

Update on Development Management Statistics: <ul style="list-style-type: none"> • Planning Applications Received and Decided in the period 01 April 2016 – 28 February 2017 	22nd March 2017
Planning Committee	

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

1.0 Background

The “Protocol for the Operation of the Planning Committee’ sets out the requirement to provide monthly updates on the number of planning applications received and decided.

2.0 Details

2.1 [Website link 1](#) and [Website Link 2](#) provide a list of planning applications received and decided respectively by Causeway Coast and Glens Borough Council in the month of February 2017. Please note that Pre-Application Discussions; Certificates of Lawful Development – Proposed or Existing; Discharge of Conditions and Non-Material Changes, have to be excluded from the reports to correspond with official validated statistics published by DFI.

2.2 Table 1 below details the number of planning applications received and decided as well as the number of live planning applications in the system and those in the system over 12 months. Please note that these figures are unvalidated statistics extracted from internal management reports.

Table 1 Applications Received, Decided and Live

Applications Received	Q1	Q2	Q3	January	February
Received	303	335	340	89	125
Decided	369	340	264	66	103
Live >12months	113	90	90	89	88
Total Live	635	621	685	686	692

Source: Unvalidated Statistics; Excludes: Pre-Application Discussions; Certificate of Lawful Development Proposed or Existing; Discharge of Conditions; Non-Material Change.

- 2.3** The number of applications received is again over the 100 mark, having dropped below it for the first time in January, since September 2015. Of note is the significant number of applications received in the Glens and Ballymoney DEA (69 applications). Staff issued 103 planning application decisions, plus 4 Discharge of Conditions, 2 Certificate of Lawful Development Proposed or Existing applications and 2 Non-Material Change. The number of live applications in the system has risen to 692.
- 2.4** Work continues to reduce the older applications in line with the agreed Action Plan. Table 2 below provides a further breakdown of the over 12 month applications in the system. However, the increase in the number of applications has resulted in an increased period of staff time spent on validation procedures. Nevertheless, staff remain focused in their determination to reduce the number of applications over 12 months old in the system. A weekly monitoring of these figures has been initiated and staff are conscious of the need to prioritise their efforts in this area of work.

Table 2 Breakdown of over 12 month applications (August 2016 – February 2017)

Applications Received	Aug	Sept	Oct	Nov	Dec	Jan	Feb
12-18 months	48	40	31	36	39	39	45
18-24 months	9	17	15	17	18	20	13
>24 months	39	33	32	32	33	30	30
Total	96	90	78	85	90	89	88

Source: Unvalidated Statistics; Excludes: Pre-Application Discussions; Certificate of Lawful Development Proposed or Existing; Discharge of Conditions; Non-Material Change.

- 2.5** Table 3 below details the number of appeal decisions issued since 1 April 2016 showing the continued high quality of decision making taken by both Planning Officers and supported by the Planning Committee. Please note that these figures are unvalidated statistics extracted from internal management reports. A list of Appeal Decisions Notified since 1 April 2016 is attached to this report for further information. Copies of the reports relating to the three decision issued by the PAC in February 2017 are also attached for your information.

Table 3 Appeals to the Planning Appeals Commission (PAC)

Appeals lodged with PAC	Q1	Q2	Q3	January	February	Year to Date
Upheld	4	1	0	0	0	5
Dismissed	8	6	3	1	3	21
Total Appeal decisions	12	7	3	1	3	26
% of Appeals Dismissed	67%	86%	100%	100%	100%	81%

Source: Unvalidated Statistics; Excludes: Pre-Application Discussions; Certificate of Lawful Development Proposed or Existing; Discharge of Conditions; Non-Material Change.

2.6 Table 4 details the number of referral requests received from elected members under Part B of the Scheme of Delegation in Q1, Q2 and Q3 of 2016/17 and January and February 2017. Nine referred applications are due for determination at the March Planning Committee Meeting. Of note is that the Planning Committee has overturned Planning officer's recommendation on one third of applications referred.

