

Planning Committee Report Item	23rd November 2016
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
Cost: (If applicable)	N/a

**Site approximately 430m SSW of
72 Carnamuff Road, Limavady**

**LA01/2016/0337/F
Full Application**

23rd November 2016

<u>No:</u>	LA01/2016/0337/F	<u>Ward:</u>	Greysteel
<u>App Type:</u>	Full Application		
<u>Address:</u>	Site approximately 430m SSW of 72 Carnamuff Road, Limavady		
<u>Proposal:</u>	Replacement dwelling in substitution for LA01/2015/0611 (16 Dec 2015)		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	21 st March 2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Ward Design, The Gravel, 10 Main Street, Castledawson, BT45 8AB		
<u>Applicant:</u>	Mr M Tierney		
<u>Objections:</u>	0	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	0

Drawings and additional information is 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 10 and the policies and guidance in section 7 & 8 and resolves to **REFUSE** full planning permission.

2 SITE LOCATION & DESCRIPTION & CHARACTER OF AREA

- 2.1 The application site is located approximately 430 metres SSW of No. 72 Carnamuff Road, Ballykelly. The site is located one field back from the road and is set at a level below that of the public road. The site is accessed via an existing agricultural laneway which runs in a generally western direction, for approximately 260 metres.
- 2.2 The site has been cleared of some previous development and the land has been severely augmented with a broad excavation approximately 2 – 3 metres deep across the western portion of

the site. Steeply sloping sides of cut earth form a large square plot which extends beyond the original curtilage of the replacement opportunity. The new curtilage is defined by a bund of earth along the original ground level with a belt of new trees many of which appear to have died. The proposed site plan does not appear to be accurate as the new tree line along the eastern boundary bisects the old site curtilage. However, the plans show the line further to the east in line with the existing tree line.

- 2.3 The site is located within the rural area and is characterised mainly by undulating agricultural land, which falls to the west and north generally. There are relatively few dwellings within a close distance of the site with No. 72 being the closest at over 400 metres away.

3 RELEVANT HISTORY

B/2014/0294/O - Approx. 430m SSW of 72 Carnamuff Road, Limavady - Proposed site for replacement dwelling and garage – Granted 07.05.2015

LA01/2015/0611/RM - Approx 430m SSW of 72 Carnamuff Road, Limavady - Proposed detached 2 storey dwelling and detached one and a half storey garage – Granted 13.04.2016

4 THE APPLICATION

- 4.1 Outline planning permission was granted on the site in May 2015 under B/2014/0294/O for a replacement dwelling and garage. The replacement opportunity was single storey but providing the siting of any replacement was located within the original curtilage, it was the opinion of the Planning Authority that the site could accommodate a dwelling 7.5m high due to the integration and screening afforded by the existing mature vegetation. The siting, ridge height, retention of mature boundaries and levels were all conditions of the outline planning approval. The Reserved Matters was approved under LA01/2015/066/RM in April 2016. The Reserved Matters was in line with the conditions of the outline approval. The current application is a full application for a replacement dwelling in substitution for the house type approved under LA01/2015/0611/RM.

4.2 The proposed dwelling is considerably larger than the original replacement opportunity and the house type approved by way of the reserved matters application. The proposed ridge height is 10.9m over a main frontage length of 16.8m. Two side elements project from the main frontage which extends the overall frontage length to 34.3m. The gable depth is 9.4m. The dwelling is designed with an “L” shaped footprint with an attached triple bay garage and archway which forms a courtyard layout. The dwelling is proposed to be sited gable to the road.

5 PUBLICITY & CONSULTATIONS

External:

5.1 Neighbours:

No objections have been received.

Internal:

5.2 **TransportNI** – further amendments required.

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

PPS 3 - Access, Movement and Parking

PPS 21 – Sustainable Development in the Countryside

DCAN 15 – Vehicular Access Standards

Design Guide – 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 full application are; the principle of development; the siting and design; failure to integrate and impact on rural character and loss of existing trees.
- 8.2 The site is located within the rural remainder as designated within the Northern Area Plan 2016. There are no further designations within the site or the immediately adjacent area. The main policy considerations are contained within the Northern Area Plan 2016, the Strategic Planning Policy Statement and the relevant Planning Policy Statements. This is a proposal for a dwelling and garage in substitution for the reserved matters approval. The site lies within the rural area as identified in the Northern Area Plan 2016. As such the main policy consideration is PPS 21. The main policy considerations within these policies are CTY 1, 3, 13 and 14 of PPS21 and policy ENV3 of NAP.

Principle of development

- 8.3 Policy CTY1 of PPS21 states that there are a range of types of development that may be acceptable in principle in the

countryside. In the case of a replacement dwelling, Policy CTY1 refers to Policy CTY3.

- 8.4 Policy CTY3 permits a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. The principle of development was established under B/2014/0294/O for the replacement of an existing dwelling. The Reserved Matters was agreed under LA01/2015/0611/RM following initial concerns regarding the overall design and appearance of the dwelling. As the current application is a full application in substitution of the previous live approval, the principle of a replacement is acceptable. In addition the dwelling to be replaced still exists on site and provides a fall back position under CTY3.

