

Planning Committee Report LA01/2016/1080/F	26th April 2017
PLANNING COMMITTEE	

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

**8 Elizabeth Place, Deffrick
LA01/2016/1080/F**

26th April 2017

<u>No:</u>	LA01/2016/1080/F	<u>Ward:</u>	GIANT'S CAUSEWAY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	8 Elizabeth Place, Deffrick, Ballymoney		
<u>Proposal:</u>	Retention of granny flat as ancillary accommodation to provide additional living space for applicant's mother.		
<u>Con Area:</u>	n/a	<u>Valid Date:</u>	13.09.2016
<u>Listed Building Grade:</u>	n/a		
<u>Agent:</u>	Mrs Carol Gourley (C McIlvar Ltd). Unit 7, Cookstown Enterprise Centre, Sandholes Road.		
<u>Applicant:</u>	Mr Jamie Wilmont, 8 Elizabeth Place, Deffrick, Ballymoney.		
Objections:	0	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 reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located on the right hand side of the head of the Elizabeth Place cul-de-sac. It comprises an existing extended semi-detached dwelling, detached garage and a new dwelling at the north eastern end of the site which has been recently constructed.

- 2.2 The site is flat, level and largely covered with concrete hardstanding. The north eastern portion of the site, where the new dwelling is sited, is bound by a timber board fence approx. 2m high. The new dwelling has a concrete paviour path to all sides, with a patio and gravelled area. It also has access to garage parking at the eastern end of the garage.
- 2.3 The character of the surrounding area is rural, and the site is located within a cul-de-sac which lies outside of any settlement development limits.

3 RELEVANT HISTORY

E/1995/0161 Single storey rear extension, 8 Elizabeth Place,
Deffrick
Permission Granted

4 THE APPLICATION

- 4.1 Planning permission was originally sought for a single storey detached dwelling as summer house for the use of the applicant's mother located at the rear of the existing dwelling. This application was therefore considered as a new dwelling in the countryside and assessed under the policy provisions of Planning Policy Statement 21. Following a recommendation from the planning officers to refuse the application the proposal was referred to the Planning Committee. Since then an amended P1 was submitted alongside amended plans.
- 4.2 The amended P1 form received on the 15th February 2017 revised the description to the retention of granny flat as ancillary accommodation to provide additional living space for applicant's mother.

5.0 PUBLICITY & CONSULTATIONS

5.1 External

There are no objections to this proposal.

5.2 Internal

Transport NI: Has no objection.

NI Water: Has no objection.

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)

Addendum to Planning Policy Statement 7: Residential Extensions and Alterations

Planning Policy Statement 21: Sustainable Development in the Countryside

Supplementary Guidance

Building on Tradition Design Guide

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the principle of development; ancillary accommodation; supporting information; and single dwellings in the countryside.

Principle of development

- 8.2 In the Northern Area Plan the site is located in the countryside, outside of any defined settlement limits. There are no specific zonings or designations covering the site.
- 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.
- 8.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) offers no specific policy guidance in relation to extensions or alterations to residential dwellings. However, it does contain policy guidance that compliments and supports planning policy PPS 21.

Ancillary Accommodation

- 8.5 Policy Ext 1 of APPS 7 provides the policy guidance in relation to residential extensions and alterations. Paragraphs 2.8 – 2.11 refer specifically to ancillary accommodation. In order to be considered ancillary, accommodation must be subordinate to the main dwelling. It should normally be attached to the main dwelling and be internally accessible from it. Paragraph 2.10 goes on to state that the construction of a separate building, as self-contained accommodation, within the curtilage of an existing dwelling house will not be acceptable.