Table 4 Referrals Requested in Q1 2016/17

Referral Request	Requestor	Application Ref	Date of Planning Committee	Planning Officer Recommendation Agreed/Disagree
Q1	Cllr Robinson	LA01/2015/0567/O	25/05/2016	Agree
	Cllr Nicholl	LA01/2015/0809/O	24/08/2016	Agree
	Cllr Loftus	LA01/2015/0605/F	27/07/2016 23/11/2016	Agree Disagree
	Head of Planning	E/2013/0130/F	25/05/2016	Agree
	Head of Planning	E/2014/0234/F	25/05/2016	Disagree
	Head of Planning	LA01/2016/0052/O	25/05/2016	Agree
	Cllr Finlay	LA01/2016/0300/F	27/07/2016	Agree
	Cllr Mulholland	LA01/2015/0647/RM	27/07/2016 24/08/2016	W/D from Schedule Disagree
	Cllr Finlay	LA01/2015/1065/O	27/07/2016 24/08/2016 28/09/2016	W/D from Schedule Deferred Disagree
	Cllr Finlay	LA01/2015/0519/F	26/10/2016	W/D from Schedule
	Head of Planning	LA01/2015/0838/HSC	22/06/2016	Agree
	Head of Planning	LA01/2015/1015/O	22/06/2016	Agree
	Cllr Fielding	LA01/2016/0564/F	27/07/2016	Agree
	Ald Finlay	LA01/2016/0299/O	26/10/2016 23/11/2016	Deferred Agree
	Ald Robinson	LA01/2016/0246/F	27/07/2016 24/08/2016 28/09/2016	Deferred Deferred Agree
Q2	Cllr McGuigan	LA01/2016/0395/O	26/10/2016 23/11/2016	Deferred Agree

	Ald Robinson	LA01/2016/0337/F	23/11/2016	Agree
	Cllr McCaul	LA01/2016/0685/F	26/10/2016 23/11/2016	Defer Agree
	Cllr Fielding	LA01/2016/0023/LDP	25/01/2017	Application Withdrawn
	Cllr Fielding	LA01/2015/0370/F	25/01/2017	Disagree
	Cllr Fielding	LA01/2016/0877/F	26/10/2016	Application Withdrawn
	Ald Finlay	LA01/2015/0935/O	26/10/2016	Agree
	Ald Robinson	LA01/2015/1008/F	22/03/2017	
	Ald Robinson	LA01/2015/1053/O	21/12/2016	Agree
	Ald Finlay	LA01/2015/1035/O	23/11/2016	Agree
	Ald Finlay	LA01/2016/0710/O	21/12/2016	Agree
	Cllr Hunter	LA01/2015/0811/O	25/01/2017	Agree
Q3	Cllr Mulholland	LA01/2016/0459/O	23/11/2016	Disagree
	Ald Finlay	LA01/2016/0198/F	23/11/2016	Withdrawn from Schedule
	Cllr Hunter	LA01/2016/0162/F	25/01/2017	Defer
	Cllr Baird	LA01/2016/0787/F	23/11/2016	Defer
	Ald Cole	LA01/2016/0492/F	23/11/2016	Disagree
	Cllr Fielding	LA01/2016/0253/F	21/12/2016	Disagree
	Cllr Loftus	LA01/2016/0890/F	22/02/2017	Agree
	Cllr Loftus	LA01/2016/1145/O	22/02/2017	Disagree
	Ald Finlay	LA01/2016/0295/F	25/01/2017 22/02/2017	Withdrawn from Schedule Withdrawn from Schedule and referral list
	Cllr Beattie	LA01/2016/0723/F	22/03/2017	
	Ald Robinson	LA01/2015/1021/F	22/03/2017	
	Ald Robinson	LA01/2016/0210/O	22/02/2017	Agree
	Cllr Fielding	LA01/2016/1080/F	TBC	
January	Cllr Fielding	LA01/2016/0817/O	22/03/2017	
	Cllr Deighan	LA01/2016/1223/F	TBC	
	Cllr Deighan	LA01/2016/0937/F	TBC	
	Cllr Fielding	LA01/2016/0467/F	22/02/2017	Disagree
	Cllr McCaul	LA01/2016/0975/F	22/02/2017	Agree
February	Cllr Fielding	LA01/2016/1429/F	22/02/2017	Agree
	Cllr Fielding	C/2014/0326/F	TBC	

	Cllr Fielding	LA01/2015/0862/F	TBC	
	Ald Robinson	LA01/2016/0722/F	TBC	
	Ald Finlay	LA01/2016/1311/F	TBC	
	Cllr Douglas	LA01/2016/1037/F	22/03/2017	
	Cllr Douglas	LA01/2015/0841/F	TBC	
	Cllr C McShane	LA01/2016/1221/O	TBC	
	Ald Robinson	LA01/2016/1141/F	TBC	
TOTAL	54			32 decisions 10 recommendations overturned

Source: Unvalidated Statistics

3.0 Recommendation

3.1 **IT IS RECOMMENDED** that the Planning Committee note the update on the development management statistics.

