of the historical and incomplete development as only the first block of apartments was built.

There are many examples worth relating as part of this submission, and the following are illustrative.



The above application was approved at planning committee and is reference LA01/2019/0300/F, and is relevant in that the developers chose to build an extra floor onto the dwellings in the course of construction and this was subsequently approved.

The context elevation shows that the height of the new dwelling was generally in the context of other existing dwellings, and this was deemed to be acceptable, even though an additional floor had been added without previous approval.



The above application was approved at planning and is reference LA01/2016/0531/F, and is relevant due to the scale of the approved dwelling in the context of Circular Rd, Castlerock. With an overall height of 12.2M, this greatly exceeds the height proposed in our submission of 8.9M, and it is notable that this dwelling has three full floors of accommodation, including the basement.

Many other examples in support have been submitted to planning previously.

Planning Reference LA01/2023/0615/F

Elected Member – Mark Fielding

Contact Details –



Refusal Reason 1

The proposal is contrary to Policies ENV 1 and PTL 06 of the Northern Area Plan 2016 in that the proposed replacement development is not of comparable footprint and height to the existing buildings and would, if permitted, have a detrimental impact on the features or combination of features that contribute to the environmental quality, integrity and character of the LLPA. 2.

Reason for Referral to Committee

The Applicant's submission of context streetscape elevations shows the proposal sits suitably and appropriately in the general mass of buildings that form the frontage onto the coast. The footprint is indeed very similar to the existing dwelling and is not significantly larger. The previous planning approval allowed an increase in ridge height, and a modest further increase does not conflict with the surrounding buildings or aspect. The dwellings at 36 and 38 Strand Road are indeed modest dwellings, and they reduce in line with the dwelling on the northern side of them, this is the reason for their height, and not the justification to constrain other heights unreasonably. An increase in height will not threaten the wider context.

Refusal Reason 2

The proposal fails to provide a quality residential environment and if permitted would be contrary to Policy LC1 of Planning Policy Statement 7 Addendum and Policy QD 1 of Planning Policy Statement 7 criteria (a), (c), (g) and (h) in that the proposal fails to respect the surrounding context, is inappropriate to the character of the site in terms of scale, proportions, massing and appearance, fails to provide adequate amenity space, fails to draw upon the best local traditions of form and detailing and would have a detrimental impact on surrounding residential amenity.

Reason for Referral to Committee

The proposed dwelling is essentially a two-storey dwelling in the midst of other two-storey dwellings and three-storey apartments adjacent on the old Rock Castle site. There are many large blocks of buildings in the immediate vicinity, and the two blocks associated with the Rock Castle development could still be built as part of the historical and incomplete development as only the first block of apartments was built. Examples of similar applications approved are LA01/2019/0300/F 38 Dhu Varren Portrush where developers chose to build an extra floor onto the dwellings in the course of construction and this was subsequently approved. Also LA01/2016/0531/F a similar setting an approved dwelling at Circular Road Castlerock, with an overall height of 12.2 M this greatly exceeds the height of this application of 8.9M.

Addendum

LA01/2023/0615/F

1.0 Update

- 1.1 Following deferral of the application at the March Planning Committee, a Planning Statement and amended plans were received from the agent.
- 1.2 The amended plans show a reduction in the height of the proposed dwelling and elevational changes which require neighbour/objector notification and case officer assessment. Neighbour notification provides a time frame for comment of 14 days from the date of notice and was carried out 29th April 2025.
- 1.3 To await the closure of the public notification period and allow the officer assessment of the submitted Planning Statement and amended plans, it is recommended that the application is deferred until the next available Planning Committee.

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 completion of the neighbour notification and assessment of the amended plans and Planning Statement.

Addendum 2

LA01/2023/0615/F

1.0 Update

1.1 This application was originally presented to the March meeting of the Planning Committee. It was then deferred and following the submission of amended plans was deferred again at the April meeting to enable assessment and neighbour notification to take place.

