

Planning Committee Report LA01.2015/0475/F – Lands between 103 and 99 Baranait Road, Limavady	23rd August 2017
PLANNING COMMITTEE	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environment and Assets
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
Lead Officer	Principal Planning Officer/Development Management Manager
Cost: (If applicable)	N/a

**Lands between 103 and 99
Baranait Road, Limavady**

**LA01/2015/0475/F
Full Application**

23rd August 2017

<u>No:</u>	LA01/2015/0475/F	<u>Ward:</u>	Ballykelly
<u>App Type:</u>	Full Application		
<u>Address:</u>	Lands between 103 and 99 Baranailt Road, Limavady		
<u>Proposal:</u>	Proposed infill site for 2 one and a half storey dwellings		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	22.07.2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	5050 Architecture, 3A Keldon Court, 17 Linenhall Street, Limavady, BT49 0HQ		
<u>Applicant:</u>	Mr Wilson		
<u>Objections:</u>	0	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	0

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in section 7 & 8 and resolves to **REFUSE** full planning permission for the reasons set out in Section 10.

2 SITE LOCATION & DESCRIPTION & CHARACTER OF AREA

- 2.1 The application site is located at lands between 103 and 99 Baranailt Rd, Limavady. The application site comprises the remainder of a roadside agricultural field, excluding the site of a recently constructed dwelling to the south western corner of the field. The site falls in a south west to north east direction along the roadside half of the site, but also falls from the road in a north western direction towards the rear of the site. The roadside boundary of the site is defined by a post and wire fence with little in the way of vegetation cover. The south western side of the site is defined in part by a timber ranch

fence which defines the curtilage of the recently constructed dwelling. The rear boundary of the site is currently defined by an earth bund with mature trees spaced along the boundary ranging from approximately 3.5/4m to 6m. The north eastern site boundary is defined in part by the existing public house and associated buildings to the rear, and in part by a band of mature trees which are approximately 6-7m high. There has been some earth works carried out within the site with an element of excavation adjacent the new single storey dwelling.

2.2 The site is located within the rural area as defined in the Northern Area Plan 2016. The site is located a short distance to the south west of Limavady Town. The site is located within the Ballykelly Moraine Site of Local Nature Conservation Importance (SLNCI). The immediate area around the application site is relatively built up with a number of dwellings and other buildings. To the south west of the site there is the recently constructed single storey dwelling, No. 103 which is also single storey and the foundations for a two storey dwelling. To the north east of the site is the public house and attached residential unit which sits on the roadside and is two storey. To the rear of the public house is a newly constructed one and a half storey dwelling and post office, with two dwellings Nos. 97 and 95 further to the north east.

3 RELEVANT HISTORY

3.1 B/2010/0323/O - 80 metres NNE of 103 Baranailt Road, Limavady - Gap site for dwelling and garage – Approved 28.03.2011

B/2006/0181/RM - To the rear of 103 Baranailt Road, Limavady - Erection of traditional rural dwelling with detached garage/store – Approved 08.08.2006

B/2004/0345/O - To the rear of 103 Baranailt Road, Limavady - Site for traditional cottage style bungalow with detached garage/store – Approved 22.12.2004

B/2007/0407/RM - Rear of 99A Baranailt Road, Limavady - Erection of chalet style bungalow – Approved 20.02.2008

4 THE APPLICATION

- 4.1 This is a full application for a proposed infill site for 2 one and a half storey dwellings. Both dwellings are one and a half storey dwellings. The dwellings measure 11.8m along the front and 8.5m across the gable. The dwellings have a pitched roof and a ridge height of 6.9m above finished floor level. The dwellings are to be finished in a smooth render with the drawings indicating stone cladding to the proposed storm porch, with black roof tiles. The proposed dwellings are accessed via the existing entrance which serves a recently constructed single storey dwelling immediately adjacent the site.

5 PUBLICITY & CONSULTATIONS

External:

5.1 **Neighbours:**

There are no objections to the proposal.

Internal:

5.2 **TransportNI** – No objection.

Environmental Health – No objection.

Shared Environmental Services – No objection.

NIEA – No objection.

Loughs Agency – No objection.

Rivers Agency – No objection.

NI Water – No objection.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local development 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.

6.7 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

Northern Area Plan 2016

Strategic Planning Policy Statement

PPS2 – Natural Heritage

PPS 3 - Access, Movement and Parking

PPS 21 – Sustainable Development in the Countryside

Building on Tradition – A sustainable design guide for the Northern Ireland Countryside

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this planning application are; the principle of development; integration, access and impact on SLNCI.