Appeal Decisions Notified

Date From: 01/02/2017 00:00:00 and Date To: 28/02/2017 00:00:00

AUTHORITY Causeway Coast and Glens

ITEM NO 1
Planning Ref: LA01/2015/0882/F **PAC Ref:** 2016/A0100
RESULT OF APPEAL Appeal Dismissed **Appeal Decision Date** 13/02/2017
APPLICANT Ricardo Alavijeh
LOCATION 14 Portstewart Road
Coleraine.
PROPOSAL The retention of the domestic store. New boundary wall and sliding gate.

ITEM NO 2
Planning Ref: LA01/2016/0300/F **PAC Ref:** 2016/A0120
RESULT OF APPEAL Appeal Dismissed **Appeal Decision Date** 23/02/2017
APPLICANT Mr John And Mrs Ann Morton
LOCATION Adjacent To 89 Glenstall Road
Macfin
Rallymonev
PROPOSAL New Single Storey Retirement Dwelling.

ITEM NO 3
Planning Ref: LA01/2016/0423/A **PAC Ref:** 2016/A0132
RESULT OF APPEAL Appeal Dismissed **Appeal Decision Date** 14/02/2017
APPLICANT Frankie McNicholl
LOCATION 39 Station Road
Dungiven
PROPOSAL Digital sign

Appeal Reference:	2016/A0100
Appeal by:	Mr Ricardo Alavijeh against the refusal of full planning permission
Development:	Retention of domestic store and new boundary wall and sliding gate
Location:	14 Portstewart Road, Coleraine
Planning Authority:	Causeway Coast and Glens Borough Council
Application Reference:	LA01/2015/0882/F
Procedure:	Informal Hearing on 13 December 2016
Decision by:	Commissioner Brigid McGlinchey dated 13 February 2017

Decision

1. The appeal is dismissed.

Claim for Costs

2. A claim for costs was made by the planning authority against the appellant. This claim is the subject of a separate decision.

Preliminary Matter

3. The drawings submitted with the application do not accurately depict the building as erected on the site. Though the dimensions of the window openings appear to be correctly detailed, the location of the first floor windows as depicted on three elevations of the building as shown on Drawings 05, 06 and 07 are not correct. I consider however that these inaccuracies are de minimus and do not have a different impact in terms of consideration of the issues in this case. The scale on Drawing 09 is inaccurate. In applying the correct scale of 1:50, the proposed wall and sliding gate as depicted extend to a length of 4.7m and 4.2m respectively along the road frontage of the site. Though the appellant stated that these would extend along the full frontage of the site, the details as shown on Drawing 09 indicate that the wall and gate form only part of the overall length of the frontage which measures 11.5m. I can only consider what is shown on the drawing.

Reasoning

3. The main issues to be considered in this appeal are whether:
 - the scale, massing and design of the proposal is sympathetic with the built form and appearance of the existing property;

- the proposal detracts from the appearance and character of the surrounding area;
 - the proposal would unduly affect the residential amenity of neighbouring residents.
4. Planning permission was granted for a games room and store towards the rear boundary of the appeal property in August 2006 (C/2005/1228/F). The approved building was single storey, had a pitched roof with a ridge height of 5.1m and a footprint of 16.8m x 5.8m. On the indicated front elevation, there were single windows either side of a central doorway with two smaller windows on the rear elevation. This appeal seeks permission for the retention of a structure as built on the site which is not in accordance with the approved plans. The appeal proposal also relates to the proposed wall and sliding gate along the front of the property.
 5. Policy EXT 1 of the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations (APPS7) indicates that planning permission will be granted for a proposal to extend or alter a residential property where four specific criteria are met. The expressed concerns from the planning authority relate to criteria (a) and (b). Further guidance for residential extensions and alterations is set out in Annex A of APPS7. Paragraph A11-A13 of Annex A deals with garages and other associated outbuildings whilst paragraph A23 deals with walls and fences.
 6. Whilst the appeal proposal is on the same general location as that of the approved building, it differs significantly in terms of design, massing and layout. The appeal building is a two-storey structure that is already constructed to eaves height. The proposed flat roof is not yet in place. When the roof goes on, the final indicated finished height of the building will be 4.99m which will be slightly lower than the approved structure. The appeal building however has a wider footprint of 5.85m and is consequently sited closer to the boundaries of the adjoining properties. The building is subdivided into two independent units by a solid internal wall at ground floor with each unit served by separate external doorways and internal staircases to the first floor. The proposed fenestration is different with window openings on all four elevations at both ground floor and first floor level. Though I accept that the building has a disproportionate number of windows not typical of a storage use, I must judge the proposal on the basis of the description of development set out in the P1 form which is for a domestic store.
 7. Criterion (a) of Policy QD1 requires that the scale, massing design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area. This is a two pronged test. Paragraph A11 of Annex A indicates that buildings within the residential curtilage should be subordinate in scale and similar in style to the existing property, taking account of the materials, the local character and the level of visibility of the building from surrounding views. The appeal site is located within an area characterised by dwellings set within long narrow plots with garden areas to the front and more extensive space to the rear. The other buildings on the appeal site include a dwelling and a domestic garage. The dwelling is a single-storey semi-detached building with a hipped roof. Based on the planning authority's indication that the eaves height is 2.9m, I estimate that the approximate ridge height of the dwelling is around 5m. The garage to the rear has a flat roof and is subordinate in height to that of the dwelling.