1.2 The drawing below illustrates the overall changes from the scheme originally presented to Members in March 2025 (indicated in red) to the scheme now under consideration, with the drawing highlighting the overall reduction.

Proposed Elevations

KEY

- Outline of Original Proposal 08.06.2023
- Outline of Revised Proposal 21.12.2023
- Outline of Revised Proposal 22.04.2024



Schedule of Finishes:
Roof: Natural/Flat Non profile slate/tiles;
Walls: Natural Stone;
Windows: HW timber/uPVC/Aluminium double glazed units;
Doors: HW timber/GRP/uPVC/Aluminium double glazed doors;
Rainwater Goods: Black uPVC/aluminium guttering.

Proposed Replacement

DWELLING
07e
for Mr & Mrs Henderson
at 40 Strand Road, Portstewart,
M23 Henderson

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RSUA

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- 1.3 While there has been a reduction in the overall footprint of the proposed dwelling this is very slight, and there has been a reduction in the ridge height of the main element of the dwelling. The overall front elevation still presents a long frontage onto the cliff path which is exacerbated by the large horizontal windows presented across two floors.
- 1.4 The revised proposal has been considered against ENV1 and PTL 06, and PPS 7. This has included an assessment of the Planning Statement submitted by Donaldson Planning, the site layout and contextual elevations having regard to the original and revised submissions. The proposal now under consideration seeks to increase the footprint over the existing dwelling, with a further (second) storey of development. Overall, the proposal seeks to replace the existing bungalow with a significantly larger 2 storey dwelling.
- 1.5 Having regard to the previous scheme which was considered not to be comparable in footprint and height to the existing, the overall changes only make a marginal difference. In this context the Planning Department remains of the view that the proposed dwelling is not of a comparable footprint and height with the existing building. This is particularly evident on the north and south elevations which illustrate how much larger the current proposal is relative to the existing.
- 1.6 Due to the limited overall reductions, and the proximity of the proposal to No.38, it will have an unacceptable impact on the property at No.38 Strand Road. The proposal not only comes closer to this property but is substantially higher and is of a greater bulk and massing to the existing. This creates a relationship that will have a detrimental impact on the amenity of No.38 as it will be overbearing due to the dominance and overshadow it. The proposal is unacceptable when considered against PPS7 and concerns in this regard remain as set out in 8.14 and 8.23 of the PCR.

1.7 The concerns set out in the PCR remain and the revised scheme fails to meet the policy requirements for the reasons set out and recommended in the PCR.

1.8 2 further letters of objection were received from one objector since the scheme has been amended. The first objection was regarding the limited time in which to comment on the amended scheme prior to the Committee. However, it was agreed by Members at the April meeting of the Planning Committee to defer the application to allow notification to take place; which has now happened. A summary of issues raised in the second objection are:

- Footprint is overdevelopment.
- As the site abuts a public right of way (PROW), the impact of the scale and massing must be considered in relation to those using PROW.
- Proposed massing and scale would negatively impact the character of the immediate area.
- The scale and design of the proposal is not in response to the constraints of the site but rather to provide the scale of accommodation required by the applicant.
- The proposed scale of the dwelling necessitates bringing the dwelling forward on the site and closer to No. 38.
- The proposal is not of comparable footprint and height.
- The amenity of No.38 will be compromised due to dominance of the proposed dwelling.
- Rock Castle should not be used as a precedence as context is totally different.
- Applicant erroneously takes the view that the text (LLPA Policy) requires replacement buildings to be of comparable foot print and height to those which already provide local context for the development.

- 1.9 The matters raised by the objector have been noted and considered. The proposal remains unacceptable for the reasons set out above in Paras 1.5-1.7 and in the PCR.

2.0 Recommendation

- 2.1 That the Committee note the contents of this Addendum and agree with the recommendation to Refuse the application in accordance with Sections 1 and 9 of the Planning Committee Report for the reasons set out in Section 10.

