

Planning Committee Report Item 5.7	24th August 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	Shane Mathers
Cost: (If applicable)	N/a

ITEM 5.7
31 Prospect Road
Portstewart

LA01/2016/0470/F
Full Planning

24th August 2016

<u>App No:</u>	LA01/2016/0470/F	<u>Ward:</u>	Portstewart
<u>App Type:</u>	Full Planning		
<u>Address:</u>	31 Prospect Road, Portstewart		
<u>Proposal:</u>	Amendments to previous approval C/2013/0112/F to include additional basement area, air source heat pump and design revisions to elevations.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	18 April 2016
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Applicant:	Ms. Katherine Hunter, 43 Prospect Road, Portstewart.		
Agent:	Montgomery Irwin Architects Ltd., 7-9 Stone Row Coleraine		
Objections:	28	Petitions of Objection:	0
Support:	0	Petitions of Support:	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 sections 7 and 8 and resolves to **REFUSE** planning permission subject to the reason set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 This is a roadside site located on the eastern side of Prospect Road, Portstewart. The site comprises a three storey detached flat roof building under construction, with a two storey elevation to the rear, due to rising land levels towards the rear boundary. The building under construction has a high

chimney. There are balconies located on both the front and rear elevations. Finishes had not yet been applied to the elevations at the time of the inspection. A 2.5m high hedge defines the northern boundary (at the rear); low wall with a semi-mature hedge atop defines the rear boundary; retaining wall / 1.5m high close boarded fence defines the southern boundary (at the rear). There are no significant natural features on site.

2.2 The site is abutted by housing on three sides and housing on the western side of Prospect Road. The area is characterised by suburban properties set in modest plots. 29 Prospect Road is a two storey detached dwelling finished in wet dash, with a slate hipped roof, bay windows at ground floor and high chimneys. 33 Prospect Road is a two-and-a-half storey semi-detached block finished in smooth render, weather boarding, saw-tooth roof finished in flat black roof tiles. Generally, the area is a mix of single storey / one and a half storey / two storey dwellings (largely detached, other than 33 Prospect Road which is also two and a half storey) finished in smooth render, wet dash, pebble dash, slate roofs, red / black / brown profiled roof tiles. Roof types include pitched and hipped roofs. Some dwellings have dormer windows. The ground levels at the rear of 33 Prospect Road are significantly lower than the ground levels at the rear of the application site. The houses to the rear of the site at Seaview Drive North are located on higher ground. A public footpath runs along the Prospect Road boundary of the application site. The gable windows in 33 Prospect Road are opaque. Critical views are from Prospect Road.

2.3 The site is within the settlement limits of Portstewart as designated in the Northern Area Plan 2016.

3 RELEVANT HISTORY

C/2013/0112/F Replacement dwelling with integral garage at 31 Prospect Road, Portstewart. Approved 15 May 2013

4 THE APPLICATION

- 4.1 Planning Permission is sought for amendments to previous approval C/2013/0112/F to include additional basement area, air source heat pump and design revisions to elevations. The proposal comprises 4 No. bedrooms and a lower ground floor study. Proposed vehicular access is from Prospect Road. The applicant intends to use main sewerage.
- 4.2 The application site is the subject of an enforcement investigation LA/2015/0215/CA (non-compliance with C/2013/0112/F re roof height). The enforcement investigation is on hold pending the outcome of the current planning application. No formal enforcement action has been taken at this time.
- 4.3 In the context of this application, the agent has revised the plans to propose further works to the development including: reducing the height of the parapet wall on the flat roof of the rear elevation (above the garden room); changing the current access arrangements onto this flat roof by replacing the window/door with a window only so as to restrict access and; reducing the height of the chimney stack. The agent has asked the Council to consider these further revisions within the context of this application.
- 4.4 Given the significant objection to this proposal, the proposal has been assessed from the subject site both internally and externally, and has been assessed from all surrounding properties, including nos 8, 29, 33, 33A Prospect Road and 16 Seaview Drive North.
- 4.5 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation 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 conservation objectives/features of Skerries and Causeway SAC or any other European site. The proposal complies with Planning Policy Statement 2: Natural Heritage.