8. The appeal building is aligned on the site so that that its narrower side elevation faces the road. It is presently barely discernible from the road frontage of the site as it is set back 70m into the plot to the rear of the existing garage. When the proposed flat roof goes on, the appeal building will just be visible over the roof of the garage from this public vantage point. Whilst the proposal is clearly visible from the rear gardens of adjoining properties, these are not public view points. I consider that the building will have limited impact on the character of the area. The proposal therefore satisfies the second test of criterion (a) of Policy EXT1. The proposal initially submitted under planning application C/2005/1228/F was for a two-storey building with a pitched roof and the planning authority had sought amendments to the scheme based on its concerns about the massing and scale of the building relative to the dwelling house. The applicant subsequently amended the plans and these amendments formed the basis for the approval granted. He was therefore clearly aware of the scaling, massing and design issues of the proposed building relative to the existing dwelling. Whilst the two-storey appeal building when roofed will be slightly lower than the approved structure, its overall scale and mass is significantly greater with a floorspace of 195sqm which is almost double that of the dwelling (101sqm). The scale, massing and design with extensive fenestration not peculiar to ancillary outbuildings, cannot be considered as subordinate or sympathetic with the built form and appearance of the existing dwelling. The existence of the industrial buildings associated with Dairy Produce Packers to the south of the site and two-storey dwellings elsewhere along Portstewart Road has no bearing on this determination. The appeal building appears as an incongruous feature that is significantly greater in size than the dwelling. It would undermine the built form of the existing residential property and is therefore contrary to the first test within criterion (a) of Policy EXT1.
9. Paragraph A23 of Annex A states that walls and fences particularly in front gardens can have a significant effect on the of the property and streetscape. It goes on to state that the materials should complement the character of the property and the neighbourhood. The boundaries along this part of Portstewart Road are characterised by low boundary walls and hedges. The proposal is for a 2.4m high cast iron sliding gate across the access driveway with a wall and cast railing on top supported by 5 concrete pillars of a similar height along part of the roadside boundary. The proposed boundary treatment would be a dominant feature in the streetscape and would be incongruous within its immediate setting. The proposal would detract from the appearance and character of the surrounding area. The appellant's desire to secure his property and prevent his child running onto the road would not justify the proposed boundary treatment. This aspect of the development would offend criterion (a).
10. Criterion (b) of Policy EXT1 requires that the proposal does not unduly affect the privacy or amenity of neighbouring residents. Whilst the approved building comprised limited window openings only at ground floor level, the addition of fenestration at first floor in the appeal structure consisting of windows with a horizontal emphasis provides uninterrupted views towards the rear gardens and amenity spaces of the adjoining properties with the window on the northeast elevation providing direct views into the most private part of the gardens of Nos.12 and 16. This is particularly emphasised given the close proximity of the building to the intervening boundaries which consist of 1.5-2.0m high hedging. The extensive fenestration is not typical of storage buildings and the proposed use for storing family furniture, hand-knotted Persian carpets and belongings would not justify this

level of glazing. The proposed use would not circumvent the potential for overlooking. I share the planning authority's reservations that even if obscure glass was used, there would remain a perception of overlooking from these expansive windows towards the adjoining properties in close proximity and unacceptable impact on the amenity of the residents of the adjoining properties therefore cannot be assured. Notwithstanding that no objections has been received from the residents either side occupiers can change over time and the impact on residential amenity cannot therefore be set aside. The planning authority's expressed concerns in respect of the building under criterion (b) are sustained.

11. Considering all these matters individually and collectively, the planning authority's reason for refusal under Policy EXT1 of APPS7 is sustained and the appeal is therefore dismissed.

This decision relates to the following drawings submitted with the planning application:

- 01 - 1:1250 scale Site location plan;
- 02 - 1:500 scale Sketch plan;
- 03 - 1:100 scale Proposed ground floor plan;
- 04 - 1:100 scale Proposed first floor plan;
- 05 - 1:100 scale Proposed front elevation;
- 06 - 1:100 scale Proposed back elevation;
- 08 - 1:100 scale Proposed roof;
- 09 - 1:50 scale Proposed boundary wall and sliding gate (not 1:100 scale as shown on the drawing).