8.2 The site is located within the rural area outside of any settlement limit as shown within the Northern Area Plan 2016

and is located within Ballykelly Moraine Site of Local Nature (Designation LNC 13). There are no further designations within the site or the immediately adjacent area. The main policy consideration is contained within the Northern Area Plan 2016, the Strategic Planning Policy Statement and the relevant Planning Policy Statements. As this is a proposal for two dwellings, the main policy considerations are paragraphs 6.70 and 6.73 of SPPS, CTY 1, 8, 13 and 14 of PPS 21.

Principle of development

- 8.3 Paragraph 6.73 of the SPPS and Policy CTY1 of PPS21 both outline the range of types of development that may be acceptable in principle in the countryside. In the case of infill development, Policy CTY1 refers to Policy CTY8.
- 8.4 Policy CTY 8 entitled Ribbon Development states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. This is reiterated by paragraph 6.73 of SPPS.
- 8.5 The site falls between two buildings to the North East of the site (Nos. 99 and 99a) and a dwelling to the South West of the site (No. 103). All three of the above mentioned dwellings share a frontage onto Baranilt Road and therefore the site is located within a substantial and built up frontage as per the definition within CTY8.
- 8.6 However in order to fully comply with the requirements of CTY8 the application site is required to meet the additional requirements to ensure the site proposal respects the existing development pattern along the frontage.
- 8.7 The definition of a substantial and continuously built up frontage refers to a line of three or more buildings. While the

policy indicates that buildings set back, staggered or at angles can constitute ribbon development, however in order to be considered an acceptable form of infilling the proposed siting must respect the existing building line of the frontage. This assessment has been reinforced by the Planning Appeals Commission in appeal 2014/A0148 between 32 Carr Rd and 70 Knackany Rd, Lisburn. The gap is located between No. 103 and the buildings at Nos. 99 and 99a (public house and associated dwelling), with these buildings being located in close proximity to the roadside. The proposed infill dwellings are set back from the roadside behind the line of these buildings which make up the frontage in which it is proposed to infill. The proposed dwellings are more in line with the vacant recently constructed dwelling than the existing dwellings within the frontage which is not an acceptable form of infill development, and therefore fails to comply with Policy CTY 8.

- 8.8 One of the main tests for a suitable gap site is the size of the gap to which it is proposed to infill. The gap which exists should be assessed within the substantial and continuously built up frontage it is located within. The relatively new dwelling immediately adjacent the application site has a defined curtilage which does not extend to the Baranailt Rd, with the front section of the field/ paddock separating the site from the road. Therefore as clarified by the Planning Appeals Commission (Appeal 2014/A0148), this dwelling cannot be taken as forming part of the frontage.
- 8.9 The red line of the proposal runs from approximately 4-5m off the boundary of No. 99/99a to the common boundary of No. 103, incorporating the access to the aforementioned recently constructed dwelling to the rear, with a total frontage width along the roadside of approximately 56m. The gap between the building at No. 103 and the Public House at 99a is approximately 74.5m. There is small strip of land which runs parallel to the side of the public house which is fenced off, with a field gate at the roadside and runs from the roadside to the rear of the proposed site, which has the appearance of a buffer/maintenance strip or laneway. This strip of land is excluded from the red line on the site location plan. There is however, a discrepancy regarding the extent of the application site, between the site location plan and the block plan, with the block plan showing that the site at HTB includes the maintenance strip and directly abuts 99/99a. The agent was

informed of this discrepancy and amended plans were requested 25/01/2017 to ensure the block plan matched the site location plan. However, amended plans to this effect, have not been received to date.

- 8.10 At the roadside the proposed two plots measure 23m (HTA) and 17m (HTB), however the site at HTB in reality would be narrower given the extent of the red line removing the approximate 4-5 metre strip along the north eastern site boundary leaving it approximately 13m. The remaining gap from the boundary of HTA to the shared access is approximately 17m as drawn on the block plan 02 Rev 02 (25th January 2017).
- 8.11 Given the requirement for the proposed dwellings to respect the building line of the established frontage, the dwellings would be required to be accommodated in the front section of the site which extends to approximately 56m. Given the width of the red line, indicates that the size of the gap is excessive in size when averaging the plot widths of the two proposed sites. This demonstrates that the site could accommodate more than two dwellings. Therefore the proposal is contrary to policy CTY 8.
- 8.12 In addition, consideration should be given to the surrounding context of the plots within the frontage. The plot width of 99/99a is approximately 25.5m whilst the frontage of No. 103 is approximately 34.2m, and the approved curtilage of the site to the south west of No. 103 is approximately 28m. While the site at HTA at 23m, would be narrower than any of the identified sites it could be considered to be comparable to some of the surrounding sites. However the plot width of HTB at 13m would be significantly smaller and out of keeping with the established and approved character. Again this would not represent a suitable form of development and would fail to meet the requirements of Policy CTY 8.
- 8.13 It is noted that there was a previous approval for an infill dwelling on the same site approved under B/2010/0323/O. It is noted that the application related to one dwelling, compared to the two dwellings applied for under this application. It is also noted that the approved curtilage of the adjacent recently constructed dwelling has been reduced to that approved, and it is proposed to reduce it further to accommodate the proposed development. Given the existing space available and its