5.0 PUBLICITY & CONSULTATIONS

External

Neighbours: There are 28 No. objections to the proposal from 28 No. separate addresses. The reasons for objecting are summarised below:

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- Unacceptable impact on privacy at 29 Prospect Road; 8 Prospect Road; 33 Prospect Road; 33a Prospect Road; 14 Seaview Drive North; 16 Seaview Drive North; 20 Seaview Drive North; dwellings on Strand Road; living area on top floor looks directly into the ensuite window of 33 Prospect Road; 35 Prospect Road; properties on the other side of Prospect Road; the creation of steps up the side of the property will allow vision over the common hedge to 29 Prospect Road.
- Proposal is substantially larger and higher than that of the previous approval / unacceptable proportions
- The building has little architectural merit
- The number of windows has increased and some windows have become doors
- Unacceptable impact of extensive balconies
- The internal scale is excessive for normal family accommodation / intention to change the use of the property in the future to apartments or commercial use
- Properties should by law have to be constructed as approved
- Dominating effect at the rear on 16 Seaview Drive North; ground levels were raised to the rear to disguise the impact / dominant impact at the front
- Overshadowing of the downstairs bathroom at 33 Prospect Road / impact on light on the side bedroom of 29 Prospect Road / overshadowing of 29 Prospect Road and the garden
- Misleading to describe it as an amendment to the previous application, given the significant changes
- 14 & 20 Seaview Drive North did not receive notification letters regarding the proposal
- Unacceptable height in relation to neighbouring properties, which drastically disturbs the skyline of Prospect Road and unacceptable visual impact of solar panels
- Solar panels are unsafe in high winds

- Unacceptable impact on character (predominantly detached two storey and bungalows) / flat roof not in keeping with the area
- The building has two large balconies the full width of the house to the front and a very large balcony to the rear / inconsistency in assessing proposals in the vicinity
- Stairwell has three windows, despite new plans stating window omitted / only one window is actually obscured despite owner agreeing to all three being obscured so as to prevent vision into the side bedroom of 29 Prospect Road
- High rise chimney (higher than the original chimney) adding to the overall height of the building
- The overall height affects the draw on both chimneys at 29 Prospect Road
- Proposal is in violation of Article 8 and Article 1 of the Protocol to the European Convention on Human Rights which states 'Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law'.
- Proposal is contrary to Policies SP18 and DES2 of A Planning Strategy for Rural Northern Ireland
- The submission does not differentiate between the current proposal and the previous approval
- The proposal, if approved, would set an unacceptable precedent for the approval of similar proposals
- The unauthorised structure, if approved, would send out a message to others with similar intentions that it is acceptable to build first and apply later
- The proposal should be refused on the basis that proposals for residential development have been refused in other parts of Portstewart
- Impact on property values
- The original contextual drawing shows a clear space between the proposal and 29 Prospect Road: the reality is very different
- The current application does not include an artists impression, as per the original application

- In question 6 of the P1 Form, the retention of development box should be ticked and question 5 should be updated to accurately reflect the various elements of the proposed changes / the application should be re-advertised and neighbour notified so that members of the public are given the opportunity to comment on the proposal
- No cross-sections have been provided to demonstrate the height of the proposal in relation to the previous ground levels, proposed site levels, finished floor levels and the buildings relationship with adjacent dwellings and the wider streetscape and urban context – such information is crucial and should be submitted to demonstrate the relationship of the building to 29 and 33 Prospect Road
- On site, the second floor has been built out to provide a large balcony which runs along the rear elevation. On site, it appears that access to this area is via window opening in two halves from the rear return. On the submitted plans this large external area is identified as a flat roof with an additional note stating that it is not a balcony but a maintenance area. The Council should satisfy itself regarding the exact arrangements, to ascertain its use, floor / roof level behind the parapet wall and means of access to it from within the dwelling, especially having regard to the ease with which it can be used as an external amenity area
- The proposal shows a larger and reconfigured lower ground floor layout. Given its internal arrangement, means of access and accommodation provided, this could leave the lower ground floor capable of being converted into a self-contained living unit. The proposed plans should clearly show what is being constructed
- The internal arrangement should be inspected by planning officials
- The submitted drawings do not provide an accurate reflection of the differences between the previously approved dwelling and the current proposal, particularly with regard to the height comparison. Having regard to the reduction in the site levels to lower the level of the lower ground floor, the difference in absolute height between the approval and the proposed