COMMISSIONER BRIGID McGLINCHEY

List of Appearances

Planning Authority:- G McClelland
S O'Neill

Appellant:- R Alavijeh

List of Documents

Planning Authority:- C1 Statement of case + Appendices

Appellant:- A1 Statement of case
A2 Response to cost claim by Council

Appeal Decision

Appeal Reference:	2016/A0120
Appeal by:	Mr John & Mrs Ann Morton against the refusal of full planning permission
Development:	New single storey Retirement Dwelling
Location:	Adjacent to 89 Glenstall Road, Macfin, Ballymoney
Planning Authority:	Causeway Coast & Glens Borough Council
Application Reference:	LA01/2016/0300/F
Procedure:	Written Representations and Commissioners' site visit on 1 February 2017
Decision by:	Commissioner Pauline Boomer dated 20 February 2017

Decision

1. The appeal is dismissed.

Reasoning

2. The main issues in this appeal are:
 - whether the proposal would be acceptable in principle;
 - whether it could be satisfactorily integrated into the landscape;
 - whether the design is appropriate; and
 - the effect of the development on the character and appearance of the countryside.
3. Section 6 (4) of the Planning Act (NI) 2011 requires that the determination of proposals must be in accordance with the local development plan unless material considerations indicate otherwise. The plan in this instance is the Northern Area Plan 2016 which identifies the appeal site as falling within the open countryside. The plan does not contain any policies or provisions relevant to the proposal. The relevant policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21).
4. The appeal site is located on the eastern side of Glenstall Road and represents part of the road frontage of a large agricultural field which extends to the railway line. Immediately north of the appeal site sits a paddock, set back from the public road which is associated with riding stables. A detached part single/part 1½-storey dwelling (no. 89) sits within a sizeable curtilage further north with a detached stable block abutting the road. A 1½-storey dwelling (No. 81) lies south of the appeal site, enclosed by mature hedgerows. A row of 4 semi-detached cottages and a commercial workshop/garage are located opposite the appeal site.

The appellant seeks to erect a single storey 3 bed dwelling centrally positioned within the appeal site. As originally submitted, the main structure would have two side extensions and a rear extension creating a total footprint of 180m², with a 6.5m ridge height above ground level. Amended plans were submitted to the Local Planning Authority (LPA) on 7 September 2015 showing a reduced footprint and more traditional design, incorporating a total footprint of 166m² (including an integral garage) and with a ridge height of 6m above ground level. The LPA has stamped refused the original drawings submitted with the planning application.

5. Policy CTY1 of PPS21 states there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is the development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY8. Policy CTY1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. Policy states that planning permission will be refused for a building which creates or adds to a ribbon of development. Policy CTY8 exceptionally permits the development of a small gap site sufficient only to accommodate 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 sizes and meets other planning and environmental requirements. It goes on to note that for the purposes of the policy the definition of a substantial and continuously built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.
6. The LPA acknowledged that the dwelling and stable block at No. 89 has a frontage onto the public road as has the dwelling at No. 81. The curtilage of the dwelling and outbuilding at No. 89 is enclosed on all sides by fencing, gates and vegetation with the driveway which serves it extending 25m further south across the frontage of the adjacent paddock area. Given the grassed area extending 16m in width which separates the appeal site from the driveway serving No. 89, the LPA considers that this area which has no buildings does not form part of a substantial and continuously built up frontage along this part of Glenstall Road. This is reinforced by the fact that although two plots (Sites 1 & 2) are indicated on the site location and block plans, this appeal proposes the introduction of a single dwelling, not two and there remains a significant gap between the appeal site and No. 81. I concur with the LPA's assessment that the appeal site does not meet the first test in Policy CTY8 as it does not form part of a substantial and continuously built up frontage (my emphasis). In any case, Paragraph 5.34 of the amplification text states that it is the gap between buildings which falls to be considered which extends to 140m between the dwellings at Nos. 81 and 89. This significant separation distance ensures that it does not read as a continuous line of development as suggested by the appellants. In any case the appeal site forms only part of this extensive gap which cannot be regarded as falling within the definition of "small". The head note of Policy CTY8 states that, for the gap to be small, it should be sufficient only to accommodate up to a maximum of two houses. I agree with the LPA that the sizeable gap between the existing buildings at Nos 81 and 89 could be subdivided into three plots to readily accommodate three dwellings in a form that would respect the existing settlement development pattern. With a frontage of 37m, the appeal site does not reflect the adjacent plot sizes as No.81 has a frontage of 51m whilst No. 89 extends to 65m including the

driveway. I therefore find that the appeal proposal would not meet the tests of Policy CTY8 and as such there is no infill opportunity at this location.