Addendum 3

LA01/2023/0615/F

1.0 Update

- 1.1 Following publication of the Planning Committee Schedule for October 2025 and the site visit which was carried out on Friday 17th October, the agent submitted revised plans on the Friday afternoon after the site visit had concluded.

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 for neighbour notification and consideration of the revised proposal.

Addendum 4

LA01/2023/0615/F

1.0 Update

- 1.1 This application was originally presented to the March meeting of the Planning Committee. It was then deferred and following the submission of amended plans was deferred again at the April meeting to enable assessment and neighbour notification to take place. A revised scheme was presented to Members at the September meeting of the Planning Committee, and this was deferred to facilitate a site visit. Furthermore, it was proposed that there should be discussion between the Planners and Agent to consider a compromise, and if the recommendation is changed, the decision was delegated back to Officers to issue a decision. Subsequently a site visit took place on Friday 17th October 2025 and revised plans were received later that day, and a deferral was sought at the October meeting of the Planning Committee to allow notification on the revised plans. This has now occurred, and the latest revisions are considered in this addendum.

2.0 Verbal Addendum – September 2025

- 2.1 At the September meeting of the Planning Committee there was a verbal addendum regarding a further objection to the plans presented to the September meeting. This objection raised 2 matters of concern –firstly relating to the LLPA designation and secondly to Residential Amenity.
- 2.2 In relation to the first matter, the objector states that the applicant's argument misinterprets Policy ENV1 and PTL 06. The supporting text to PTL 06 is explicit — “no further development is appropriate other than the replacement of existing buildings of comparable footprint and height.” The objection continues that this is a key safeguard in LLPAs, ensuring new development respects the

existing scale and avoids incremental overdevelopment. The proposed dwelling is not comparable in footprint or height.

- 2.3 The objection then refers to ENV1 stating that it requires that new development should not “dominate areas of distinctive landscape and townscape character.” The proposed long frontage and substantial two-storey massing onto the cliff path clearly dominate the coastal character, unlike the low-lying bungalow currently on site. The developer’s suggestion that Rock Drive or Strand Road set the context is misplaced: those properties are outside the Dominican Walk LLPA and cannot be used as a precedent within this protected designation. The relevant context is the immediate cluster of modest dwellings abutting the cliff path.
- 2.4 In relation to quality and character impact, the objection states that the proposal is further forward & increases its bulk, materially altering views from the public right of way and eroding the open coastal character identified in the LLPA designation. This is a clear adverse effect on the features ENV1 seeks to protect.
- 2.5 In relation to the second matter and the residential Amenity of No. 38 Strand Road, the objector says the developer’s claims underestimate the impact and raises concerns around bulk and massing saying that even if the ridge is only marginally higher than No. 38, the overall scale, width, and forward positioning create an oppressive and overbearing relationship. Ridge height alone does not capture the increased massing, which the Officer Report correctly identifies as unacceptable.
- 2.6 There is further concern regarding the proximity with a gable- to- gable distance of 7 m is only acceptable where the relative scale and height are comparable. In this case, the two-storey bulk, combined with the forward projection toward No. 38, produces an overbearing effect.

- 2.7 Considering outlook and overshadowing, the objector states that the developer suggests “negligible” impact on sunlight. However, the objector raises concern that overshadowing is not only about direct sunlight but also the sense of enclosure, reduced sky visibility, and loss of outlook. The increased height and bulk to the south will materially reduce the amenity of No 38.
- 2.8 The objector is concerned about privacy and states that even a single first- floor gable window risks overlooking. The need to propose obscure glazing itself highlights the unsuitability of the design in such proximity. The objector respectfully urges the Planning Committee to uphold the recommendation of refusal.
- 2.9 These 2 matters of concern are considered within the PCR and the first and second addendum, which recommend that application is refused planning permission.