dwelling is approximately 0.7m, as opposed to the 0.4m indicated on the drawings

- Request that the Council seeks a package of full and accurate drawings that clearly indicate the as built / ongoing construction situation and proposed design amendments regarding the building design site works and levels etc especially to the complex rear and sides of the building, so that all parties can fully consider and respond to the proposals on the basis of clear information that accurately reflects what is being built
- Non-compliance with planning policy:
 - The proposal, on a tight urban site, does not respect its context or surrounding residential character of the area, due to its excessive and inappropriate scale, height, proportions and massing, thereby resulting in a poor relationship with neighbouring buildings
 - Given its bulk, the building appears over-bearing and dominant in the streetscape when viewed from Prospect Road and adjacent streets. Intensifying the scale and massing of the building over the original dwelling that was replaced and the previous approval has adversely affected the character of the area. This is compounded by the span and bulk of the building with high visual impact
 - The front elevation presents a building of approximately 9.7m in height, from finished lower ground floor level to the roof line. This is approximately 1.2m higher than the height of the dwelling previously approved. Given the scale and massing of the building, it towers dominantly above the neighbouring properties, in particular 29 Prospect Road. This issue is compounded by the close proximity of the building to 29 Prospect Road.
 - The roof height is approximately 1.3m taller than the ridge line of 29 Prospect Road. This height is compounded, given the massing of the building. The chimney extends a further 2.2m beyond the roofline.
 - The building dramatically impacts upon the residential amenity of 29 Prospect Road, particularly with regard to overlooking of their garden and impacting upon their

privacy. The second floor rear balcony area will have a significant impact on the privacy due to overlooking from an elevated position in close proximity to the common boundary. Although this large area is identified as a maintenance area, its design and the access to it from within the dwelling facilitates its use as an external amenity area. In addition, there is potential for noise disturbance associated with amenity activity on this large external area.

- The owner / occupiers at 29 Prospect Road are concerned about the impact of air sourced heat pumps due to noise disturbance, given the close location of their property to the common boundary, the sitting out area in their rear garden and rear patio doors

- The owner / occupiers at 29 Prospect Road are concerned about the potential for smells emanating from what appears to be a proposed bin store area adjacent to the back door and in close proximity to their dwelling

- The owner / occupiers at 29 Prospect Road are concerned about overshadowing and loss of light, especially to the rooms with windows in the southern elevation

- Correlation of floor plans, elevations and site plan / discrepancies in the drawings –

- The front elevation does not show the rear projection and part of the curved glazed area associated with the enlarged basement that includes the additional bedroom (this has been constructed on site and is clearly visible when viewed from Prospect Road)

- The northern, southern and western elevations do not show the full extent of the enlarged basement / the lower ground floor is not a basement in the traditional sense as this area is only partially below ground and is accessed from the site at lower ground level / describing it as a basement disguises the full extent of the three levels of accommodation constructed

- The south elevation does not show the second floor rear projection associated with the stairwell / this return has been constructed on site

5.2 Internal

Transport NI: Has no objection to the proposal.

NIEA: Has no objection to the proposal.

NI Water: Has no objection to the proposal.

Environmental Health: Has no objection to the proposal.

Historic Environment Division: Has no objection to the proposal.

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 (NAP)
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as both a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 7: Quality Residential Environments

PPS 7 Addendum: Safeguarding the Character of Established Residential Areas

Planning Policy Statement 12: Housing in Settlements
DCAN 8 - Housing in Existing Urban Areas

DCAN 15 - Vehicular Access Standards

Parking Standards

Creating Places

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the design and layout and impact of the development on the character of the area and impact on the residential amenity of surrounding properties; and other matters.

Planning Policy

- 8.2 In the Northern Area Plan 2016, the site is not zoned for any specific use and is considered to be a whiteland site within the settlement development limit of Portstewart. Prospect Road is an existing cycle network.
- 8.3 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.