7. The extent of the visual separation between the existing buildings at Nos. 81 and 89 is clearly apparent when travelling in either direction along Glenstall Road. The proposed dwelling on the appeal site would result in the creation of a ribbon of development along that side of the road contrary to Policy CTY8. The appellants have referred me to two appeals which deal with the issue of infill. Appeal 2016/A0040 considers the issue of plot size within a continuously built up frontage where although assessed as marginally bigger than adjacent plots, the appeal site was found capable of accommodating only a single dwelling. This is distinguishable from the proposed development where a much larger gap exists. Appeal 2016/A0058 addressed the issue of orientation of buildings within a continuously built up frontage where there was development to the rear, issues which are not relevant in this appeal. I find that neither of these appeals are directly comparable to the appeal proposal and do not justify setting aside the policy objections to this development. I conclude that the appeal proposal finds no support in Policy CTY8.
8. Although the appeal proposal is described as a retirement dwelling, the appellants have not submitted any evidence to explain why they need to move to and live at this location, although indicating that their daughter lives next door. I have not been informed that there are any personal or domestic circumstances to justify a retirement dwelling on the appeal site in accordance with Policy CTY6. As I have concluded that the appeal proposal finds no support in Policy CTY 6 or Policy CTY8, it does not constitute one of the types of development set out as acceptable in principle under Policy CTY1. The appellant did not argue that there are any overriding reasons why the dwelling was essential and could not be located in a settlement. I find that the proposal is unacceptable in principle and contrary to Policy CTY1 of PPS21. The LPA has sustained its first reason for refusal.
9. The second reason for refusal deals with the issues of integration and design. The LPA considers that as the appeal site lacks defined boundaries, it fails to achieve a satisfactory level of integration. The appeal site abuts the public road which is defined by a 1.8m high hedge with all other boundaries undefined at present. The block plan submitted indicates that in order to achieve the required sightlines of 2.4m by 90m, the entire roadside hedge would have to be removed, hence opening up views into the site. The appellant has indicated that he intends to plant new hawthorn hedgerows along all boundaries but this would take time to mature. Whilst it is acknowledged that the host field extends to the railway embankment which with its mature trees provides a backdrop, this is too distant from the appeal site to provide any enclosure of the proposed development. As the appeal site would lack any long established natural boundaries, it would fail to provide a suitable degree of enclosure to achieve the level of integration required to comply with Policy CTY13. Although not prominent, the proposed site would appear open and exposed, with the dwelling failing to blend into the landscape and I conclude that it finds no support in Policy CTY13.
10. The second reason for refusal also states that the proposed design is inappropriate for the site and its locality. The LPA fail to clarify which of the two schemes submitted they are referring to but I must assume that their comments relate to the original scheme which is date stamped refused. In any case, the LPA

failed to offer any explanation as to why they consider the design unacceptable and have not justified this aspect of that reason for refusal. I do not therefore need to consider Appeal 2012/A0175 which was referred to me by the appellant. However the remainder of the 2nd reason for refusal has been sustained as explained above.

11. The appeal site acts as an important visual gap between existing developments to the north and south. Approval of the proposed dwelling would consolidate built development along this part of Glenstall Road, resulting in a suburban style build-up of development. Whilst I acknowledge that there is an existing ribbon on the western side of Glenstall Road, this does not justify replicating it on the appeal site which retains its rural character. Whilst critical viewpoints are limited at present, the removal of the roadside hedge would increase its visual linkages between existing and proposed development. The creation of ribbon development here would cause a detrimental change to the rural character of the area contrary to Policy CTY14. The LPA's third reason for refusal is therefore sustained.
12. As all three reasons for refusal have been sustained, with the exception of that part of the 2nd reason for refusal relating to design, the appeal is dismissed

This decision relates to the 1:2500 scale Site location plan, 1:500 scale block plan and 1:100 scaled floor plans and elevations submitted with the planning application and the site plan, block plan and elevations submitted with the appellant's Statement of Case.

COMMISSIONER PAULINE BOOMER

2016/A0120

DOCUMENTS

Local Planning Authority: PA1 Statement of Case
LPA2 Rebuttal

Appellant: APP1 Statement of case + revised plans
APP2 Rebuttal





Planning Appeals
Commission

Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference: 2016/A0132.
Appeal by: Mr Francis McNicholl
Appeal against: Refusal to grant advertisement consent.
Proposed Development: Digital sign.
Location: 39 Station Road Dungiven.
Planning Authority: Causeway Coast and Glens Borough Council.
Application Reference: LA01/2016/0423/A.
Procedure: Written Representations and Accompanied Site Visit on 1 February 2017.
Decision by: Commissioner Pauline Boomer dated 14 February 2017.