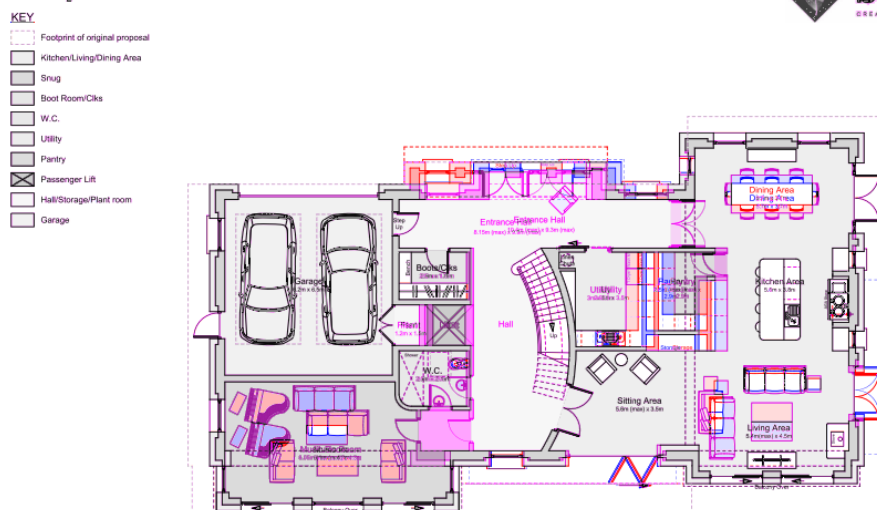
3.0 Revised Drawings – Consideration

- 3.1 Following the Members’ site visit on Friday 17th October 2025, revised plans were submitted by the Agent later that day.
- 3.2 The application had been scheduled to be presented to the October meeting of the Planning Committee, but a further deferral was sought to allow consideration of these further revisions and for the necessary notification of relevant parties to take place. Prior to the presentation to the October Committee correspondence was received from the Agent and the objectors.
- 3.3 On 20th October 2025 Murray Bell wrote to the Council stating that he has received confirmation that the adjacent properties at 38 and 36 Strand Rd have recently been sold. Accordingly, the objections submissions on behalf of those owners are now obsolete and that he will endeavour to acquire confirmation from the estate agents in relation to this. However, it is not a matter for the Planning Agent to determine if a third parties’ objection is obsolete but rather a

matter for the objector themselves, and whether they wish to withdraw any such representations. These objections have not been withdrawn and remain a material consideration in the consideration of this application, and further objection had, and has, been received.

- 3.4 At previous meetings of the Planning Committee, Members have been made aware of the LLPA policy and its requirement that any further buildings are of a comparable footprint and height. There was a submission by Bell Architects stating all the revisions that have occurred. These mainly relate to specific details on cosmetic and amendments to the fenestration and elevations, the roof, internal changes.
- 3.5 The drawings below illustrate the footprint change on the latest revision from the previous scheme presented to Members in September 2025 (indicated in red) to the scheme now under consideration, with the drawings highlighting any changes. You will note that these consist of predominantly internal changes and any overall reduction is barely discernible.

Proposed Ground Floor Plan



Proposed Ground Floor Plan
Scale 1:100

3.6 While there has been minimal reduction in the overall footprint of the proposed dwelling, the following drawing illustrates the changes to the south and western elevations, and then the north and eastern elevations with annotations to elucidate these.

Proposed Elevations

KEY

--- Outline of Original Proposal



Proposed West Elevation (Sea View)
Scale 1:100



Proposed South Elevation (Living Kitchen/Dining & Master Bedroom)
Scale 1:100

Schedule of Finishes:
Roof: Natural Flat Non profile slate/tiles;
Walls: Natural Stone;
Windows: HW Timber/PVC/Aluminium double glazed units;
Doors: HW Timber/GRP/PVC/Aluminium double glazed doors;
Rainwater Goods: Black uPVC/Aluminium gutting.