Design and Layout and Impact on Character of the Area and Impact on Residential Amenity

- 8.4 The applicant has submitted drawings for the current development (as built) with some revisions to this which are set out in Para. 4.3. Based on the drawings previously approved, and the currently proposed drawings, a comparison using these drawings is set out below:

The following is a comparative assessment of the changes, relative to the previous approval:

	Previous Approval	Current Proposal
Height:	8.9m (at front)	9.9m (at front)
	7.1m (at rear)	7.7m (at rear)
Length:	10.3m (front 1 st /2 nd floor)	10.25m (front 1 st /2 nd floor)
	11.35m (front at gr floor)	11.5m (front at gr floor)
Breadth:	16.6m	16.7m
Distance to north boundary:	1.6m	1.4m
Distance to south boundary:	4.2m front	4.2m front
	1.8m rear	2.4m rear
Distance to east boundary:	13.2m	11.7m
Distance to west boundary:	10m	10.7m
Ground level (front):	24.85m	24.24m
Ground level (rear):	26.9m	27.14m
Ground level (rear garden):	26.2m	26.35m
Finished floor level (LGF):	24.95m	24.44m
Finished floor level: (UGF):	27.8m front	27.84m front
	26.9m rear	27.14m rear
Rear return height:	30.06m	30.59m
Overall height:	33.45m	34.13

Other Changes:

- Internal reconfiguration
- At lower ground floor level, the proposal has the same width at the front, but is narrower (by 0.55m) at the rear
- At upper ground floor level, the proposal has the same dimensions, with the screen wall to 33 Prospect Road stepped in from the common boundary
- At second floor level, the front balcony has increased significantly, utilising the full width of the front elevation
- Flatter solar panels on the roof

North elevation

- proposal is 1.2m higher along the full extent of the north elevation
- proposal is 0.4m deeper, at the rear
- omission of garage window at lower ground floor level
- introduction of a rebated door / window at lower ground floor level
- the cill level of the upper ground floor window is raised by 0.7m while the cill level of the second floor level window is raised by 1m
- WC window to replace a lounge window at upper ground floor level
- omission of en-suite window at upper ground floor level
- introduction of a 1.8m close boarded fence along the common boundary

South elevation

- proposal is 1.2m higher along the full extent of the south elevation
- proposal is 0.4m deeper, at the rear
- cill level of the upper ground floor windows is raised by 0.7m while the cill level of the second floor windows is raised by 1.2m
- increased height to the screen wall at the rear patio area at upper ground floor level
- extensive glazing replacing a narrow bedroom window at second floor level
- front balcony is 0.9m higher
- the rear screen wall is 0.8m higher, with a 0.8m high louvered screen atop

East elevation

- proposal is 0.6m higher along the full extent of the east elevation
- windows to replace sliding doors at rear patio at upper ground floor level
- window to replace bi-fold doors at bedroom 3 on upper ground floor level
- rearrangement of windows at second floor level

West elevation

- proposal is 1.2m higher along the full extent of the west elevation
- cill level of the upper ground floor windows is raised by 1.8m
- introduction of en-suite window at second floor level

8.5 PPS 7 provides specific policy guidance in relation to housing proposals. Policy QD1 sets out the planning criteria which all proposals for residential development should conform to and this assessed below:

(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;

All works carried out are unauthorised. However, the previous approval (ie. a fall-back position) must be considered under the assessment of the current proposal.

The density is appropriate, given that the proposal is for a single dwelling which replaced a single dwelling.

The proposal generally respects the building line – the front elevation is slightly forward of the front elevation at 29 Prospect Road, but not as far forward as the previous approval.

The finished floor level of the original dwelling was 25.13, reducing to 24.95 in the previous approval and reducing further to 24.44 in the current proposal (ie a drop of 0.69, relative to the finished floor level of the original dwelling).

Generally, relative to the previous approval, the proposal has been relocated further to the east (1.5m closer to the rear boundary); the finished floor level has reduced by 0.51m; the overall height of the rear return as shown on the section drawing has increased by 0.53m; and the overall height as shown on the section drawing has increased by 0.68m.