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is whether the illuminated digital display panel, if retained, would have an adverse impact on amenity.
3. The Planning (Control of advertisements) Regulations (Northern Ireland) 2015 (the Regulations) is the relevant statutory rule for the control of advertisements made under Section 130 of the Planning Act (Northern Ireland) 2011. Section 3(1)(a) of the Regulations requires that the Council exercise its powers only in the interests of amenity and public safety, taking into account the provisions of the local development plan, so far as they are material and any other relevant factors. The appeal site lies in the Settlement Development Limits of Dungiven as shown in the Northern Area Plan 2016 (NAP). NAP makes no reference to signage within the SDL and is therefore silent on the proposed development.
4. Planning Policy Statement 17 – Control of Outdoor Advertisements (PPS17) provides the policy context for the appeal sign and is one of policy documents retained by the Strategic Planning Policy Statement for Northern Ireland (SPPS). Policy AD1 of PPS17 states that consent will be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality and does not prejudice public safety. There is no issue in respect of public safety in regard to this sign and the sole issue in the reason for refusal is that of amenity.
5. The appeal site lies on the southern side of the Garvagh Road. It incorporates a large retail unit and petrol filling station/amusement facility operating within a

sizeable 2-storey building. The commercial building is set back 50m from the public road, with a car park extending between the building and the public road, illuminated by floodlights. The appeal site represents the only commercial property in the immediate vicinity, enclosed by residential properties on all four sides. There is an advertising totem sign centrally positioned between the egress and exit to the premises, located just 1m back from the edge of the footpath and extending to a maximum height of 5.3m. The LED display sign has dimensions of 1.16m by 1.66m and sits at the top, mounted at a height of 4.08m above ground level. The appellant seeks to retain this totem sign which ranges in width from 1.4m to 1.85m.

6. There has been a free standing internally illuminated sign in the same position within the appeal site for many years. First approved under B/91/0374 on 13 February 1992, this allowed for the erection of a 5m high sign displaying petrol prices and other advertisements on both sides. The appellant advised that the rebranding of the retail unit required an alternative totem sign to be erected. Acknowledging the history of a totem sign at this location for a considerable period, the Local Planning Authority (LPA) have raised no objection in principle to the totem sign. However it considers that the LED display panel on the top is inappropriate as it fails to respect amenity when assessed in the context of the general characteristics of the locality.
7. "Amenity" is not defined in the Regulations but I am satisfied that it refers to both visual amenity as well as residential amenity. Whilst the LPA have addressed the impact of the LED Panel on both visual and residential amenity in their Statement of Case and Rebuttal, the appellant only considered the former. However the appellant had the opportunity to respond to the arguments in relation to residential amenity at the site visit.
8. The appeal site comprises commercial premises enclosed by residential properties. Whilst there is a bus station and rail station further to the west, I agree with the LPA that the immediate area is residential in nature rather than industrial as assessed by the appellant. In terms of visual amenity, it is necessary to consider whether the LED sign is appropriate in this residential area. The appellant argued that the other lights on the garage forecourt and the floodlights positioned around the car park are brighter than the appeal sign, as are the street lights. Whilst there has historically been a totem sign of similar dimensions in situ for many years, and there are other signs and floodlights within the forecourt area, I must consider whether the additional visual impact of the LED sign at this position is acceptable in this context. I have to assess to what extent the prominence of the structure is increased by the form of illumination, the changing displays and the brightness of the LED panel.
9. All parties agreed that the appeal sign is visible on the approaches from the west, the north and the east. The sign is visible when travelling eastwards from the junction of Garvagh Road and New Street towards the appeal site. Although read against a mature tree in the garden of No 34, because of its height and level of illumination, it would appear unduly prominent in the streetscene. The small tree in the front garden would offer little screening,

even in summer months. On the approach to the roundabout at the junction of Garvagh Road and Station Road, from both the north and the east, the LED panel would appear incongruous in the street scene, rising above the ridgeline of adjacent dwellings, at odds with the residential character of the area. Attention is drawn to the LED sign given its height and brightness and from all of these aspects, it represents a stark and dominant feature in the streetscene, especially during the long hours of darkness in winter and autumn.