comparative size to the adjacent dwelling and the Planning Appeals Commission acceptance within appeal 2015/A0074 that the immediate area represents an existing cluster, the proposal could be better suited to an application for one dwelling under Policy 2a within PPS21, with a dwelling set back from the road akin to approval B/2010/0323/O. The Planning Authority has discussed this option with the applicant and agent but they have instructed the planning authority that they wish for the application to be considered as submitted for two dwellings. For the reasons outlined above the proposal, as submitted, fails to comply with Policies CTY 1 and CTY 8 of PPS 21 and Paragraph 6.73 of the SPPS.

- 8.14 Officials would clarify that the proposal would fail to comply with Policy CTY 2a as the policy only makes allowances for a single dwelling. Additionally, it should be noted that two separate applications for dwellings on the application site would fail to meet the criteria outlined within Policy CTY 2a in their own right, in that both sites would not be bounded on at least two sides by existing development in the cluster. As such the current proposal cannot be considered against Policy CTY 2a.

Design and Integration

- 8.15 The proposed dwellings are similar in design with minor changes in the detailing to the rear. Both dwellings are one and a half storey dwellings. The dwellings measure 11.8m along the front and 8.5m across the gable. The dwellings have a pitched roof and a ridge height of 6.9m above finished floor level. The dwellings are compact in form, designed to fit within the restricted site sizes. The proposed dwellings have a typical design for the rural area with a symmetrical frontage comprising of two dormer windows at wall plate level. The dwellings are to be finished in a smooth render with the drawings indicating stone cladding to the proposed storm porch, with black roof tiles. There is one chimney proposed on each dwelling and it is expressed on the ridge line of the dwelling and at the gable end. The windows are appropriately proportioned in relation to the solid to void ratio and have a suitable vertical emphasis. The proposed dwellings are acceptable in terms of scale and design and given the variety of buildings in the immediate vicinity and would not appear unduly conspicuous within the

surrounding landscape, and therefore would not offend the planning policies relating to design and integration.

Access

- 8.16 Access is proposed onto the Baranailt Rd via the existing access to the recently constructed dwelling adjacent the sites. TransportNI were consulted with the proposal and following the submission of revised plans DFI Roads now have no objections to the proposal following the receipt of revised plans. Therefore the proposal is in compliance with Policy AMPS 2 of PPS 3 in that it will not prejudice road safety or significantly inconvenience the flow of traffic.

Impact on SLNCI

- 8.17 The application site is within Ballykelly Moraine Site of Local Nature Conservation Importance (SLNCI), which was designated for its earth science interest. The designation incorporates a large area of land extending from the lands in the vicinity of the settlement of Largy, in a north western direction towards Ballykelly. At a site specific level, given the amount of existing development which surrounds the site, the proposed development is unlikely to have any significant detrimental impact on the key features of the SLNCI.

9 CONCLUSION

- 9.1 While the application site may represent a gap within a substantial and continuously built up frontage the site fails to respect the existing development pattern. The proposed development fails to respect the surrounding character of the established substantial and continuously built up frontage. The proposed dwellings are set back from the established building line of the frontage and are more in keeping with development which does not have a common frontage with Baranailt Rd. The plot width at Site HTB is significantly smaller than the surrounding character which does not respect the development pattern along the frontage and is therefore contrary to policy. The proposed gap would, by virtue of the proposed plot widths of the two dwellings (approximately 40m), accommodate more than two dwellings, with the overall gap of 75m. The proposal is

contrary to the paragraphs 6.73 of the SPPS, Policies CTY 1 and 8 of PPS 21. Refusal is recommended.

10 Refusal Reasons

- 10.1 The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 10.2 The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a small gap sufficient to accommodate a maximum of two dwellings, and the proposed dwellings do not respect the existing pattern of development along the frontage.