Proposed Replacement

DWELLING 07e
for Mr & Mrs Henderson
at 40 Strand Road, Portlaoine,
M23 Henderson

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RIAS

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arb

bell architects

bell architects

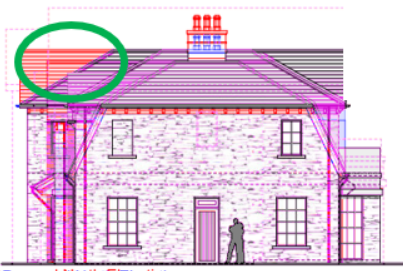
Proposed Elevations

KEY

--- Outline of Original Proposal



Proposed East Elevation (Front Entrance)
Scale 1:100



Proposed North Elevation (Rear)
Scale 1:100

Schedule of Finishes:
Roof: Natural Flat Non profile slate/tiles;
Walls: Natural Stone;
Windows: HW Timber/PVC/Aluminium double glazed units;
Doors: HW Timber/GRP/PVC/Aluminium double glazed doors;
Rainwater Goods: Black uPVC/Aluminium gutting.

Proposed Replacement

DWELLING 06e
for Mr & Mrs Henderson
at 40 Strand Road, Portlaoine,
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- 3.7 The main alterations to the size and scale are indicated using a yellow, blue and green oval. You will note that while the yellow oval indicates a reduction in overall ridge height at this point (middle of the dwelling), there is no reduction in the eaves and it is offset by a suggested increase in ridge height highlighted using the blue oval. The green oval indicates a change to the roof shape on the southern and northern elevations.
- 3.8 The revised proposal must be considered against ENV1 and PTL 06, and PPS 7. This consideration has included an assessment of the supporting text submitted by Bell Architects, the site layout, plans and elevations (including contextual) having regard to the original, previous and revised submissions. The most recent proposal (under consideration) continues to seek approval to significantly increase the footprint over the existing dwelling, with a further storey of development (second storey). Overall, the proposal still seeks to replace an existing bungalow with a significantly larger 2 storey dwelling.
- 3.9 Having regard to the previous schemes which were considered to not be comparable in footprint and height to the existing, and this most recent submission where the overall changes only make a marginal difference, the Planning Department remains of the view that the proposed dwelling is not of a comparable footprint and height with the existing building. This position has repeatedly been presented to Members and is clearly illustrated on the north and south elevations which show how much larger the proposal is relative to the existing.
- 3.10 Due to the limited overall reduction on the most recent submission to the previous, and the proximity of the proposal to No.38, it will have an unacceptable impact on the property at no.38 Strand Road. The proposal not only comes closer to this property but is substantially higher and is of a greater bulk and massing to the existing. This creates a relationship that will have a detrimental impact on the amenity of No.38 as it will be overbearing due to the

dominance and overshadow it. The proposal is unacceptable when considered against PPS7 and concerns in this regard remain as set out in 8.14 and 8.23 of the PCR and Paragraph 1.6 in the second addendum.

3.11 The concerns set out in the PCR remain and the revised scheme is comparable to the previous and therefore continues to fail to meet the policy requirements for the reasons set out and recommended in the PCR and addenda.

4.0 Further Representations

4.1 5 (4) further representations (the content of the same objection was submitted twice; a total of 4 different objections) were received from 2 objectors since the most recent scheme was submitted in October. Included within these objections were concerns regarding procedural and process issues, including the late submission of information by the Agent and the limited time available to comment prior to the Committee and the availability of information. However, it was recommended and agreed at the October Committee to defer the application to allow the relevant notification to take place, which has now happened. A summary of issues raised in these objections are:

- Procedural and transparency concerns – availability of drawings and information
- Due process not being followed
- Delay in decision making
- Overall footprint increase – larger, taller, nearer
- Residential Amenity and impact on No.38
- Cosmetic adjustments including mansard roof/shallow pitch central section and do not reduce overall bulk
- Superficial revisions which fail to address policy conflicts
- Impact on LLPA – Policy ENV1 and PTL 06; PTL 06 seeks to safeguard and not rewrite the past but maintain openness.