10. The appellant acknowledges that the appeal sign does not totally integrate with the surrounding residential properties but states that he needs to advertise his business. This retail business has been operating here for many years and I recognise that given its setback within the plot there is a need to advertise close to the road. Over the years this has been satisfactorily achieved by an internally illuminated totem sign of similar dimensions and in the same location. I am not persuaded that the installation and retention of an LED panel is a necessary response to the promotion of the business. The appellant has indicated a willingness to ensure that the screen change occurs only once every two minutes and I note that there are no moving components. He has also indicated that the use of the sign would coincide with the hours of operation of the supermarket but this would extend for long periods of darkness from 07.00 to 22.30 during the week and 08.00 to 22.00 on Sunday, especially during winter months. Whilst he has also indicated at the site visit that he can reduce the level of illumination at night, no details were supplied. Despite these measures which the appellant considered would reduce its distraction, I conclude that the height, size and level and nature of illumination of this LED sign would result in visual intrusion and detract from the residential character of the area.
11. The LPA consider that the two residential properties which abut the appeal site, No 34 Garvagh Road and No. 37 Station Road, will suffer an adverse impact on their amenities by virtue of the illuminated nature of the display panel in such close proximity. I note that the appellant owns and leases out No. 37 and whilst no objections were received from that or any of the other neighbouring properties, account has to be taken of the impact on residential amenities and in particular, the potential impact of light pollution and light infiltration emanating from the LED sign.
12. No. 34 is a one and a half storey dwelling orientated towards Garvagh Road but with a rear return and detached garage abutting the appeal site. The LPA consider that the LED sign would have an adverse impact on one window in the rear return and three windows in the side elevation. A 2-2.5m high fence encloses the eastern side of its Station Road entrance with a 1.6m high wall and leylandii hedge on either side of the party boundary. Given the separation distances of 45m, the oblique angles of views from the identified windows, and the intervening boundary treatment, I am not persuaded that the LED panel would have such a significant impact on the residential amenities of No. 34.
13. No.37 is a small detached bungalow set at a lower level than the adjoining forecourt. A low wall and railings defines the party boundary with the commercial garage with two bay windows to the front and a bedroom window to

the side orientated towards the appeal sign. Given the separation distance of 45m and the open views of the LED sign from all windows in the front and side elevations of No. 37 given the limited boundary treatment, I consider that the increased level of illumination emanating from the additional display sign would result in light infiltration and light spill over the long hours of darkness up to 22.30 at night. Their amenities may already be affected by the floodlights and other lights within the garage forecourt but that does not justify a further erosion of their residential amenities which would result from the brighter colours and changing screens associated with the LED panel. This conflicts with Paragraph 32 of Annex A of PPS17 which states that such signs should not be sited adjacent to and wherever possible, should not directly face residential properties and illumination should be generally restricted to the sign lettering and logo. I conclude that, given its height and means of illumination, the retention of this LED display panel in such close proximity to No. 37 would have a detrimental impact on their residential amenities.

14. Both the appellant and the LPA have referred me to other cases where LED panels were considered. The LED sign approved under B/2014/0074/A at O'Kane's filling station was considered appropriate at this rural location. A LED panel was allowed in Appeal 2015/A0116 but this involved a much smaller sign abutting a commercial centre, set at a low level, which was to be illuminated on one side only. In order to protect the amenities of the residential properties on the opposite side of the road, a condition was attached requiring that it be operational no later than 17.30 on any day. The LED sign approved under LA/02/206/0256/A was sited in an area characterised by industrial and commercial premises abutting a main road. The LPA referred me to Appeal 2015/A0116 which related to a LED display on the roof of commercial premises on the edge of a residential area. In this particular case it was considered inappropriate to site a smaller LED display at the perimeter of a residential area despite not facing towards any residential properties but orientated towards the main road. As none of these cases are directly comparable to the appeal site which lies in the middle of a residential area enclosed on all four sides by dwellings, they do not justify a departure from policy .
15. I conclude that the LED display sign detracts from the amenity and character of this residential area by virtue of it being visually intrusive and conspicuous in the street scene due to its size, height and means of illumination. Given its proximity to the adjacent residential property and the open aspect available, I find that it would also have a detrimental impact on their residential amenities. The reason for refusal is sustained and the appeal is dismissed.

This decision relates to the following drawings:-

1:1250 site location plan and 1:50 elevations dated stamped received by Causeway Coast and Glens Borough Council on 30 March 2016 and 1:500 block plan (Drawing No. 16/1012/A) date stamped received on 6 May 2016.

COMMISSIONER PAULINE BOOMER

2016/A0132

LIST OF DOCUMENTS

LPA1	Statement of Case from Causeway Coast and Glens Borough Council
LPA2	Rebuttal
LPA3	Planning Histories
APP1	Statement of Case from Appellant

LIST OF APPEARANCES

LPA – Planning	Mr Martin McErlaine
Appellant	Mr Tom McBride (agent) Mr F McNicholl (appellant)