- 8.6 The proposal seeks the retention of a granny flat as ancillary accommodation which has been designed and constructed as an independent unit of accommodation. The size and scale of the building are such that it is not considered to be subordinate to the existing dwelling. It is located in the north eastern end of the site, separated by 35m from the main dwelling. Floor plans of the proposal show a two bedroom unit, with separate bathroom, hotpress, and living room. Original plans previously submitted also showed a kitchen, however this has now been removed from the proposal.
- 8.7 Paragraph A49 states that extensions or alterations to provide ancillary accommodation should be designed to demonstrate dependence on the existing residential dwelling. Ancillary uses that could practically and viably operate on their own will not be acceptable.
- 8.8 The building exhibits the characteristics of independence, and appears to have a separate oil tank, bins and access to the eastern end of the garage. Internally there are two bedrooms, a separate bathroom and a large living room with a fire place. The building could practically and viably operate on its own and is not considered to be ancillary to the main dwelling. Whilst the amended plans show the kitchen removed from the plans, at the time of the site inspection there was a kitchen fitted within the building. The proposal does not comply with Policy EXT 1 of the Addendum to PPS 7.
- 8.9 The issue of ancillary accommodation removed from the main dwelling was considered under application ref: E/2015/0028/F for the conversion of a garage to living accommodation at 269 Whitepark Road, Bushmills. Planning Permission was refused and subsequently the appeal was dismissed, Ref: 2015/A0138. In their reasoning the PAC noted that the proposal did not provide a modest scale of accommodation and would not be dependent on the existing residential property. The appeal development did not comply with Policy EXT 1 of the Addendum to PPS 7 and did not comply with Policy CTY 1 of PPS 21. This has a strong similarities to the subject application.

Supporting Information

- 8.10 The applicant has submitted a case based on personal and domestic circumstances. Due to the sensitivities regarding this information, this has not been included within this report, however, can be made available to any member on request. Officials have considered and given weight to this evidence, and on balance do not believe that a separate unit of accommodation is the necessary response.
- 8.11 While the application is now described as the retention of a granny flat as ancillary accommodation, it was designed and has been constructed as an independent unit.

Single Dwellings in the Countryside

- 8.12 Given that the accommodation provides a self-contained unit, is not considered ancillary to the main dwelling, and is located in the countryside, consideration is given to the policy provisions of PPS 21. CTY 1 sets out the 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. It is considered that the only type of development this application might reasonably be assessed under is CTY 6, a dwelling based on special personal or domestic circumstances.
- 8.13 On revising the description the agent submitted information to demonstrate a need for the accommodation under personal and domestic circumstances. As outlined under paragraph 8.9 this information can be made available to members.
- 8.14 Policy CTY 6 states that planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicant's personal or domestic circumstances. It should be noted that the building, as constructed, is not to meet the needs of the applicant but is for the applicant's mother.
- 8.15 CTY 6 also requires the following criteria to be met:

(a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances

of the case and that genuine hardship would be caused if planning permission were refused; and

(b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.

8.16 It has not been demonstrated that a new dwelling is the necessary response to this case and the unit has already been constructed, so there may be financial issues as the building has been constructed without planning permission. That said this is not considered to be a determining matter that warrants the setting aside of planning policy and approving the application in this instance.

8.17 It has not been demonstrated that other alternatives, such as an extension or annex to the current house, or conversion of the existing outbuilding are not considered practical to meet the site specific need for the applicant's mother to reside at this location.

8.18 The proposal does not comply with Policy CTY 6 and therefore does not meet any of the acceptable forms of development outlined in Policy CTY 1.

9.0 CONCLUSION

9.1 This proposal is contrary to Policy Ext 1 of the Addendum to Planning Policy Statement 7 as the proposal provides a detached residential unit separate from the main dwelling that is unacceptable in its own right. In addition the proposal would also fail to comply with Policy CTY1 as it does not meet with any of the prescribed forms of development. Information contained within the agent's supporting statement was considered. Refusal is recommended.

10 REFUSAL REASONS

10.1 The proposal is contrary to Policy EXT 1 of the Addendum to Planning Policy Statement 7 in that the proposal results in development that is not considered to be ancillary

accommodation to the main dwelling and can practically and viably operate on its own.

- 10.2 The proposal is contrary to Policy CTY 1 of Planning Policy Statement 21 in that the proposal does not meet with any of the prescribed forms of development and there are no overriding reasons why the development could not be accommodated in a settlement.

Site Location