Siting and design

- 8.5 Policy CTY3 goes on to advise that in all replacement cases, permission will only be permitted where five criteria are met. The criteria include siting within the established curtilage, size should allow it to integrate and not have a visual impact greater than the existing building, design should be appropriate to its setting and services should be provided without significant adverse impact on environment or character of locality and acceptable access arrangements should be achieved.
- 8.6 The current proposal would be contrary to policy in that the dwelling is not sited within the established curtilage due to the excessive size and scale. The size of the dwelling does not allow it to integrate into the surrounding landscape and would result in a significantly greater visual impact than the dwelling to be replaced. CTY3 allows for 2 exceptions where siting outside the original curtilage may be acceptable. In the first instance, the siting of the dwelling was considered to be important at the outline stage that it merited a planning condition. In addition, the reserved matters application proposed a considerable dwelling which complied with the outline condition. As it was positioned within the original curtilage, it demonstrates that the curtilage is not so restricted to merit breaking outside. Secondly, no demonstrable landscape, heritage, access or amenity benefits have been forthcoming to merit setting the current dwelling outside the original curtilage and that conditioned at outline.

- 8.7 The siting of the dwelling breaks away from the existing curtilage and is set within an unnatural plot which has been excavated from the adjacent field. As such the dwelling is no longer afforded the same degree of integration by the established line of trees. Furthermore the dwelling would result in the loss of a number of the trees which are in close proximity to the gable of the dwelling, further opening views of the dwelling from Carnamuff Road.
- 8.8 The dwelling to be replaced is single storey and has a floor area of 80sq/m and a ridge height of approximately 4.5 m, set within a tradition form with a 6m gable and 12m frontage. The house type approved at reserved matters stage was 7.5m high with a 14.5m frontage and 8m gable with a subordinate single storey rear return, all positioned within the original curtilage to take advantage of the natural integration afforded by the mature sit. The proposed dwelling has a footprint of 530sq/m, a frontage length of 34m and a ridge height of 10.9m. The excessive scale and massing of the dwelling is at odds with its status as a replacement opportunity and with the context of its setting, necessitating the extended curtilage and the breakout from the enclosure afforded to the existing dwelling and that approved previously.
- 8.9 The design of the dwelling is not appropriate within the context of the rural setting and is not in accordance with the design guide Building on Tradition. Paragraph 5.2.1 of the design guide states that replacement dwellings should be of a form and scale that integrates well with the characteristics of the site. Replacement dwellings should not be of an excessive size in comparison to the original building or be located significant distance away from the original footprint unless there are clear and evident benefits.
- 8.10 Paragraph 5.3.1 of the design guide also highlights that “The most common offence is to introduce a new house that is simply too big for the site and bears no relationship to the scale of the traditional buildings that are to be retained”.
- 8.11 Other elements of the design which are clearly at odds with the guidance include the excessive cut and fill which has been required to create a level platform lower than the existing ground level to accommodate the excessive footprint and to compensate for the 10.9m ridge height. The dwelling itself

demonstrates several design elements which are not appropriate within a rural context. The two storey front projections, the horizontal emphasis to the window arrangement and multiple chimney breasts projecting from the roof plane are all suburban features which would be at odds with the character of the area.

Failure to integrate and impact on rural character

- 8.12 When considered in the context of CTY 13 and 14, as outlined above the scale and massing of the building have resulted in the dwelling breaking out of the natural site. As such the proposal fails to benefit from a sense of enclosure, fails to integrate, is of an inappropriate size, scale and design and would detract from the character of the rural area. The impact of the dwelling would be evident when viewed from the public road especially on approach from the south.

Loss of trees

- 8.13 Policy ENV3, Volume 1 of the Northern Area Plan 2016 relates to trees and hedges and advises that development that would result in the loss of trees, hedges or other features that contribute to the character of the landscape, or are of nature conservation value, will not be permitted. An exception is unless provision is made for appropriate replacement planting. In addition, information should also be provided on how any retained trees will be protected during construction. It is evident on assessment of the drawings provided, that the siting of the proposed dwelling does not allow for appropriate amenity separation distances from existing trees, with the eastern elevation right up to the apparent crown spread of mature trees on site. Appropriate amenity separation distances should be provided to ensure that retained trees on site are not adversely affected by the development proposed. General good practice states that amenity distance is measured from the edge of the RPA or the crown spread (whichever distance is greater) of the tree, and this should be a minimum of 6.0 metres to the front and rear elevations of development and 3.0 metres to the side gables.

9 CONCLUSION

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material

considerations, including the SPPS. The proposed replacement dwelling extends conspicuously beyond the established curtilage and the huge scale of the proposed building has a significantly greater visual impact than the existing building. This results in the proposal failing to integrate and causing harm to rural character. Refusal is recommended.

10 Refusal reasons

- 10.1 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) Para 6.73 and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape benefits; the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building; the design of the replacement dwelling is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness and will have a significant adverse impact on the environment or character of the locality.
- 10.2 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) Para 6.70 and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the proposed building is a prominent feature in the landscape, the site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and relies primarily on the use of new landscaping for integration. The ancillary works do not integrate with their surroundings, the design of the proposed building is inappropriate for the site and its locality the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features and therefore would not visually integrate into the surrounding landscape.
- 10.3 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) Para 6.70 and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the building would, if

permitted, be unduly prominent in the landscape, the impact of ancillary works would damage rural character and would therefore result in a detrimental change to the rural character of the countryside.

- 10.4 The proposal is contrary to Policy ENV3, Volume 1 of the Northern Area Plan 2016 in that: the building and ancillary works would, if permitted, result in result in the loss of trees, hedges or other features that contribute to the character of the landscape, or are of nature conservation value.



Planning Office
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Drawing
Number.....
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Glens District Council