The principal view of the subject building is from Prospect Road, from where the proposal's overall height is at odds with the adjacent dwellings. Notwithstanding the general step down in levels as one progresses south along Prospect Road, the roofline is unacceptable. While the previous approval sat within the roofline between 29 and 33 Prospect Road (but for the projecting perimeter eaves), the roofline of the current proposal exceeds the ridgeline to a much greater extent. In addition, as the reduced ground levels do not conceal the development, the overall scale of the building at almost 10 metres, visible from the frontage at Prospect Road is unacceptable. The proposal is not appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings etc. The proposal is incongruous in this respect.

It is not considered that the solar panels have a significantly greater impact than those approved via the previous application.

(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;

No issues are arising in relation to listed buildings, archaeology and landscape features. Historic Environment Division has no objection to the proposal in relation to impact on monuments.

(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;

No issues are arising in relation to public open space - the proposal does not require the provision of public amenity space, as defined in Policy OS2 of PPS8. Private open space

provision is acceptable, when assessed against para. 5.19 of Creating Places. While adequate bin storage can be accommodated, the identified location of it is objectionable given its proximity to no 29 Prospect Road where it may cause an adverse effect on amenity.

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

No issues are arising in relation to local neighbourhood facilities. Given the size of the proposal, it is not of such significance as to require the provision of neighbourhood facilities.

(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;

No issues are arising in relation to the movement pattern - the movement pattern is acceptable, given that access to the site is restricted on three sides. Access can be gained to the rear gardens for bin collection.

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

No issues arising in relation to parking provision - Transport NI has been consulted as the competent authority and raises no objection to the level of parking provision.

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

No issues are arising in relation to design, materials and detailing. The area does not have a distinctive townscape, but rather is characterised by a mix of architectural styles. Proposed finishes (smooth painted render, natural stone) are acceptable.

(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;

The proposal has a pleasant outlook, similar to the outlook of the original dwelling on site.

The built form of the rear return, including the increased height of the louvered screen and wall to the south boundary, is too bulky and is particularly over bearing on the rear amenity area of nos. 33 and 33a Prospect Road.

The revised plans show that the parapet wall of the rear return (above the garden room at the rear) is to be reduced so that it is flush with the flat roof over the garden roof. The window from the stairwell that opens out at the level of the flat roof is to be removed and blocked up. However, this arrangement will still allow for the potential for future access onto the terrace, creating unacceptable overlooking towards nos. 29 and 33 Prospect Road and no. 16 Seaview Drive North. In addition, the size of the proposed window opening at this location will create a strong perception of overlooking towards these properties.

No. 8 Prospect Road is located directly across the street from the subject site. While the back door of no. 8 Prospect Road is located at its side (southern) elevation, the proposal will not significantly impact on privacy of its private amenity space, given the screening effect of the building at no. 8 Prospect Road. The proposal does not overlook the front windows of no. 8 Prospect Road to any greater extent than the previous approval.

The planning consultant's rebuttal to the objections makes reference to blank spandrel panels under the section regarding *overlooking from 3 floor stairwell windows on the northern elevation*. However this has not been shown or clearly indicated in the submitted plans. The windows in the hall should be all obscured glazing.

There is also the introduction of further windows into the second floor of the constructed dwelling which result in overlooking into the roof-light window of 33 Prospect Road. Furthermore, the increased amount of glazing on the rear and side (south) elevations, compounded by the overall size of the openings, results in an increased and unacceptable perception of overlooking towards adjacent properties.

The area of the second floor balcony to the front has been significantly increased and introduces an additional access and “walkway” area to front of master bedroom. This is a usable area which results in uninterrupted overlooking into the second floor bedroom of no.33 and is unacceptable.

A new utility area has been built on the north elevation which accesses an external bin area. This designated bin area is located directly adjacent to the neighbour’s (no.29) primary and most private amenity area. This has the potential to create a nuisance in proximity to the main external area used for their enjoyment.