Only permits like-for-like and prevents incremental growth for good reason, seeks preservation

- Not arguing against renewal, rather replacement respects character and policy
- Precedent
- Requires a genuine comparable redesign
- Breach of policies
- Raising levels of front wall and proposing to site replacement further forward unacceptably impact No.38.
- Endorsement of recommendation to refuse

4.2 Many of the matters raised by the objectors have been previously considered and the scheme under consideration remains unacceptable as set out in this Addendum, Addendum 2 and the commentary within the PCR.

4.3 The raising of levels at the front of the dwelling and the front wall will add and contribute to the impact on the coast path and the overall dominance of the proposal. It is considered the proposal under consideration is unacceptable and requires to be redesigned.

4.4 While each application must be assessed on its individual merits, the issue of precedence has been raised. However, as this proposal is recommended for refusal, there would be no precedence.

5.0 Recommendation

5.1 That the Committee note the contents of this Addendum and agree with the recommendation to Refuse the application in accordance with Sections 1 and 9 of the Planning Committee Report for the reasons set out in Section 10.

SITE VISIT REPORT: Friday 17th October 2025

Committee Members: Alderman, Boyle, Callan, Coyle(Vice-Chair), Hunter, Scott, S McKillop and; Councillors Anderson, C Archibald, Kane(Chair), Kennedy, McGurk, McMullan, McQuillan, Nicholl, Storey and Watton

LA01/2023/0615/F - 40 Strand Road, Portstewart BT55 7LU

App Type: Full

Proposal: Erection of proposed 2 storey replacement dwelling including integral garage and detached artists studio as ancillary to dwelling, and all associated works/landscaping.

Present: Ald Boyle, Coyle, Hunter, Councillors Kane, Storey, Watton

Officials: Michael Wilson

Comments: The site visit commenced at the gable of the dwelling nearest to No.38. The Official explained about the deferral of the proposal which was subject to a site visit, but also if a compromise could be reached, then it would not have to come back to the Committee if the Planning Officials recommendation was to Approve. The Members were given an update in this regard and that an amended “sketch” proposal had been submitted on behalf of the applicant, but as it failed to address the concerns raised that there was no merit in submitting full drawings. It was further explained that on relaying this information to the applicant’s representative, there had been no further contact from the agent regarding amending further to an acceptable scheme which meets the Policy.

There was then discussion about the LLPA Policy issue in the Northern Area Plan and what it requires, and there were some queries relating to this and what comparable footprint and height meant. The Official outlined that this is in relation to the replacement of the existing building as opposed to surrounding buildings; and that the proposal under consideration isn’t comparable to the neighbouring dwellings, rather it is more akin to the adjoining apartment development.

Those in attendance then walked down to the cliff path to view the existing and proposed development from that location and there was discussion regarding the apartments constructed and approved next to the site at Rock Castle. This included queries relating to the size of the buildings and no. of blocks and the apartments approved. There was also a query relating to what was previously

on site prior to the redevelopment. The Official advised that given the passing of time it is unclear what was on the entire site but it did house the listed building, Rock Castle, which was demolished some time ago.

The Official went on to explain the development approved, but yet to be built, is sited to the rear of the site and would be built at the bottom of the cliff which significantly reduces the visual impact from the cliff path and would be much less prominent when viewed from the path than the existing apartment development. Members were also reminded that given how long ago that approval was, and given the passing of time, the proposal would not have been subject to the Policies in the NAP, and would have been assessed against the prevailing policies at that time.

There was then some discussion regarding if the dwellings and apartments in this general area were used as permanent dwellings or second homes and the Official replied that they were unsure. There were then some queries about the proposal under consideration and its impact on the path, and in particular the proposed size and scale relative to the existing dwelling. The Official explained the proposed dwelling would come further forward on the site and move slightly closer to No.38, accommodated by raising the level of the land to the front of the dwelling and constructing a boundary wall which would sit slightly higher than the stone wall fronting Rock Castle. The eaves of the proposed dwelling would sit roughly at the ridge height of the existing dwelling, with a proposed ridge height just slightly higher than the height of the existing chimney pot. The site visit then concluded.

Michael Wilson

17.10.25