The proposal dominates nos. 29 and 33 Prospect Road and the adjacent properties to the rear at Seaview Drive North. An assessment of overshadowing impacts shows that the proposal will not significantly increase overshadowing into any of the surrounding properties to such an extent as to withhold planning permission.

The applicant has not provided any technical information with regard to the air sourced head pump make and model, in order that an assessment of noise impact on adjacent properties can be undertaken. This is located adjacent the boundary with no. 29.

Essentially, the combination of the principal changes mentioned at paragraph 8.4 creates a dominant building which results in a number of unacceptable impacts and disturbances on existing properties including overlooking of neighbouring residential properties.

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

No issues are arising in relation to crime and personal safety

Other Matters

8.6 Many of the issues raised by objectors have been considered in the main consideration under paragraph 8.5. The following is a

consideration of other issues raised by objectors which are not previously covered:

- Condition 6 of the previous approval stipulated that (subject to conditions 1-5) the proposal shall be carried out in accordance with the stamped approved drawings.
- Section 55 of the Planning Act (Northern Ireland) 2011 permits the submission of retrospective planning applications. However. The decision to erect structures without first applying for planning consent is entirely at the risk of those carrying out the works.
- Where an application for planning permission is made to the Council, the relevant Council is required to serve notice of the application to any identified occupier on 'neighbouring land' in accordance with Article 8(2) of the GDPO. 14 & 20 Seaview Drive North are not considered to meet the criteria of neighbouring land, given that that their curtilages do not abut the application site. As such, there was no requirement for the Council to notify 14 & 20 Seaview Drive North regarding the proposal.
- With regard to contravention of Human Rights legislation, these are qualified rights and the legislation envisages that a balance be struck between the interests of individuals and those of society as a whole. It has already been concluded that the proposal runs contrary to planning policy and it is not regarded to be in the public interest that such development is approved.
- A comparison of the current proposal and the previous approval can be made – the drawings relating to the previous approval are available on the planning portal.
- Policy SP18 (Design and Towns and Villages) and Policy DES2 (Townscape) are not given determining weight in the assessment of the proposal. The design / visual impact / residential amenity issues raised can be adequately address through assessment under PPS7.
- A flat roof (albeit at a lower height) was approved via the previous approval on the application site.
- No objections were received in respect of the previous approval.
- The description at section 5 of the submitted P1 form relates to the substance of the proposal. Interested parties can inspect the submitted plans to determine the nature of the proposed changes. The proposal is not required to be described as retrospective, since it proposes changes to the 'as-built' dwelling.
- Planning officials conducted an internal inspection of the subject building and a number of neighbouring properties. The LPA is satisfied that the internal layout is as shown on the submitted plans.

- Contextual elevations and sections were requested and subsequently submitted. The revised / additional information was notified to neighbours.
- Planning applications are assessed on the basis of the submitted detail. A planning application would be required to create additional residential units or to change the use to commercial use. Future changes to apartment or commercial use would be assessed if and when an application is submitted.
- No evidence was submitted to demonstrate an adverse impact on property values. In any case, this is not a material planning consideration.
- With regard to other applications for residential development being refused in Portstewart, each application is assessed on the particular merits of the case.
- Substantial weight is not attached to the impact of the proposal on the draw of a neighbour's chimney.
- The fact ground levels have apparently been reduced is not determining and does not make the building acceptable.
- The safety of solar panels in high winds is a matter for the applicant and as such is not a matter which can be given significant weight

9.0 CONCLUSION

- 9.1 This proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. It does not meet the main policy requirements of PPS7 for quality residential environments and other policies. The building subject of this application has been built approx. 1.2 metres higher than the previous approved dwelling. The building appears as much larger, bulkier building given the increased massing. The building is incongruous and fails to respect the character of the area. The proposal has an adverse effect on neighbouring properties by reason of overlooking and dominance. The proposal will damage both local character and residential amenity. Refusal is recommended.

10 REFUSAL REASON:

- 10.1** The proposal is contrary to paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland, Policy QD1 of Planning Policy Statement 7 (Quality Residential Environments), and Development Control Advice Note 8 (Housing in Existing Urban Areas) in that the development as proposed fails to provide a quality residential environment by being contrary to criteria a and h of Policy QD1.